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Floor Debate
January 31, 2012

[LB40 LB42 LB66A LB66 LB190 LB216A LB216 LB391 LB415 LB420 LB473 LB498
LB503 LB507 LB526 LB733 LB759 LB775 LB780 LB786 LB860 LB861 LB877 LB878
LR40CA]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighteenth day of the One Hundred Second Legislature, Second Session. Our chaplain for today is Senator Bloomfield. Would you all please rise.

SENATOR BLOOMFIELD: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. I now call to order the eighteenth day of the One Hundred Second Legislature, Second Session. Senators, please record your presence. Please record, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Your Committee on Natural Resources, chaired by Senator Langemeier, reports LB526 to General File with amendments. I also have a hearing notice from Health and Human Services Committee signed by Senator Campbell, as Chair. That's all that I have, Mr. President. (Legislative Journal pages 379-380.) [LB526]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. (Doctor of the day introduced.) Mr. Clerk, we will now move to the first item under Select File, LR40CA. [LR40CA]

CLERK: Mr. President, LR40CA. Senator Larson, I have Enrollment and Review amendments. (ER94, Legislative Journal page 1239, First Session, 2011.) [LR40CA]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LR40CA]

SENATOR LARSON: Mr. President, I move that the E&R amendments to LR40CA be adopted. [LR40CA]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. They are adopted. [LR40CA]

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CLERK: Senator Christensen would move to amend with AM1371. (Legislative Journal page 1399, First Session, 2011.) [LR40CA]

PRESIDENT SHEEHY: Senator Christensen, you're recognized to open on AM1371 to LR40CA. [LR40CA]

SENATOR CHRISTENSEN: Thank you, Mr. President. Colleagues, this is a real simple amendment. We're just basically adding the words "and harvesting of wildlife" to the current language that's there. It's just to harmonize to make sure that everyone is included in the amendment we had just adopted previously. So it's just a simple amendment adding "harvesting of wildlife" to synchronize the language here. Thank you. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Christensen. You've heard the opening to AM1371. Member requesting to speak, Senator McGill. [LR40CA]

SENATOR MCGILL: Good morning, Mr. President, members of the body. I rise...I really have no opinion on the amendment but I rise in opposition to LR40CA. I'm not introducing any entertaining amendments this year. I just plan to speak probably this one time, maybe one other time. I don't know. But as you all remember from last year, I was making a case for why this constitutional amendment is completely unnecessary. We don't have any real threat against hunting and fishing in our state. I would argue we don't have a real threat anywhere in our country. We may have one organization, HSUS, that may think that they're trying to, you know, accomplish that goal, but they have no pull here in Nebraska. I would argue they don't have pull on this issue anywhere in our country. I remember doing a lot of research last year on how there really aren't any laws being passed anywhere to put hunting and fishing in danger and, you know, which then begs the question, why do we need to protect it in our constitution when we don't protect other similar things like our right to eat or get an education, our right to take a nap I believe I used last? There are plenty of actions or behaviors that do come under threat on an annual basis in Nebraska. Heck, we have Senator Avery who's constantly going after people who eat sugar or fatty foods. Let's tax soda pop and let's say you can't eat at McDonald's or include a toy in a McDonald's Happy Meal. You know, we see other trends that are attacking certain behaviors that individuals have and enjoy, like the right to eat sugar and fatty foods. But we're not here trying to protect that right in a constitutional amendment. Hunting and fishing is very safe and secure in Nebraska and any amendment or constitutional amendment to our laws would have to come through this Legislature, and I cannot fathom restrictions or certainly not a ban ever passing from this Legislature. There are, like I said, there are plenty of other things that come under attack, including the way that agriculture and farming and ranching take place in our state. You know, I think that's where HSUS is more of a threat and so, if nothing else, we should be protecting those things. I seriously considered putting on

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an amendment to this that protects the right to love whoever you choose but decided that's a whole nother debate for another day. With that, I again say I believe that this bill is completely unnecessary or this constitutional amendment is completely unnecessary. I know it's popular because hunting and fishing are popular but so is...so are taking naps. With that, thank you, Mr. President. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator McGill. Speaker Flood, you're recognized for an announcement. [LR40CA]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. I'm going to take LB190 off the agenda today. It's on Select File. It's from Senator Council. We're not going to take that bill up today as they continue to work on an amendment between parties, and to support that effort I'm going to take LB190 off today's agenda. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Speaker Flood. Member requesting to speak on AM1371 to LR40CA, Senator Pirsch. [LR40CA]

SENATOR PIRSCH: Thank you, Mr. President. Members of the body, just with respect to this amendment, AM1371, really, it's not substantively changing anything. It just utilizes the same language and makes clear that it's applying to hunting and fishing and harvesting wildlife, which is exactly the intent of the bill. So I have no objection. I think it just specifically clarifies the intent. Thank you. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. Senator Council. [LR40CA]

SENATOR COUNCIL: Thank you, Mr. President. This is the first opportunity I've had to look at the amendment, and I'm not clear exactly which amendment we are on if the Christensen amendment. But if Senator Christensen would yield to a few questions... [LR40CA]

PRESIDENT SHEEHY: Senator Christensen, would you yield to Senator Council? [LR40CA]

SENATOR CHRISTENSEN: Yes. [LR40CA]

SENATOR COUNCIL: And, Senator Christensen, what exactly is the intent of AM1371? [LR40CA]

SENATOR CHRISTENSEN: Strictly to harmonize the language. If you go up into the amendment that was put on previously by Senator Pirsch that says citizens of the state of Nebraska have the right to hunt, to fish, and to harvest wildlife, including the use of traditional methods, subject to laws, rules, regulations that promote wildlife

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conservation, management, preserve the future of hunting and fishing. They forgot to add the word "and harvesting of wildlife" and that just synchronizes the language so everybody knows that everything is included. [LR40CA]

SENATOR COUNCIL: Okay. And for the ill-informed, what does harvesting wildlife mean? [LR40CA]

SENATOR CHRISTENSEN: That's where they're going out and getting furs. It's the old term for trapping. [LR40CA]

SENATOR COUNCIL: Okay. So basically your amendment changes the word "trapping" to "harvesting of wildlife." [LR40CA]

SENATOR CHRISTENSEN: No, my amendment adds the "harvesting of wildlife" in the second...on line 6 to match what the language was in line 3 on the amendment, AM886, that Senator Pirsch put on this last time we visited. [LR40CA]

SENATOR COUNCIL: All right. Thank you, Senator Christensen. I'm going to oppose AM1371, just as I oppose the underlying resolution. And we discussed this matter at length last year and we're talking about amending our constitution, and we're basically talking about amending our constitution to make a public interest group agenda statement. That's it, plain and simple. The original draft of LR40CA you can pull up on-line from that particular public interest group, and for us to take our constitution, this sacred document, and use it to advance a public interest's agenda I think is absolutely inexcusable. As Senator McGill so aptly stated, hunting and fishing and trapping is not threatened in this state. And I find it interesting that the basis or justification is that X number of other states have done it. Well, that only matters if the X number of other states have done exactly that which we want them to do. I think it's coincidental that Senator McGill was the first one to get up and speak in opposition, because a few days ago last week we were debating a bill that she introduced that was designed to address a real threat, a real threat to citizens of the state of Nebraska and that was the epidemic associated with sexually transmitted diseases, a real threat. And Senator McGill advised this body that there were 30 other states who had approved the method that was set forth in her bill, a real threat, and this body chose not to respond to a real threat,... [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR COUNCIL: ...chose not to be guided by what 30 other states did, but here are even thinking or even considering altering our constitution where there is no real threat. There's no threat. It's not real. It's imagined and, in fact, it's exaggerated. And we're going to use our constitution as a platform for this public interest debate between the Humane Society of the United States and the NRA. Our constitution is not the place

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for that debate to occur. It is not the place for these issues and these battle lines to be drawn. Our constitution is to protect the citizens of the state of Nebraska and to protect them against real threats to them and their lives and their livelihoods, and there is no threat to hunting, fishing, and trapping in this state. And I urge you to oppose LR40CA and any amendments thereto. [LR40CA]

PRESIDENT SHEEHY: Time, Senator. Thank you, Senator Council. (Visitors introduced.) Resuming floor discussion on AM1371 to LR40CA, seeing no requests to speak, Senator Christensen, you're recognized to close. Senator Christensen waives closing. The question before the body is on the adoption of AM1371 to LR40CA. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR40CA]

CLERK: 28 ayes, 1 nay, Mr. President, on the amendment. [LR40CA]

PRESIDENT SHEEHY: AM1371 is adopted. [LR40CA]

CLERK: Mr. President, Senator Pirsch would move to amend, AM1611. (Legislative Journal page 357.) [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, you're recognized to open on AM1611. [LR40CA]

SENATOR PIRSCH: Thank you, Mr. President. AM1611, and just to refresh your recollection, it was...the underlying LR40CA was drafted and designed not to change or alter water rights or any ag interests in any way. But we did have the interim and there were...you know, the hope is that we can have some unanimity in terms of voting. And to that end, since we had the interim, we decided...we had a meeting and decided to include through this amendment explicit, ironclad language, and I think it will perhaps make a few feel better, even though I think the underlying LR40CA is pretty clear in that it doesn't affect any agricultural interests or water interests. But this is a very short insertion, this amendment, that just simply says...it's one sentence: This section shall not be construed to modify any provision of law relating to Article...well, the articles that deal with ag interests and with water rights. And so through this it makes it perfectly clear that this has no effect on those very important, vital interests. So in terms of...I think this is an amendment that everybody should be supportive of and I know I am, so I'll ask for your support in voting AM1611 in. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. You've heard the opening of AM1611 to LR40CA. Are there members request...Senator Council. [LR40CA]

SENATOR COUNCIL: Thank you, Mr. President. Would Senator Pirsch rise and yield to questions? [LR40CA]

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PRESIDENT SHEEHY: Senator Pirsch, would you yield to Senator Council? [LR40CA]

SENATOR PIRSCH: I would. [LR40CA]

SENATOR COUNCIL: Okay. Your amendment speaks to Article XV of the Nebraska Constitution. Is that correct? [LR40CA]

SENATOR PIRSCH: Yes. [LR40CA]

SENATOR COUNCIL: And Article XV sets forth the state's interest, the citizens of the state of Nebraska's interests in protecting water. Is that correct? [LR40CA]

SENATOR PIRSCH: Yes. [LR40CA]

SENATOR COUNCIL: Okay. And your amendment, for example, says nothing in the amendment you're proposing would be deemed to modify any laws under Article XV, Section 4. Is that correct? [LR40CA]

SENATOR PIRSCH: Any provision of law, yes. [LR40CA]

SENATOR COUNCIL: Okay. So why doesn't it just say shall not be in conflict with Article XV, Section 4? Because if it's in conflict with that constitutional provision, any law that would be enacted thereunder would be unconstitutional. Wouldn't that be correct? [LR40CA]

SENATOR PIRSCH: Well, the reason the specific language is chosen is a broad consortium of both agricultural and water right interests gathered, and Speaker Flood helped kind of mediate the group in terms of choosing language, I was present as well so...and that group included the Nebraska Association of Natural Resources Districts, Nebraska State Irrigation Association, the Water Resources Association, the Nebraska Water Coalition, the Nebraska Farm Bureau, and the Nebraska Public Power District. And so in choosing the language, this was the language that the group, this large group of...had chosen as being best reflective of the protective concepts. [LR40CA]

SENATOR COUNCIL: You know, I certainly appreciate that individuals put forth the time and effort to try to come up with the language, Senator Pirsch, but it didn't answer the question. There are express constitutional protections relative to water and the use of water, and to have language that says that another constitutional provision, if enacted, doesn't modify any provisions of law thereunder is troubling, because we're talking about existing constitutional rights. And for an amendment to the constitution, that creates another right that everyone apparently recognizes is in conflict, to try to amend it by saying that it doesn't modify the laws thereunder, I guess again...and thank you for yielding, Senator Pirsch, I guess it just further amplifies the lack of necessity for

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this provision. If you listen to the members of the consortium that were involved in drafting of AM1611, we're talking about agricultural interests and conservation interests. Clearly, under the existing language of our constitution, I believe those interests are currently adequately protected. When I introduced an amendment to LR40CA last year, that said let's just get to the root of it. You know,... [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR COUNCIL: ...if we're afraid of the Humane Society of the United States coming in and stopping the residents of the state of Nebraska from livestock production, why don't we put it in our constitution that Nebraskans have a constitutional right to raise livestock for consumption? Get to the point. But I'm telling you that by the way this language is drafted, the clear intent and whose agenda is being advanced is not really agricultural interests. This is a battle and Nebraska is being asked to get in a battle between the NRA and the Humane Society of the United States. We don't need to be in that battle. Our citizens' interests are protected. Our constitution currently provides particularly that... [LR40CA]

PRESIDENT SHEEHY: Time, Senator. [LR40CA]

SENATOR COUNCIL: Thank you. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Council. Members requesting to speaker on AM1611, we have Senator Bloomfield, followed by Senator Lathrop. Senator Bloomfield. [LR40CA]

SENATOR BLOOMFIELD: Thank you, Mr. President, members. Senator Pirsch, yield to a question? [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to Senator Bloomfield? [LR40CA]

SENATOR PIRSCH: Yes, I would. Thank you. [LR40CA]

SENATOR BLOOMFIELD: Senator Pirsch, it's my understanding of this amendment that it kind of protects my right to tell people they can't come on to my farm and hunt. Is that correct? [LR40CA]

SENATOR PIRSCH: And I have to apologize. Could you repeat that question again? [LR40CA]

SENATOR BLOOMFIELD: Is it my understanding of this amendment is that it kind of protects my rights to tell people they cannot come on to my farm and hunt? Am I correct

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in that? [LR40CA]

SENATOR PIRSCH: Well, what it does is, and the underlying concept behind it is, enshrines, preserves, and protects the right to hunt and to fish and to harvest wildlife into the future, so for future generations. [LR40CA]

SENATOR BLOOMFIELD: But it in no way infringes on my right as a landowner to tell them, no, they cannot hunt on my place, does it? [LR40CA]

SENATOR PIRSCH: No, it's not supposed to. It's not designed and in any manner to shed property rights or affect property rights in any manner. Yeah. [LR40CA]

SENATOR BLOOMFIELD: Okay. Thank you. [LR40CA]

SENATOR PIRSCH: And that's...and part of this amendment which is being considered, AM1611, is just to clarify an amendment with respect to another type of right which is water rights and usages. And so this...by...through this amendment, AM1611, it clarifies that this has no effect on those type of property rights. [LR40CA]

SENATOR BLOOMFIELD: Okay. Thank you. [LR40CA]

SENATOR PIRSCH: Okay. [LR40CA]

SENATOR BLOOMFIELD: And if Senator Pirsch would want any more time, I would yield mine. [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, you're yielded 3 minutes 10 seconds. [LR40CA]

SENATOR PIRSCH: I'll waive. [LR40CA]

PRESIDENT SHEEHY: Senator Lathrop. [LR40CA]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I'm looking for a way to like this thing, I really am. I've hunted my entire life and I certainly don't want anything getting passed in the state of Nebraska that would interfere with my right to do that, but I don't know what this does. So I want to ask Senator Pirsch a few questions and maybe if...would you see if Senator Pirsch will yield? [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to Senator Lathrop? [LR40CA]

SENATOR PIRSCH: I would. [LR40CA]

SENATOR LATHROP: Okay. Senator Pirsch, I have hunted my entire life. If LR40CA

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passes, what's going to be different for me? [LR40CA]

SENATOR PIRSCH: Well, what it would do is would...and we've seen restrictions that have been imposed in other states and we talked about this last session, and so this would protect hunters' rights, people engaged in fishing, harvesting wildlife in the future against encroachments upon that right, similar to other rights that are...that are stated in the constitution. So it puts it on the highest level. [LR40CA]

SENATOR LATHROP: It certainly does put it on the highest level. What laws are being passed in other states that this is intended to preempt? [LR40CA]

SENATOR PIRSCH: Well, we talked about that extensively last session, and I apologize I didn't...it will take me a second if you want to have a survey of some of the other things that are going on in other states. But as we know, in terms of reasonable reaction, we have seen infringements. I know we talked about mountain lions and bears, we were talking about California and New Jersey in particular. [LR40CA]

SENATOR LATHROP: Okay, let's talk about mountain lions and bears. [LR40CA]

SENATOR PIRSCH: Well, those are just two of many examples. [LR40CA]

SENATOR LATHROP: Okay. Okay, let's use those two examples. [LR40CA]

SENATOR PIRSCH: Okay. [LR40CA]

SENATOR LATHROP: After LR40CA passes and I want to hunt mountain lions in Nebraska, what will this do to ensure that I may hunt mountain lions in Nebraska or bears? [LR40CA]

SENATOR PIRSCH: Well, it's a little bit different situation because we don't have the population that California did and which they were actually killing joggers. And so in that state they banned the cougars...shooting of the cougars. And they overpopulated to an extent that they were...they killed a jogger and were posing a threat. Then they actually hired government hunter...government employees to be the hunters of the cougars. [LR40CA]

SENATOR LATHROP: Okay. Let's say the cougars take over in the state of Nebraska. [LR40CA]

SENATOR PIRSCH: Okay. [LR40CA]

SENATOR LATHROP: Is there any problem with doing that right now? Can Game and Parks hire a bunch of hunters to go out and shoot the cougars right now? [LR40CA]

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SENATOR PIRSCH: Under currently existing law, yes. [LR40CA]

SENATOR LATHROP: Okay. So what kind of law do you think is headed our way if we don't pass LR40CA? [LR40CA]

SENATOR PIRSCH: Well,... [LR40CA]

SENATOR LATHROP: A prohibition on hunting cougars? [LR40CA]

SENATOR PIRSCH: Yeah. Well, it's hard to look into the crystal ball and foresee, but we can tell...my point is we can tell that there is a serious threat groups have over this. That one particular group you mentioned alone has over \$100 million in annual receipts and have indicated through statements that their intended...their intent is to eliminate all hunting, all fishing, all harvesting wildlife everywhere as soon as they can. They're not to be taken lightly. We know this because it's not just this part of Nebraska, you know, the hunters and the sportsmen who are affected. You can...the seriousness of their threat is witnessed by, if you look on... [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR PIRSCH: ...television today, agricultural interests who are also threatened by the group and are currently airing educational commercials to people in Nebraska now, a very expensive undertaking, and yet I think that's because our primary industry views them as a direct threat to them today as well, although... [LR40CA]

SENATOR LATHROP: Will this address agriculture at all? [LR40CA]

SENATOR PIRSCH: No. Well, it does not in this bill proposal. I guess my reference to agriculture is only in the sense that I guess there was a proposition that they don't...they're not a true threat and should not be perceived as that. Our number one industry in this state perceives them as a very serious threat and that's, I guess, reflected in the fact that there are these active campaigns. [LR40CA]

SENATOR LATHROP: So what we're doing is, because ag... [LR40CA]

PRESIDENT SHEEHY: Time, Senator. Thank you, Senator Lathrop. Additional members requesting to speak on AM1611 to LR40CA, we have Senator Council followed by Senator Lathrop and Senator Fulton. Senator Council. [LR40CA]

SENATOR COUNCIL: Yes, thank you. It's fortuitous that I get up after Senator Lathrop's questions because, Senator Lathrop, your questions point out the exact reason why this bill is unnecessary. The threat, the perceived threat, the asserted threat to hunting,

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fishing, and harvesting wildlife rights in Nebraska is nonexistent. Senator Pirsch talks about a situation where the California...a California governing body allow...put a restriction on the ability for private hunters to hunt these mountain lions when there was an infestation, I guess. Just last week prairie dogs, you know, that's our problem in Nebraska, and I didn't see any reluctance in this body to pass legislation that would allow for private owners to deal with their prairie dog infestation. There is no threat. The threat would be if there was a monumental change in this body overnight. But based upon the decisions that this body has made, the laws it has enacted that deals with hunting and fishing and trapping, there is no threat, Senator Lathrop, and there's nothing in this constitutional amendment that would accord you any greater right than you have today. And Senator Bloomfield asked a question that really wasn't answered. This constitutional amendment places the right to hunt, fish, and trap on equal constitutional par with your rights over your private property, puts it on equal constitutional par. Now it says reasonable restrictions as prescribed by law, and that...I guess that assumes a hunting permit. But, Senator Bloomfield, rest assured, if this resolution passes and this provision is placed in our constitution, some hunter shows up on your land and you say you need to get out of here, mark my word, they're going to say, I have a constitutional right to hunt. And then you'll be faced with some legal action over whose right is greater than the other because they're both constitutional rights. This resolution is absolutely unnecessary and I can't believe that this body would even consider using our constitution, that constitutional document, to advance some public interest agenda. That document should be reserved for protecting the rights and interests of Nebraskans against real threats, and there is no threat. There is no threat. When anyone inside or outside this body thinks that they would be able to garner 25 votes to stop livestock production or to implement the kind of laws that would impede livestock production, that's what we ought to be concerned about. And I guess I would be more amenable to hearing a constitutional amendment that protected that fundamental right because of its impact on our state, its citizens, and its economy. [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR COUNCIL: But this resolution, this constitutional amendment is, plain and simple, politics. And the constitution is not the place to play these kinds of politics. This bill is unnecessary. This constitutional amendment is unnecessary. It creates conflicting constitutional rights, Senator Bloomfield, and will create more problems than any problem that exists. And that's the question you ought to be asking: What problem exists? What are we trying to protect against? Believe me, when we have real threats we're not hesitant to avoid addressing them, but when we need to address them we'll address them. We don't need this constitutional amendment and I would urge, respectfully urge, this body not to be placed in a position, quite frankly, that borders on ridicule. [LR40CA]

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PRESIDENT SHEEHY: Time, Senator. Thank you, Senator Council. Senator Lathrop. [LR40CA]

SENATOR LATHROP: Thank you, Mr. President and colleagues. If Senator Pirsch will yield to some questions, I have a few more. [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to Senator Lathrop? [LR40CA]

SENATOR PIRSCH: Yes, I would. Thank you. [LR40CA]

SENATOR LATHROP: Senator Pirsch, the people that you're referring to, is that the United States Humane Society,... [LR40CA]

SENATOR PIRSCH: Well, that's one... [LR40CA]

SENATOR LATHROP: ...Humane Society of the United States? [LR40CA]

SENATOR PIRSCH: Well, I don't know if I was the one who first referred to...I think others have, but that is a group that has a large sum of money, yes, that they spend every year to get rid of all hunting, fishing, and harvesting wildlife (inaudible). [LR40CA]

SENATOR LATHROP: Okay. And so they have a big ad budget. Is that what you're telling us? [LR40CA]

SENATOR PIRSCH: Yes, and they've recently hired a state director for the state of Nebraska in the last year. [LR40CA]

SENATOR LATHROP: Okay. And so that's the enemy and what we are afraid of is a movement to restrict our rights or restrict, whatever we'd call it, privilege or a right to hunt or fish. That's your concern. [LR40CA]

SENATOR PIRSCH: Well, I wouldn't...I wouldn't call them an enemy. I would say they are individuals who have different views of what this society should look like and markedly different. [LR40CA]

SENATOR LATHROP: Well, they'd be an enemy of mine if they want to stop me from hunting. Okay? [LR40CA]

SENATOR PIRSCH: (Laugh) Fair enough. [LR40CA]

SENATOR LATHROP: So that's the issue and you think if this thing gets on the ballot that they're going to run some ads that say don't vote for it? [LR40CA]

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SENATOR PIRSCH: I don't know what they'll do. Actually I'm not very concerned to that extent as long as... [LR40CA]

SENATOR LATHROP: Well, these guys really want to end hunting and fishing, don't they? Don't you think if they got all this money for the ads that they're running against agriculture that they'll run some in opposition to LR40CA? [LR40CA]

SENATOR PIRSCH: Well, you know, I can only go by their head...the head of the organization's statements which indicated expressly that he wants to get rid of all hunting, get rid of all fishing, get rid of all... [LR40CA]

SENATOR LATHROP: Okay. So is it logical to assume that they would spend money running ads against your constitutional amendment if this is the first battle line in their effort to end hunting and fishing? [LR40CA]

SENATOR PIRSCH: Well, it's hard for me to surmise what their reaction may be at this point in time. I guess it depends on their... [LR40CA]

SENATOR LATHROP: Well, if you don't want to make a concession to me, I get it. Let me ask you this. [LR40CA]

SENATOR PIRSCH: Well, I would think that they would, to a concession for you, I don't think that they'd like it. I don't think that they would want it. But they would take a look at the situation as it exists today and say, you know, we've got 50 states, is it the right time to go into Nebraska and can we do anything about it at this point in time. [LR40CA]

SENATOR LATHROP: Okay. Let me ask you this. If LR40CA passes, am I going to get access to any more hunting ground? [LR40CA]

SENATOR PIRSCH: I'm sorry, I couldn't quite hear the last part of your... [LR40CA]

SENATOR LATHROP: Will this open up a single acre of hunting ground for me and us Omaha hunters who want to go out in the country and hunt wildlife? [LR40CA]

SENATOR PIRSCH: No. With respect to the property right... [LR40CA]

SENATOR LATHROP: Was that a no? [LR40CA]

SENATOR PIRSCH: Yes. [LR40CA]

SENATOR LATHROP: Okay. And the other question I have, and I see the accommodation to water rights and I appreciate that. It makes the bill more palatable for me or the resolution more palatable for me. But I'm going to tell you I have another

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concern. You are creating a right, and I think we need to address this by way of an amendment, if you want to get me there. We have a right now or will to hunt and fish. So what about the conservation officer that catches some person out there without a hunting license? Because now that guy's answer is, I got a right to hunt, I don't need a license; constitution gives me the right to hunt, I do not need a license. The only thing this is subject to is conservation. [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR LATHROP: So now we are going to end the need for a hunting license, the need for a fishing license, the rules and regulations for the young people who have to go through safety training before they can hunt because we are putting it in the constitution. And according to this amendment, the only thing that we can regulate in the area of hunting and fishing is the water rights, already covered in a different constitutional provision, and those...I'm looking for the term that you use, those things that relate to conservation, and that's not the right...that's not hunting permits. So now I don't need one and I don't know if that's an unintended consequence you've thought through. But I can tell you that if you think someone is going to spend money in here to get rid of hunting and fishing, they'll spend money on...in opposition to this resolution. [LR40CA]

PRESIDENT SHEEHY: Time, Senator. Thank you, Senator Lathrop. Additional members requesting to speak on AM1611 to LR40CA, we have Senator Brasch, followed by Senator Ken Haar, Senator Fulton, Senator Council, Senator Schumacher, and Senator Lathrop. Senator Brasch. [LR40CA]

SENATOR BRASCH: Thank you, Mr. President, and good morning, colleagues. I rise in support of AM1611 and LR40CA. Several constituents in District 16 have expressed their support and their appreciation of this legislation in hopes of it moving forward. Two specifically I would like to relay, I would call them sportsmen in an academic true sense that they have dedicated time as volunteers to help young hunters, they hunt themselves, and they take great pride in being sportsmen. We have several areas in the state now that are known for our quality hunting and sportsmen. I wanted to share with you an experience I had about three years ago attending a national education advocacy meeting in Washington, D.C. I was at a luncheon there and one of the educators that was on my right, he said he was from Kentucky, a superintendent there. Hello, I'm from Nebraska. His eyes lit up. You would have thought I was a rock star. He said, Nebraska, I've always wanted to hunt in Nebraska. And it was wonderful. And I called one of these gentlemen--I endearingly nicknamed him "Davy Crockett"--if he would host a hunting party of gentlemen and women from Kentucky. They have come here. They have come here on many trips because it is a legacy of ours here. "Davy Crockett" also hosted a wonderful game dinner that I attended where he had got into his freezer. We had pheasant, we had quail, we had deer. It was a feast. We're known for our hunting. We're

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known for our natural resources. Our Game and Parks division does a stellar job and work very hard in having our natural resources grow. Constituents have shared that this is important, this is part of our heritage, our legacy, it's important that we document and protect that for generations moving forward. They commend this legislation, as I do support it. Thank you. I will give Senator Pirsch the remaining of my time. [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, you're yielded just over 2 minutes. Senator Pirsch waives. Senator Ken Haar. [LR40CA]

SENATOR HAAR: Mr. President, members of the body, I have a question for Senator Pirsch, please. [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to Senator Haar? [LR40CA]

SENATOR PIRSCH: I would. Thank you. [LR40CA]

SENATOR HAAR: A constituent e-mailed me so I need to ask this. [LR40CA]

SENATOR PIRSCH: Yes. [LR40CA]

SENATOR HAAR: Is there any possibility...for example, right now we don't allow the hunting of sandhill cranes, where as Kansas does and so on. Could this result in the hunting of sandhill cranes in Nebraska? [LR40CA]

SENATOR PIRSCH: No. Again, the underlying concept behind this whole constitutional amendment is to preserve and protect what we have now, so to speak, the status quo. And so nothing is inconsistent in this amendment with that continuation. By the way, those cranes and whatnot, they're protected on a federal basis by Congress in Washington, D.C., those and other federally-protected animals, because their migratory patterns are, you know, more than just one state. And so jurisdiction over those, and reflected in the existence of those laws, rests with Congress. So the clean and simple answer here is, no, nothing in this purports to change that. And even if it purported to change that, we could not. [LR40CA]

SENATOR HAAR: Well, sandhill cranes aren't protected. The whooping cranes are protected by federal law, but not sandhill cranes. And so, like I said, there you can hunt them in Kansas, a few other states. So I'm a little bit concerned here about the unintended consequences that could happen because of this. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Haar. Senator Fulton. [LR40CA]

SENATOR FULTON: Thank you, Mr. President. Members of the body, we had a prolonged discussion on this particular issue, LR40CA, back on General File. Number of

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questions that were posed I think were responded to. And some of the questions that have been posed again here have caused my mind to recall what it was that we were talking about. And something Senator Lathrop said caused me to recall anew why I support this particular bill. As Senator Lathrop, I also hunted and fished, and I use the past tense because I don't do it so much anymore. We take the kids out fishing but I've not taken my kids out hunting, which is different than my experience growing up in small town Nebraska. I went hunting with my father: deer, squirrel, turkeys, turtledove, what have you. We did that regularly. And then I came here to Lincoln to attend college, just like a number of other kids across Nebraska have done, many others across Nebraska. And like many others, I ended up settling down here in Lincoln. I met a girl, we got married, we settled down, we had kids here in Lincoln, and that's happening in Omaha too. We're seeing this shift from rural to urban, and I don't need to expend much air convincing you of that occurring, of the reality of this, of what I'm talking about here. And now my children are not exposed to hunting and fishing the way I was because they live in a different way. I've become urbanized, I guess, if you can believe that. And so my children will not have access to the same traditions simply by way of cultural experience. It is not that there is anyone coming to, you know, to gut hunting and fishing in Nebraska. Although I know there are people who would like to do that, it probably won't fly in Nebraska because Nebraskans wouldn't stand for it. Culturally, we have experienced something different than what someone like HSUS would like to foist upon us. But then I bring you back to this reality that in just one generation we have removed a population of Nebraskans from the time-honored traditions that many of us grew up with, and that's why I support LR40CA. Now I was asked to bring a measure similar to LR40CA in my first couple of years in the Legislature and my response was, I don't think that's something we should do to the constitution, I don't know that it's necessary, many of the same arguments you're hearing here this morning. But the reason I've changed my mind is because I've had a chance to reflect on what is actually going on and that is the urbanization of Nebraska is causing an entire generation to be removed from these traditions that we have grown up assuming. And I dare say that if this goes one more generation then folks like HSUS will have fertile ground with which to operate, ergo, my support of LR40CA. I think as a matter of expression about what exists in Nebraska, it is legitimate to at least put this before the people of Nebraska to ascertain their judgment as to whether we should enshrine this tradition, these rights within our constitution. If the people disagree then they can vote it down. But I think given what's going on in Nebraska with our population, this is a legitimate question to put before the voters. And given the intent of others, HSUS and probably others, this is certainly something we should at least... [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR FULTON: ...let Nebraskans consider. And so I, like Senator Lathrop, the words, Senator, which grab me were I'm looking for a reason to like this bill. And I'm sharing with you the body that I did the same for a couple of years and it's simply, when

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we take a step back and reflect on the bigger picture, we see outside our own confines and look to generations to follow, that we're able to speak to something so advanced and so grave as to change our constitution and that ultimately is why I support LR40CA. I'll support AM1611 as a clarifier but certainly the underlying concept, and I ask you to support LR40CA as well. Thank you, Mr. President. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Mr. Clerk, do you have items for the record? [LR40CA]

CLERK: I do, Mr. President, an announcement first of all. Health and Human Services Committee will have an Exec Session at 10:00 in Room 2022. Urban Affairs Committee reports LB42 to General File. General Affairs reports LB780 and LB861 to General File. I have hearing notices from the Judiciary Committee, and a conflict of interest declaration by Senator Sullivan, and Senator Lautenbaugh would like to print an amendment to LB190. That's all that I have, Mr. President. (Legislative Journal pages 380-381.) [LB42 LB780 LB861 LB190]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Resuming floor discussion on AM1611 to LR40CA, members requesting to speak, Senator Council, followed by Senator Schumacher, Senator Lathrop, Senator Dubas, and Senator Pirsch. Senator Council, this is your third time. [LR40CA]

SENATOR COUNCIL: Thank you very much, Mr. President. And I certainly, for those who support this bill, understand the need to provide the justification for altering the constitution. I've listened to Senator Brasch talk about how sportsmen view Nebraska as this wonderful paradise. My question to Senator Brasch is, what changes that? Why do we need a constitutional amendment? Those folks didn't ask you, have they put any restrictions on hunting and fishing in Nebraska. You didn't say to them, oh boy, you know, yeah, we still...we have this great tradition of hunting, fishing, and harvesting wildlife in Nebraska but it's in jeopardy. No, you didn't say that to them because, yes, hunting, fishing, harvesting wildlife in Nebraska is something that is not being threatened. Senator Fulton makes a passionate statement about culture changing and people forgetting, you know, the rich culture and history around hunting and fishing and trapping, and ignoring, in that whole dialogue, if it changes that much, if you can change the constitution on a whim with this, you can repeal a constitutional amendment on a whim like that. So if we're going to want to change the constitution on whim, let's move down this road. But I hope you listened to one statement that Senator Pirsch made in response to questioning from Senator Haar. Senator Haar was asking whether there was anything in this bill that would open up hunting of a precious piece of wildlife in our state, and Senator Pirsch's response was there's nothing in this resolution that purports to change that. We wouldn't allow that to happen. There's nothing here that purports to change that. Then he went on to say, and even if it did we would not let it happen. That's the basis of my opposition to this resolution. If there was any real threat to

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hunting, fishing, or harvesting wildlife, in the words of Senator Pirsch, we would not let it happen. We don't need a constitutional amendment to not let it happen. Senator Lathrop talked about licenses. Yeah, I'm not a hunter and I don't begrudge people that hunt, but I'm not a hunter and I don't know what you have to produce to get a hunting license. But unless there is something in that hunting license that this state can make a connection to preservation and that you're buying a right...you're buying permission to exercise a constitutional right, we better have a really strong basis for prescribing. And if it's just to generate revenue, ladies and gentlemen, you pass this, you'll be subject to a claim that you're violating a constitutional right, because the only limitation in this constitutional amendment is reasonable prescription and it has to relate to conservation and management. Barring that, we don't have...we would have no authority... [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR COUNCIL: ...over the exercise of these constitutional rights. So again, remember what Senator Pirsch said: doesn't purport to change that and we would not. So if there's this threat from the Humane Society of the United States, I say we would not. For that reason, and if for no other reason, AM1611 should be defeated and so should LR40CA. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Council. Senator Schumacher. [LR40CA]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Courts have a funny way of really taking constitutions seriously and they fret over every word in a constitutional provision. So I'm trying to summarize, best I understand it, where we're at on this amendment and I think this is what we're at about now. Nebraskans have the right to hunt, fish, and trap by traditional methods, subject only to rules that promote wildlife management and preserve the future of hunting, fishing, and trapping. Public hunting, fishing, and trapping shall be a preferred method of managing wildlife. And this is all subject to the rights of water diversion, irrigation, hydroelectricity. So would Senator Pirsch yield to a couple questions? [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to Senator Schumacher? [LR40CA]

SENATOR PIRSCH: Yes, I would. [LR40CA]

SENATOR SCHUMACHER: Senator Pirsch, one word I see that courts might fret over is that this is subject only to the laws, rules, and regulations that promote wildlife management and preserve the future of hunting, fishing, and trapping. So those are the only things that can be considered that this right to hunt is subject to. Is that correct? [LR40CA]

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SENATOR PIRSCH: And conservation. It says...I think the actual language is, "promote wildlife conservation and management and that preserve the future of hunting and fishing." [LR40CA]

SENATOR SCHUMACHER: So and the word "only" is intentionally in there. That's it. Those things are the only things that can limit that right. Is that correct? [LR40CA]

SENATOR PIRSCH: Correct, although I would posit that that's not a very narrow...those are not narrow categories, those. [LR40CA]

SENATOR SCHUMACHER: Thank you, Senator Pirsch. Then we have that: public hunting, fishing, and trapping. What is the difference between public hunting, fishing, and trapping, and private or some other kind of hunting, fishing, and trapping? [LR40CA]

SENATOR PIRSCH: Well, I...you're saying public hunting, fishing, and trapping as opposed to not having the word "public" before it? [LR40CA]

SENATOR SCHUMACHER: That's correct. The courts are going to look at each and every word of a constitutional provision and say this word has meaning or the people wouldn't have been dumb enough to put it there. [LR40CA]

SENATOR PIRSCH: Yeah. [LR40CA]

SENATOR SCHUMACHER: So what does it mean? Why did the Legislature, why did the people say public hunting, fishing, and trapping instead of just hunting, fishing, and trapping? [LR40CA]

SENATOR PIRSCH: Yeah. [LR40CA]

SENATOR SCHUMACHER: There must be a difference with something else. [LR40CA]

SENATOR PIRSCH: Well, I think what that means is it's inferring that not necessarily on your own land as opposed to private hunting and fishing. [LR40CA]

SENATOR SCHUMACHER: So on your own land you could still be regulated but the general public wouldn't be regulated on your own land. [LR40CA]

SENATOR PIRSCH: I'm not sure I follow that. It says, "Public hunting and fishing shall be a preferred means of managing and controlling wildlife." I think what that's in reference to is it's kind of a secondary thought that with respect to if there is overpopulation of a particular species that the preference will be to utilize the methods of hunting, fishing, and harvesting as opposed to... [LR40CA]

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SENATOR SCHUMACHER: Why don't we just say hunting, fishing, and trapping and forget about "public"? [LR40CA]

SENATOR PIRSCH: Well, I think the word "public," what it does there is it infers, rather than having a paid governmental employee, as we discussed in California, what they did is they banned the...they banned the public from hunting and then they employed governmental workers to go out and hunt the overpopulated species. [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR SCHUMACHER: But "public" is a subset of hunting, fishing, public. Finally, before I get to the point I'm trying to make here: shall be a preferred method of managing. What are some of the other preferred methods of managing? "A" implies there are more than one preferred method. "The" would imply to the court that there was only one preferred method. Why use the article "a" instead of "the"? [LR40CA]

SENATOR PIRSCH: Well, "a" ensures that it's right up there, that it has to be included as a preferred method. It doesn't... [LR40CA]

SENATOR SCHUMACHER: So there are more than...more preferred methods out there than just this one? [LR40CA]

SENATOR PIRSCH: Well, there may be but they all have to be subject to... [LR40CA]

SENATOR SCHUMACHER: So we're burdening the constitution with a sentence that doesn't need to be there because "a preferred" just means one of many preferred. Members of the body, only regulations promoting hunting are permitted, not regulating kids with guns, not traps in public parks for public safety, not shooting of sparrows with a .22 inside city limits. Those are not... [LR40CA]

PRESIDENT SHEEHY: Time, Senator. [LR40CA]

SENATOR SCHUMACHER: Thank you. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Schumacher. Senator Lathrop, this is your third time. [LR40CA]

SENATOR LATHROP: Thank you. Colleagues, I want to make this point as we're doing this. This is not a filibuster. This is...we should be very deliberate if we're going to add something to the constitution. And I can tell you in Judiciary Committee people bring all kinds of bills in and some of them are little more than ideas and they're not fit for passing. And it's important, what we do a lot in Judiciary Committee, is to put them in a

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shape that they need to be in, in order to get into the statutes. And that's the process I think we're undertaking today and I would invite your participation. It feels like people think this is a filibuster and now all we got to do is wait out these people with questions. These are legitimate concerns. I made the point the last time I spoke that we will no longer be able to require that people get a license. Okay. Does that cause anybody here a concern? Or does anybody think that that's not the case? Because it is and we're putting it in the constitution, which means all of our legislative efforts to require a hunting license will be unconstitutional. I have another question for Senator Pirsch, if he'll yield. [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to Senator Lathrop? [LR40CA]

SENATOR PIRSCH: I will yield. [LR40CA]

SENATOR LATHROP: Senator Pirsch, Senator Schumacher was just kind of going into an area that's another concern that I have. [LR40CA]

SENATOR PIRSCH: Okay. [LR40CA]

SENATOR LATHROP: What does it mean to be a "preferred means of managing and controlling wildlife"? And let me go back to your mountain lion. And I don't want to call them cougars; I want to call them mountain lions. If we have a problem with mountain lions in the state of Nebraska and we now need to come up with a plan to control them, would this require that our first plan involve harvesting them through hunting or trapping? This has to have some meaning if we're going to put it in the constitution. Does that mean that hunting and trapping will be the first tool used to control the outbreak of mountain lions? [LR40CA]

SENATOR PIRSCH: In terms of governmental actors looking at an outbreak of a particular species, now I don't, you know, obviously we're not situated like California but whatever the species is, then, yeah, what they would do is they...it doesn't shackle their hands. They're still given an ability to identify other preferred means. [LR40CA]

SENATOR LATHROP: Okay. If it doesn't shackle their hands, what's the point? [LR40CA]

SENATOR PIRSCH: I'm saying with respect to absolutely shackle them to one, but it does limit their ability somewhat because there's still... [LR40CA]

SENATOR LATHROP: Okay. Game and Parks Commission is now going to come up with a plan to control mountain lion outbreak in the Panhandle. Must they, according to our constitution, after this passes, start with hunting or can they poison them? [LR40CA]

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SENATOR PIRSCH: It would be dependent upon the situation, is how I would put it, because whatever they do has to be consistent with the above...it has to say that they...it is...I would posit it doesn't absolutely take away the consideration of poisoning but it certainly mentions that in looking at those different options that are available... [LR40CA]

SENATOR LATHROP: Okay. [LR40CA]

SENATOR PIRSCH: ...that public hunting and fishing shall be a preferred means of managing (inaudible). [LR40CA]

SENATOR LATHROP: Okay. You've just reread it for me. And this is my third time so I'm going to make my point. We just passed on General File the Black-Tailed Prairie Dog Infestation (sic) Control (sic) Act. That came out of Ag Committee. These guys need to poison these things. They can't get ahead of them without poisoning them. I have people that I'm related to that shoot prairie dogs. [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR LATHROP: They want to go hunt them. So can I after this passes? These are legitimate questions. I'm not...I'm not causing...this isn't a filibuster. After this passes and they develop a prairie dog management plan in the Panhandle, can this family member of mine file an injunction and require that the people in western Nebraska open their lands to the public, which is what this says, for the preferred means, which is shooting them, right? These words have meaning. They trump everything you do in this place after it ends up in the constitution and we should talk about those things, not as a filibuster but because there are legitimate problems with the way this constitutional amendment is drafted right now. You won't need a license to hunt. You'll have... [LR40CA]

PRESIDENT SHEEHY: Time, Senator. Thank you, Senator Lathrop. Time. Senator Dubas. [LR40CA]

SENATOR DUBAS: Thank you very much, Mr. Lieutenant Governor. Good morning, colleagues. I'll kind of pick up on the same vein that Senator Lathrop was talking about. This is the constitution. These words are powerful. So I think this is a very legitimate conversation that we're having here, because if we're going to put something out for the people to vote on we need to make sure it's in the form that works the way it's intended and we don't have the unintended consequences. So we have to tread lightly when we look to add to our constitution. The constitution is the foundation of what we do in this Chamber. The constitution is the measuring stick for the judicial system. You know, my record speaks for my support for hunting and fishing and trapping. My family are avid sportsmen. If I did anything contrary to that I would be looking for a new home. So my

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concerns do not come from, you know, that we need to put restrictions on hunting, fishing, and trapping. My concerns come strictly from a constitutional vein and what this document means and how important it is when we make decisions that impact this document. I think we need to put, if we have concerns, some of the concerns that have been raised on the floor about losing that connection with our roots that have been, you know...that those childhood memories of hunting and fishing, Game and Parks has some great programs that they're working with our youth. They're looking for mentors. They're looking for ways to get our urban population back out into the wonderful areas that we have across the state. Let's put those efforts and that support behind those kinds of programs because they're very effective. Again, I'm concerned about are we creating more problems than we're solving? Do we open up new legal challenges, like Senator Council outlined? We've talked about some of those groups out there who have an agenda who want to come into our state and create problems for the number one industry of our state. I certainly would not be supportive of anything like that. But if we put this constitutional amendment on the ballot, have we just provided them a platform? Have we just given them an opportunity to come in and start to put their little message out there and create maybe some...again, a platform that will give them that leverage for any future types of endeavors they may seek to put in the state? We've given them an opportunity. We've given them the means to use the media. And while I think the majority of citizens in Nebraska would not respond to that, we have to be concerned about the population that would respond to those messages. So I think moving forward cautiously is not something we should be fearful of here because, again, we're dealing with the constitution and what it may have...the consequences it may have, intended or otherwise. And so I've appreciated the dialogue we're having this morning, the questions that have been raised. Senator Lathrop has mentioned some possible amendments that could help strengthen this and make it pass the constitutional muster that it may need. Senator Lathrop is in the Chamber. I would yield him the remainder of my time. [LR40CA]

PRESIDENT SHEEHY: Senator Lathrop, you're yielded 1 minute 30 seconds. Senator Lathrop is out of the Chamber. Additional members requesting to speak on AM1611 to LR40CA, we have Senator Pirsch, followed by Senator McGill, and Senator Wallman. Senator Pirsch. [LR40CA]

SENATOR PIRSCH: Thank you, Mr. President, members of the body, and I appreciate the issues that are being brought forward. Again, a lot of these are concerns that we did address as a body last session before advancing the bill but I think it bears, you know, importance, insofar as refreshing people's memory, to go back over some of these issues. With respect to Senator Haar's concern, I do appreciate, yeah, he's quite correct, the federal protections that are afforded to cranes belong to whooping cranes and whooping cranes alone, not...nothing about the federal law then protects, in particular, sandhills. And he's quite right in asserting that in some states they are hunted. And sandhills, thus, would be, you know, the state of the law after the

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amendment...I'm sorry, after LR40CA would be passed would be no different than it is today. In effect, as I see it, with respect to the sandhills, if he's looking for assurance, sandhill cranes, the...under the LR40CA, the language would say that the regulators would continue to have regulatory authority to regulate with respect to hunting of the sandhills crane in a manner that promotes wildlife conservation and management and preserves the future of hunting and fishing. And so, yes, of course under this they'd continue to have jurisdiction in that manner. With respect to the, I guess, the contention that somehow pandemonium would break loose and that no licenses would be required, no hunting licenses, or property rights would be changed, as a matter of fact, we have a specific statement in there that was, "This section shall not be construed to modify any provision of law relating to trespass or property rights." So with respect to a concern of a prior senator, I wanted to make sure that I expressly read that into the record. With respect to the licenses, the concept that there would be no hunting licenses or other really absurd results would come about, again, the regulatory authority for the commission would still exist and they could act to promote wildlife conservation and management even after this and preserve the hunting of...preserve the future of hunting and fishing. So all of these assertions are clearly not based in reality. The commission still has the right to determine what's appropriate conservation and management, and will be guided through those two filters of conservation and management and preserving the future of hunting and fishing. So again, we went over a lot of these claims last session before advancing it and I'd urge you to continue advancing. This particular amendment, I might point out, AM1611, deals only with adding additional language, which I hope would capture 100 percent of the body's approval in making ironclad express language that makes it clear it does not affect water rights or agricultural interests. [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR PIRSCH: Thank you. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. Senator McGill. [LR40CA]

SENATOR MCGILL: Yield my time to Senator Council. [LR40CA]

PRESIDENT SHEEHY: Senator Council, you're yielded 4 minutes 55 seconds. [LR40CA]

SENATOR COUNCIL: And thank you, Mr. Lieutenant Governor. And I thank Senator McGill. And I want to make it clear, as did Senator Lathrop, my intent in raising these issues is not to engage in a filibuster, although I suspect it's something that should occur because this bill is absolutely unnecessary. But in yielding time to me, Senator McGill is not attempting to enable a filibuster but to allow me to try to impress upon my colleagues the significance of taking an action that potentially amends our constitution.

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And to follow up on something that Senator Schumacher raised--and if I hadn't been yielded time, I'd yield you time, but I can't yield you a yield on a yield so--but the issue of the language of the constitution is extremely important and I hope you listened to Senator Pirsch's explanation as to why that sentence that public hunting shall be a preferred means of controlling wildlife. What does what happened in California have to do with Nebraska? You know, what are the issues in Nebraska? What do we need to protect in Nebraska? And I continue to submit to you that we don't have to protect hunting; it's already protected. We don't have to protect fishing; it's already protected. One of the reasons I asked Senator Christensen a question regarding his amendment, because I, quite frankly, didn't know what "harvesting wildlife" meant. And if it's ever the subject of a court challenge, I think somebody would have to find somewhere, someplace where that is a common term with a common usage with a common definition, just like the word "public." You know, if the intent is that private citizens be allowed to hunt animals to control them, then say it. But to say that this sentence is necessary because of one isolated event in California I maintain is ludicrous and really reveals that all of this is much ado about nothing; no threat. And I think Senator Dubas stated it too. If you want to see a bunch of HSUS advertisement in this state, advance this for purposes of putting it on the ballot, advance it. Most assuredly it will come...they will come and that blitz will come. And if you believe what Senator Fulton said, that the tide in Nebraska is shifting away from hunting and fishing, who do you think they're going to be targeting with those ads? I think if you're really concerned about preserving hunting, fishing, and harvesting wildlife, I think you defeat this amendment, you defeat this resolution. We continue to operate professionally and conscientiously in protecting and preserving the interests of the residents of this great state through the laws that we enact and that we aren't reluctant to enact... [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR COUNCIL: ...when needed. You talk about the e-mails and things you get. When we were talking about the black-tailed prairie dog the other day, I got e-mails showing, you know, a little group of little prairie dogs huddled around saying save me, save me, save me. You know, not everybody agrees with the positions we take on wildlife management. But when we believe, as a collective, that it's in the best interests of the state, we do it. And as Senator Pirsch said, if we think it's something that threatens the basic cultures and traditions and histories of this state, we won't do it. So again, my purpose of being on the mike is to ask you to seriously look at whether this step is necessary to address an issue that I'm, quite frankly, not convinced there's a problem that even exists. [LR40CA]

PRESIDENT SHEEHY: Time, Senator. Thank you, Senator Council. Senator Wallman. [LR40CA]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. There is a

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famous saying, what is there to fear but fear itself. So are we scared of losing our hunting and fishing rights? The hunters and fishers I talk to, what's their biggest concern? Access, can't seem to get access to farmers, they have these big clubs, they lease land. So their biggest concern is access to hunting. And that's the landowners fault. And so what if we do put this on the ballot? What if it fails big time? What does that send a message to us? You know, so what is there to fear? I haven't heard any complaints except landowner access. And I'd yield the rest of my time to Senator Schumacher. [LR40CA]

PRESIDENT SHEEHY: Senator Schumacher, you're yielded 4 minutes and you are next in the queue. [LR40CA]

SENATOR SCHUMACHER: Thank you, Senator Wallman. That was a bit unexpected. After my conversation with Senator Pirsch, this is why I think what we are debating and what a court may someday read out of our discourse as we were voting on there today, Nebraskans have the right to hunt, fish, and trap by traditional means subject only, but then again maybe not only, to rules that promote wildlife management and preservation of the future of hunting, fishing, and trapping. Public, but maybe private and government too, hunting, fishing, and trapping shall be one of the several preferred methods of conservation and management. And this is all subject to water diversion, irrigation, and hydroelectric uses. I think that is where we're at now. So what really does this mean? What it kind of means is that somebody is going to point those things out in an ad, particularly if there is this big organization out there that is so anxious to make those of us who believe in hunting, fishing, and trapping look bad. All of us have enjoyed the benefits of hunting, fishing, and trapping and don't want that to happen. More than once I shot jackrabbits in the cornstalks, pulled bullheads from Shell Creek, and trapped opossum in culverts. And I don't want those rules infringed by what, Senator Wallman points out, could be the result of this. By putting something that is not thought through very clearly in the very fine legal language, which courts will fret over, may end up boomeranging on us. I do have a question for Senator Pirsch quickly. [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to Senator Schumacher? [LR40CA]

SENATOR PIRSCH: I will. [LR40CA]

SENATOR SCHUMACHER: This refers to traditional means. [LR40CA]

SENATOR PIRSCH: Yes. [LR40CA]

SENATOR SCHUMACHER: Suppose in the future it's found that really a lead bullet is not the best way to kill something, we should use laser guns. Would they be permitted under this? [LR40CA]

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SENATOR PIRSCH: (Laugh) Well, I suppose there's a million and one types of futuristic types of technological expansions. But what they'll look back to, I think a court reviewing this, and assuming that it gets to a court, is they'll look back. And we had this discussion last session when we were talking about that. And if we'd essentially, I mean, we have this kind of problem just in interpreting technology changes in general, not just this provision. [LR40CA]

SENATOR SCHUMACHER: Thank you, Senator Pirsch. So maybe it would be better if we say by traditional and not so traditional means. That will give the court something more to fret over. Well, ladies and gentlemen, members of the body, this needs some work. Nobody in this body is against hunting, fishing, and trapping. What we might be against... [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR SCHUMACHER: ...is putting a fairly poorly worded constitutional amendment in there that is subject to all kinds of issues, not the least of which is the public safety of regulating shooting in public parks, trapping along public roadways, those kind of things are not covered by the "only," but then again maybe they might be covered by the "not only" provisions of this. This amendment really is not, legally speaking, the kind of stuff you want to see in the constitution. Thank you. [LR40CA]

PRESIDENT SHEEHY: And, Senator Schumacher, you are next in the queue. [LR40CA]

SENATOR SCHUMACHER: I'll yield my time to Senator Lathrop, if he's around and wants it. [LR40CA]

PRESIDENT SHEEHY: Senator Lathrop, you're yielded 4 minutes 55 seconds. [LR40CA]

SENATOR LATHROP: Thank you. And thank you, Senator Schumacher. We're on Select File. And I just, I got to tell you, I was out (laugh) in the Rotunda and I just talked to somebody from Game and Parks. And they said they've been talking to some of you folks, I'll just say people that I would regard as leaders in the Legislature, and no one is listening. And I don't understand why. You know, our job...this place is kind of like the rock tumbler. I don't know if you ever had one of those when you were a kid. You throw a rock in there and it sits in there and it tumbles around and the other grains of sand chip away at it and eventually polish it. And out pops a rock that's all polished and very attractive. And that's part of what we do. We need to polish this rock because this one...this isn't a philosophical, I'm not with the NRA thing, I am. I'd love to help out. I'd love to make this better. I didn't even realize there was an interim study on this thing.

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And this is what we got after an interim study. Guys, I can tell you we're going to eliminate the need for fishing and hunting licenses and board members are telling you that. Members, board members of the Game and Parks have told you that, we're eliminating hunting and fishing licenses in Nebraska with this. And that should be cause for concern. We're putting or making public hunting, not hunting on your own property, but public hunting the preferred means of controlling wildlife. So my friend, Senator Loudon, and the folks out in his part of the state who want to control prairie dogs, it's not they get to shoot them themselves or they get to poison them. They got to...the preferred method is going to be to open their lands up to the public to shoot these things as a management tool. I get that this is a preemption on HSUS, I get that. And I'll buy into it and I'll even vote for this thing. But we can't send it along without giving it consideration, without giving it thought, and to make sure it's not doing something we didn't intend. So Senator Loudon comes up with a management plan, his county does to control prairie dogs. And let's say they have a meeting or whatever that bill contemplates that's LB473, they have a plan, the county decides that the prairie dogs are taking over, and now we're going to poison them. We're going to throw poison down every hole in whatever county that is where they're really a problem. What's stopping me, Joe citizen with the rifle that wants to hunt these things, from coming in and enjoining, as unconstitutional, that management plan because we didn't make it the preferred method. We decided that poisoning was going to be the way we're going to get after these guys. We're doing something here that's going to have consequences. And we need to participate in the process of making this a better amendment before we take it to the people. Thank you. [LR40CA LB473]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Seeing no additional requests to speak, Senator Pirsch, you are recognized to close on AM1611. [LR40CA]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I just want to be very, very clear about that...about this point. And that is with respect to the allegation that somehow the world is going to become topsy-turvy different, that hunting licenses will no longer be required, that you can encroach on people's lands without their permission, that simply cannot happen under this language. And so the underlying purpose of this LR is to preserve and protect what exists now, and that will continue to exist. One of the things I also want to stress is that this whole LR40CA will, if passed by this Legislature, will go then to a vote of the people of the state of Nebraska. And so it will be up to the people to ultimately decide whether or not they want this language. With respect to the...well, I think I've addressed, and I hope I've addressed and we addressed all last session as well the concepts of hunting licenses no longer being required or public hunting, landowners must open up their land. There is even explicit language within it, within the bill, which is...guarantees that this does not affect any trespass laws or property rights. So I don't know how you can argue that. But be that as it may, I'll reaffirm and restate and avow that that is not the effect that will go into occurrence with this legislation. And so with that, I would ask for your support of

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AM1611. And I should point out before I close, AM1611, I think we're all behind, whether or not you're for the underlying bill or not. AM1611 simply says...makes ironclad express language that says nothing in this bill or in LR40CA shall be so construed as to affect agricultural interests or water rights. And so on that basis, I think it should be that all should vote for it. Thank you. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. You have heard the closing to AM1611 to LR40CA. The question before the body is on the adoption of AM1611. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR40CA]

CLERK: 30 ayes, 2 nays, Mr. President, on the adoption of Senator Pirsch's amendment. [LR40CA]

PRESIDENT SHEEHY: AM1611 is adopted. Anything further, Mr. Clerk? [LR40CA]

CLERK: I'm sorry, Mr. President. No, I have nothing further on the resolution. [LR40CA]

PRESIDENT SHEEHY: Further discussion on LR40CA? Senator Council. [LR40CA]

SENATOR COUNCIL: Thank you, Mr. Lieutenant Governor. Would Senator Pirsch yield to a couple of questions? [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to Senator Council? [LR40CA]

SENATOR PIRSCH: I would. [LR40CA]

SENATOR COUNCIL: The amendment that just passed, adding that language to LR40CA, does that add that language to the ballot question? [LR40CA]

SENATOR PIRSCH: The amendment would be thus part of LR40CA, and so that would be added to the ballot question. [LR40CA]

SENATOR COUNCIL: Okay. So now we're going to have this complicated ballot question that speaks to four other sections of our constitution that we presume everybody knows that in Article XV, Sections 5 through 8, there are provisions regarding water rights, correct? [LR40CA]

SENATOR PIRSCH: Well, I don't know if we're going to presume they know. I imagine there will be some talk about the ballot question before people vote on it. But probably... [LR40CA]

SENATOR COUNCIL: Okay, but the assumption is that a voter walking in to vote will have some understanding of what Article XV does and says. [LR40CA]

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SENATOR PIRSCH: I would hope. [LR40CA]

SENATOR COUNCIL: Okay. Well, I would submit to you probably there weren't two people in this body who would...could tell you what Article XV and those sections say without having pulled out the Black Book. I think we're moving to put again an issue before voters in this state that's unnecessary, an issue before the voters of this state that is confusing, conflicting, contradictory. And I guess if Senator Pirsch would yield to one other question. You made a definitive statement that if the voters passed LR40CA that it would not prohibit the state from requiring hunting and fishing license. And that's your statement, am I correct? [LR40CA]

SENATOR PIRSCH: I said the commission which regulates that would continue to have controlling authority as listed in the manner set forth. Just...so, yes, they would continue to have the ability to regulate, which includes hunting licenses. [LR40CA]

SENATOR COUNCIL: All right. And that's the question, what in the issuance of a hunting license, because I don't know, I don't have a hunting license. I've had a fishing license and I know it allows me to go out and fish. And in some places it imposes, depending on where I fish, it imposes some limits on the number of fish I can catch. But aside from that, what is it about the issuance of a fishing or a hunting license that you believe would continue to be permitted under the language of LR40CA? [LR40CA]

SENATOR PIRSCH: Well, I think they'd have to because, I mean, when I think about the logical consequences of not having hunting permits, I can't see a way to not have hunting permits and yet follow what LR40CA says must happen, and that is that the commission shall...can regulate with respect to promoting wildlife conservation and management. The two are inconsistent, not having licensing of certain...the hunting of certain animals and wildlife conservation and management and preserving the future of hunting and fishing. I could, you know, without such appropriate regulation, I think certain species may be wiped off the map in the state. [LR40CA]

SENATOR COUNCIL: Okay. But what we want to preserve is this traditional right to hunt. And I want to hunt and I go to obtain a permit to hunt. And... [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR COUNCIL: ...under existing regulations the Nebraska Game and Parks Commission can say, you know, sorry, Senator Council, we only issue X number of permits annually; you won't be permitted to hunt. That is a reasonable restriction as you see it. Is that correct, Senator Pirsch? [LR40CA]

SENATOR PIRSCH: I guess I would just say that LR40CA does not, I don't think with

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respect to ensuring a traditional right to hunt, what it says is, including by the use of traditional methods. So the term "traditional" applies to the method. And, as we talked about last session, what that means is that which is occurring at this point in time. [LR40CA]

SENATOR COUNCIL: Well, if I may, my question was referencing those who have stood supporting this bill, talking about preserving our tradition of hunting. [LR40CA]

PRESIDENT SHEEHY: Time, Senator. [LR40CA]

SENATOR COUNCIL: Thank you. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Council. Senator Lathrop. [LR40CA]

SENATOR LATHROP: Thank you, Mr. President and colleagues. Would Senator Langemeier yield to some questions? [LR40CA]

PRESIDENT SHEEHY: Senator Langemeier, would you yield to Senator Lathrop? [LR40CA]

SENATOR LANGEMEIER: I would. [LR40CA]

SENATOR LATHROP: Senator Langemeier, you're Chair of Natural Resources Committee? [LR40CA]

SENATOR LANGEMEIER: I am. [LR40CA]

SENATOR LATHROP: Okay. I have a couple of questions. Can you tell us how Game...what happens to the fees that I pay for my hunting and fishing licenses? [LR40CA]

SENATOR LANGEMEIER: They go to Game and Parks and that becomes a major part of their operating budget. [LR40CA]

SENATOR LATHROP: Can you tell us what part of hunting and fishing licenses, the revenue from that, how much of it pays for Game and Parks or what percentage of their budget is made up of fees? [LR40CA]

SENATOR LANGEMEIER: Ooh, I'd have to look that up. I... [LR40CA]

SENATOR LATHROP: Just ballpark, is it half? [LR40CA]

SENATOR LANGEMEIER: I would think it's at least half. [LR40CA]

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SENATOR LATHROP: And in round numbers, what's... [LR40CA]

SENATOR LANGEMEIER: Including park permits. [LR40CA]

SENATOR LATHROP: ...what's half mean? Okay. [LR40CA]

SENATOR LANGEMEIER: Their budget is \$60 million a year. [LR40CA]

SENATOR LATHROP: Okay. It's a big number. [LR40CA]

SENATOR LANGEMEIER: Um-hum. [LR40CA]

SENATOR LATHROP: I'm looking at LR40CA with the amendments. And what I read, and I know Senator Schumacher has done this where he's kind of tried to read what's left. And it says, we are now going to have Nebraska citizens, endow them with the right to hunt and fish. And that's only subject to rules and regulations that promote wildlife conservation. And that, in my interpretation, maybe we'll disagree, my interpretation would be you can't take small fish out of a lake, you can't take too many, you can't...you can set limits on how many, when the season is going to be, that would relate to conservation, would you agree? [LR40CA]

SENATOR LANGEMEIER: Correct, and that's what Game and Parks does now and that's what they'll continue to do, in my opinion. [LR40CA]

SENATOR LATHROP: Right. And I think that's preserved in here. [LR40CA]

SENATOR LANGEMEIER: Um-hum. [LR40CA]

SENATOR LATHROP: My concern is whether we, the Legislature, may still regulate or require that a young person go through training before they get a hunting license because that isn't conservation anymore, that's hunter safety. [LR40CA]

SENATOR LANGEMEIER: I think with the passage of LR40CA it gives you the constitutional right to hunt. I think it still has...you still have the ability through Game and Parks to make sure our hunters are out there in a safe manner, doing our conservation, to make sure we only take a certain number of animals to preserve that species. [LR40CA]

SENATOR LATHROP: Okay. And here's the distinction I'm trying to make and maybe you can disabuse me of this. But if we are giving someone a right, a constitutionally protected right to hunt subject only to conservation, which would be the number, the size, the type, which birds are in season, right? [LR40CA]

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SENATOR LANGEMEIER: Okay. [LR40CA]

SENATOR LATHROP: How do we or what have we done in LR40CA that preserves our right to regulate safety issues regarding hunting, because I now have an absolute right to do it, even if I'm 13, with no hunter safety. Do you agree with that? [LR40CA]

SENATOR LANGEMEIER: I'll look at that. That's an interesting concept. I think within hunting we still regulate the requirements to do so. And so education is under one of those requirements. And I understand your argument, saying that if it's constitutional you automatically have that right, and you can't inhibit it in any way other than the amount in which you are harvesting. [LR40CA]

SENATOR LATHROP: Exactly. And I don't know when we...if you're going to look at it, when it's going to be useful. [LR40CA]

SENATOR LANGEMEIER: We've got a long time on this bill, not only today but... [LR40CA]

SENATOR LATHROP: Oh, okay, if you think it's going to take a while... [LR40CA]

SENATOR LANGEMEIER: ...before the end of the year. [LR40CA]

SENATOR LATHROP: ...here's the analogy I would make. And that is if this constitutional amendment said you have a right to carry a gun subject only to, I don't even know what analogy I'd make to conservation, conservation measures, then somebody that tried to stop me from carrying my gun into church or into a bar or wherever we now prohibit it,... [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR LATHROP: ...would have an argument that that rule or regulation is unconstitutional because it's an absolute right. The only thing it's subject to is conservation measures. And along the way, when this first was introduced it said, subject to reasonable regulations and statutes, something like that. I thought it was relatively meaningless, but at least it was...the exception was so broad that we could require people to get licenses and regulate conservation. Now I think we've narrowed the exception to the point where we can't require licenses of people that want to hunt and fish. And that's a significant source of revenue for natural resources. And I'll give you the rest of my time to respond to that or your thoughts. [LR40CA]

SENATOR LANGEMEIER: I, personally, don't think it narrows that ability to have licenses. But the education component I think may have some merit to look at.

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[LR40CA]

SENATOR LATHROP: So is there something we can do about that before this moves on Select? [LR40CA]

SENATOR LANGEMEIER: I doubt we'll get that done today, but we'll have some discussion. [LR40CA]

PRESIDENT SHEEHY: Time, Senators. [LR40CA]

SENATOR LATHROP: Okay, thanks. [LR40CA]

RESIDENT SHEEHY: Thank you, Senator Lathrop. Senator Pirsch. [LR40CA]

SENATOR PIRSCH: Mr. President, members of the body, I appreciate the conversation, and again elements, concerns that were raised last session and addressed at that time with respect to the ability that we do now, hunting education, etcetera, that we could not regulate in that area anymore. And obviously, that's not so. First of all, with respect to the explicit language in LR40CA it says very clearly, subject to laws and regulations, not just that promote conservation management, but preserve the future of hunting and fishing. Obviously, if people were out killing each other (laugh) in the fields, that would not work consistently with this LR40CA at all. So it is entirely inconsistent with LR40CA, that idea. There are other elements in the constitution as they exist right now, Article I, Section 1, statement of rights, very first out of the gate. All persons have inalienable rights, among these are life and liberty. So that, obviously, is a constitutional right which courts and the Legislature has an ability to then act under and design positive law that would be consistent with that. Again, with all things there's a balancing test. Look at Article I, Section 1, statement of rights. Among those that exist right now is the right to keep and bear arms for security or defense of self, family, home, and others. So the right to bear arms is included. And yet this Legislature passes legislation that restricts felons from possessing firearms and other common-sense, safety-type of regulations on firearms. You can't take guns into schools, can't shoot within so many feet of a farmhouse. So I do appreciate all these concerns and comments. And, you know, I think it's important that we revisit them from last year, but they are things that have been addressed I think by LR40CA. Thank you. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. Senator Council. [LR40CA]

SENATOR COUNCIL: Yes, thank you, Mr. Lieutenant Governor. I really tried to stay off the mike on this issue because, you know, it's clear that reason and logic and rationale is being ignored. And that's the reason I hit my light, after Senator Pirsch just made this definitive statement that, obviously, obviously, preserving the future of hunting and fishing dictates that...that language dictates that we have gun safety. How he arrives at

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that, I don't know. But he's prepared to stand and unequivocally state that that's what that language means and to suggest that that issue was settled last session. I don't recall that issue being settled last session. I recall the issues being raised and ignored, if that's your definition of settled. But to preserve the future of hunting and fishing means that this body will take whatever action necessary to keep people from shooting each other and I guess hooking each other with fish hooks, which we'll do anyway, wouldn't we? But I submit to you that that language can be interpreted, I won't be as definitive as my colleague and say it would be interpreted, it can be interpreted contrary to the definitive statement that he made. And I think that Senator Lathrop raises legitimate arguments because what's being preserved there? Hunting and fishing, not hunting and fishing safely, hunting and fishing. That is just one of the problems with this constitutional amendment. In our rush to satisfy a national agenda we're willing to risk and to throw by the wayside things that are important to Nebraskans. We're willing to do that. We can't wait to do it. Yeah, there was a long debate last year. And, yes, I've given considerable thought to reintroducing the amendments that I introduced last year on this. And since we didn't get to many of those amendments, I again take issue with the fact that certain points were settled. They weren't even debated. But what apparently has been settled is that we're willing to use our constitution as a clipboard like on your computer, and we're going to post this on it for the time being until such time as someone decides to change it. Hasn't been changed up till now. You know, when I raise...I find it interesting that Senator Pirsch makes reference to the other provision of our constitution that guarantees a right to bear arms. And it says specifically for hunting and recreational use. And when I made that argument last year as being one of the bases for opposing this bill, the response was, well, that only talks about firearms. People hunt with bows... [LR40CA]

PRESIDENT SHEEHY: One minute. [LR40CA]

SENATOR COUNCIL: ...and arrows. Senator Schumacher suggested maybe a few years from now they'll be hunting with lasers. But again, listen, when the argument suits your purposes it has merit. When it doesn't suit your purposes it doesn't have merit. The argument that has merit here is that this constitutional amendment is unnecessary. Whether you'd like to have it, that's a different story. But it is unnecessary. No rights of Nebraskans are in peril or would be imperiled if this constitutional amendment wasn't placed on the ballot. And again, I just urge you to defeat LR40CA. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Council. Senator Schumacher. [LR40CA]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Something that Senator Council mentioned sparks me to ask if Senator Pirsch will yield to a question. [LR40CA]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to Senator Schumacher?

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[LR40CA]

SENATOR PIRSCH: Yes, I would. [LR40CA]

SENATOR SCHUMACHER: Senator Pirsch, are you aware of any regulation or anybody even considering managing or conserving sparrows? [LR40CA]

SENATOR PIRSCH: I guess I'm not very familiar with the current regulation of sparrows. [LR40CA]

SENATOR SCHUMACHER: Thank you, Senator Pirsch. To my knowledge, and I doubt if anyone will disagree with this, sparrows are not managed or conserved. For all of us that shot many a sparrow, it was fun. Now the only thing that we can...and shooting sparrows is hunting sparrows, so it's a protected right under this. Since no one is interested in managing or conserving the dumb birds, it's free-for-all. Now one exception that's not in these rules is regulation for public safety. So I'm a kid in north Omaha and I get my .22 out and I go hunting sparrows. I got a right to hunt sparrows because nobody is interested in managing or conserving them. That gets a little dangerous, or maybe I'm a kid who's really not hunting sparrows but hunting something else, and that's my defense, I had that gun, officer, I was in that high-crime neighborhood, officer, but I was hunting sparrows; I got a right to do that. Senator Lathrop makes a very good point, we need to roll this rock around in that device that makes a nice, clean rock before we put a jagged piece of dangerous glass before the voters and put them in the position that we find ourselves today, and that is looking like we're against hunting and fishing, when that's not at all the case, but also desiring not to do something extremely dumb. And we are leaving ourselves vulnerable for a barrage of attacks from the very people we say we're doing this to stop. This one is not ready for prime time yet. Thank you, Mr. President, members of the body. [LR40CA]

PRESIDENT SHEEHY: Thank you, Senator Schumacher. Seeing no additional requests to speak, Senator Pirsch, you're recognized for a motion. [LR40CA]

SENATOR PIRSCH: I'd move LR40CA to advance to E&R Engrossing. [LR40CA]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. The Chair says the ayes have it. Next item, Mr. Clerk. Items for the record? [LR40CA]

CLERK: Mr. President, I do, thank you. Your Committee on Government, Military and Veterans Affairs, chaired by Senator Avery, reports LB733, LB860, LB878 to General File, LB759 to General File with amendments, and LB775 indefinitely postponed. Natural Resources reports LB877 as indefinitely postponed. Those reports signed by their Chairs. (Legislative Journal pages 381-382.) [LB733 LB860 LB878 LB759 LB775]

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LB877]

Mr. President, with respect to the next bill, LB66, I have E&R amendments pending on LB66, Mr. Speaker. (ER143, Legislative Journal page 239.) [LB66]

PRESIDENT SHEEHY: Senator Flood, you're recognized for a motion. [LB66]

SPEAKER FLOOD: Mr. President, I move the E&R amendments to LB66. [LB66]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. They are adopted. [LB66]

CLERK: I have nothing further on the bill. [LB66]

PRESIDENT SHEEHY: Senator Flood, you're recognized for a motion. [LB66]

SPEAKER FLOOD: Mr. President, I move LB66 to E&R for engrossing. [LB66]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB66 advances. [LB66]

CLERK: Mr. President, LB66A, I have no amendments to the bill. [LB66A]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB66A]

SENATOR LARSON: Mr. President, I move that LB66A be advanced to E&R for engrossing. [LB66A]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB66A advances. [LB66A]

CLERK: LB415, Senator, I have no amendments to the bill. [LB415]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB415]

SENATOR LARSON: Mr. President, I move that LB415 be advanced to E&R for engrossing. [LB415]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB415 advances. [LB415]

CLERK: LB503, Senator, I have no amendments to the bill. [LB503]

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PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB503]

SENATOR LARSON: Mr. President, I move that LB503 be advanced to E&R for engrossing. [LB503]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB503 advances. Mr. Clerk, we will now move to LB216 under General File. [LB503 LB216]

CLERK: LB216, Mr. President, a bill originally introduced by Senator Coash. (Read title.) It was introduced on January 10 of last year, considered yesterday, at which time the committee amendments and Senator Coash's amendment to the committee amendments were adopted. When the Legislature left the issue, pending was Senator Pahls's amendment, AM1701. (Legislative Journal page 375.) [LB216]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Coash, would you like to give us a brief summary of LB216. [LB216]

SENATOR COASH: Yes, I would. Thank you, Mr. President. Thank you, colleagues. I'll just spend a minute here and explain what LB216 does. We had a good discussion about it yesterday. LB216 is a bill that allows owners of special interest motor vehicles, as defined in the committee amendment, to apply to the Department of Motor Vehicles on a form prescribed by them for a special interest motor vehicle plate, which would allow them to display just one plate on the rear of their vehicle. The reasons for this are pretty straightforward. Special interest motor vehicles are often built or modified to an extent where putting a front license plate on them devalues them. Many manufacturers of these newer special interest vehicles are not building their cars with front brackets. And if I can refer you, colleagues, to the handout that I gave you yesterday, you'll see that Nebraska is one of only two states that does not allow for one plate under certain circumstances. And this would put us in the company of eight other states who allow, under these circumstances, to just put one plate on there. There is an extra fee for these owners. They're not getting a free pass here, they're going to pay an extra \$50 to do that. That \$50 is to cover the cost of manufacturing the new plate and the registration cost. Half of that, however, is going to go to the Highway Trust Fund. So we're going to get a little funding for roads. If you look at the fiscal note, they anticipate that there are about 100 people who might apply for this. I think that's a very modest estimate, but only time will tell. I think I've covered that. The fiscal note I want to clarify, because I misspoke yesterday, it is \$26,250 in cash funds, and that takes care of the cost to the DMV to reprogram some of their computers. And with that, I would urge the body to advance LB216 as is. And I'll let Senator Pahls discuss his amendment. Thank you, Mr. President. [LB216]

PRESIDENT SHEEHY: Thank you, Senator Coash. Senator Pahls, would you like to

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give us a brief summary of AM1701. [LB216]

SENATOR PAHLS: Yes. Simply, for \$70, if you so choose, you can have one license plate on your car. And there is a sunset in the bill or in the amendment that sunsets it in 2017. We'd have a period of time to decide whether this is appropriate or not. One of the things I would like to make sure everyone understands because the major opposition to this is law enforcement. And I understand their point of view. The other opposition used to be Senator Chambers, when he was on this floor. What I'd like to have you think about, in 19 states apparently law enforcement can operate very efficiently in those states with one license plate. I have discussed this a little bit with some of the committee members. And they say that they feel that this is outside of what the committee had designed for this particular bill. And I want to honor that because I was told there are at least one or two bills in the...right now in their committee that they have not "Execed" on that possibly could take care of what I am pursuing. So therefore, I would like to withdraw this amendment. [LB216]

PRESIDENT SHEEHY: AM1701 is withdrawn. [LB216]

CLERK: I have nothing further pending on the bill at this time, Mr. President. [LB216]

PRESIDENT SHEEHY: Senator Coash, you're recognized to close on LB216. Oh, Senator Hansen. [LB216]

SENATOR HANSEN: Thank you, Mr. President. I was afraid my light didn't work this morning. I do want to weigh in on Senator Coash's bill that we heard last year, not we heard, I was sitting in there waiting on a bill that I had and listened to this argument too. And it's good debate that we're having here again today. I do want to tell the story about my wife's car. My wife drives a car, it's not a sports car by any means, it's not an SUV, and it's...when we bought it they called it a crossover. And a crossover is a small SUV that they use for a selling point I believe. But it's built in a foreign country. And it came without a license plate holder on the front too. So it's an aftermarket thing that the Ford Company put on that line of cars. And we put the license plate on after we registered the car. Every time my wife takes it through a wash rack it bends the license plate and it bends and bends and bends. And I straighten it out and it continues to bend. And I would like to have this put on this list too. But I don't think it's going to make the grade because it's not a...certainly not, the way she drives it, it's certainly not a classical car or anything else that Senator Coash wants these...this group of cars exempted from a front plate. I had a bill last year that I thought we ought to exempt the front plate on ag vehicles, ag and commercial. In our ag business we lose a lot of license plates on the front from cracking, from rolling up, I gave some examples, pictures in the committee for that too. But that is still in committee and doesn't have a lot of hope to get out. And Senator Pahls had the amendment, and that was for \$70 for any car and a trial too. But Senator Coash's is down to \$50 for just this smaller group of cars. Even to charge \$50

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for this smaller group of cars is certainly an example. And I think the public would pickup on this pretty quick that we are getting less for more. And that's your state government at work. Thank you, Mr. President. [LB216]

PRESIDENT SHEEHY: Thank you, Senator Hansen. Seeing no additional requests to speak, Senator Coash, you're recognized to close. [LB216]

SENATOR COASH: Thank you, Mr. President. Thank you, colleagues, for the good discussion over the last two days on LB216. I would urge the body's advancement to E&R Initial. Thank you, Mr. President. [LB216]

PRESIDENT SHEEHY: Thank you, Senator Coash. You've heard the closing. The question before the body is on the advancement of LB216. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB216]

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB216. [LB216]

PRESIDENT SHEEHY: LB216 advances. We'll now proceed to LB216A. [LB216 LB216A]

CLERK: LB216A is a bill by Senator Coash. (Read title.) Introduced on May 3 of last year, Mr. President. Referred directly to General File. I do have an amendment to the bill by Senator Coash. (AM1723, Legislative Journal page 363.) [LB216A]

PRESIDENT SHEEHY: Senator Coash, you're recognized to open on LB216A. [LB216A]

SENATOR COASH: Thank you, Mr. President and members. As we discussed on the actual bill, LB216, LB216A is a bill to appropriate the cash funds, approximately \$26,250, so that the DMV can reprogram some of their computers and also to cover the initial costs of printing these plates. Thank you, Mr. President. [LB216A LB216]

PRESIDENT SHEEHY: Thank you, Senator Coash. You've heard the opening to LB216A. An amendment on our desk, Mr. Clerk? [LB216A]

CLERK: Senator Coash would move to amend with AM1723. [LB216A]

PRESIDENT SHEEHY: Senator Coash, you're recognized to open on AM1723. [LB216A]

SENATOR COASH: Thank you, Mr. President. As this bill was heard last year, the original A bill was on last year, so as AM1723 simply changes the effective date to this next fiscal year. Thank you, Mr. President. [LB216A]

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PRESIDENT SHEEHY: Thank you, Senator Coash. You've heard the opening of AM1723 to LB216A. Seeing no requests to speak, Senator Coash waives closing. The question before the body is on the adoption of AM1723 to LB216A. All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB216A]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the amendment. [LB216A]

PRESIDENT SHEEHY: AM1723 is adopted. [LB216A]

CLERK: I have nothing further, Mr. President. [LB216A]

PRESIDENT SHEEHY: Seeing no requests to speak, Senator Coash, you're recognized to close on LB216A. Senator Coash waives closing. The question before the body is on the advancement of LB216A. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB216A]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB216A. [LB216A]

PRESIDENT SHEEHY: LB216A advances. Mr. Clerk, we now proceed to LB391. [LB216A LB391]

CLERK: LB391 is a bill introduced by Senator Schilz. (Read title.) Introduced on January 13 last year, referred to the Natural Resources Committee. The bill was advanced to General File. There are committee amendments, Mr. President. (AM683, Legislative Journal page 1035, First Session, 2011.) [LB391]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB391. [LB391]

SENATOR SCHILZ: Thank you, Mr. President. Members of the body, good morning. LB391 intends to raise awareness of the impacts of invasive species in Nebraska and creates the Nebraska Invasive Species Council to coordinate invasive species management and research within the state. The bill would assign duties to the council with the purpose and obligation to fulfill them and would provide a mechanism to report on invasive species issues to the Legislature. Duties of the proposed council would include the development of a statewide adaptive management response plan; the facilitation of communication and collaboration; assist with public outreach; and provide information to the Legislature and other interested parties on invasive species issues. The creation of this council would also provide land managers with information needed to utilize funding and resources more effectively and efficiently to reduce the impacts of invasive species on the economy of the state of Nebraska. Products and activities of the Nebraska Invasive Species Advisory Council would be advisory in nature based on the

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most current scientific evidence and not intended alone to dictate management actions or regulatory actions. Nearly 20 states have created Invasive Species Councils through legislation to aid landowners, natural resource managers, and legislators in invasive species management decisions. One issue that came up as this was going forward was not really even related to the Invasive Species Council, but rather a worry on some folks part as to whether or not domestic cats (laugh) would be involved in this bill or be defined as an invasive species. This is in no manner intended to include any domestic animals, including domesticated cats. The USDA National Invasive Species Information Center has invasive species definition clarification with guidance white paper that says, invasive species are those that are not native to the ecosystem under consideration and that cause or are likely to cause economic or environmental harm or harm to human, animal, or plant health. Plant and animal species under domestication or cultivation and under human control are not invasive species. Again, I would like to emphasize that this legislation is in no way intended to affect domesticated (laugh) cats in the state of Nebraska. This truly is serious legislation that is directed toward a very serious issue that can potentially cause millions of dollars in damage and repair to our state. Whether it's the zebra mussel or vegetation that has no native competition, these are just some of the examples of the type of organisms we're trying to address. I'll continue to work with the committee, the university, and everyone else that is interested in this bill to see it passed. And I would hope for your support on LB391. Thank you very much. [LB391]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Thank you, Senator Schilz. You've heard the opening on LB391. As the Clerk stated, there are committee amendments. Senator Langemeier, as Chairman of the Natural Resources Committee, you are recognized to open on the committee amendment. [LB391]

SENATOR LANGEMEIER: Mr. President, members of the body, the committee amendment is technical in nature. It first adds in, in the exclusionary definition of domestic pets, that clarifies that domestic pets are not considered invasive species under this bill. There was a lot of concern and a lot of e-mails out there that we may have an exotic type of a domesticated pet that might fall under this. So we clarified that. It also adds a representative of the Nebraska Association of Natural Resource Districts to the council to be a member. It also, the third thing it does, it clarifies that the membership on the council to be extended to those whose input is deemed necessary to accomplish the council's goal. Before that it was very suggestive that they had the ability to seek counsel or seek input from those individuals. This would give them the ability to add somebody on if they were working on a project that they needed that expertise. So with that, it is technical in nature. And we would ask for your adoption of the committee amendment, AM683, to LB391. Thank you. [LB391]

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PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening of the Natural Resources Committee amendment, AM683, to LB391. Member requesting to speak, Senator Sullivan. [LB391]

SENATOR SULLIVAN: Thank you, Mr. President. I wondered if Senator Schilz would yield to for a question or two. [LB391]

PRESIDENT SHEEHY: Senator Schilz, would you yield to Senator Sullivan? [LB391]

SENATOR SCHILZ: Yes. [LB391]

SENATOR SULLIVAN: Thank you, Senator. First of all, I admit maybe I'm not illiterate but define terrestrial for me. [LB391]

SENATOR SCHILZ: Terrestrial, (laugh) well, as I understand it that would mean anything that has to do on the land... [LB391]

SENATOR SULLIVAN: Okay. [LB391]

SENATOR SCHILZ: ...and aquatic would be anything that has to do with the water. [LB391]

SENATOR SULLIVAN: All right. Very good. And in that same sentence it makes reference to nonnative species. So specifically I'm asking the question about a situation like cedar trees, which certainly on rangeland that is considered very much of an invasive species. But it's native. So is this a subject that would be off the table, so to speak, in the discussion from this council? [LB391]

SENATOR SCHILZ: Well, depending on what kind of cedar you're talking about. I know that salt cedar that is... [LB391]

SENATOR SULLIVAN: No, I'm talking about red cedar,... [LB391]

SENATOR SCHILZ: Red cedar. [LB391]

SENATOR SULLIVAN: ...red cedar that grow profusely on rangeland, that I was cutting on Saturday in my pasture. [LB391]

SENATOR SCHILZ: Yeah, (laugh) and as I understand it, this bill would not necessarily address the red cedar trees. But hopefully what you...if you could get it named a noxious weed that would be even better. But I'm not sure that this bill addresses that. [LB391]

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SENATOR SULLIVAN: Okay, thank you. I still say that it is a species that is becoming very invasive and quite a problem for landowners in this state and quite a discussion on what can be done about it. So if there's any way to include this, I think it would be worthy of some consideration. Thank you. [LB391]

PRESIDENT SHEEHY: Thank you, Senator Sullivan. Senator Carlson. [LB391]

SENATOR CARLSON: Mr. President and members of the Legislature, simply as a review, and I am in support of LB391 and AM683. But some of you will remember back in 2007 this Legislature passed the Task Force for Invasive Vegetation. And we had a project, we had some state money, some General Fund dollars that were allocated at that time, \$4 million over two years, to see what kind of progress we could make in removing the unwanted and invasive vegetation from the streambeds of the Republican and the Platte Rivers. That work began in July of 2007 and is still going on today. And once the \$4 million was exhausted from the General Fund the Environmental Trust saw what was happening and liked the results and began funding it as well as NRCS, which is a federal agency, and that funding continues today. A lot of progress has been made on the Republican River and the Platte River. We have the objective and goal now in that task force of coming up on the fifth year, in 2012, of that work. We had some guarantees over a five-year period. We want to study and see where we stand on that as far as the maintenance program is concerned to continue through the future. But all that fits in to the idea of this bill. And recording what's been done in the past, cooperating and making sure as we step forward into the future, vegetation as well as other invasive species, that we've got the right program in place. And I think this is the right step in that direction. And so would also ask for your support on this bill. Thank you. [LB391]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Schilz. [LB391]

SENATOR SCHILZ: Thank you, Mr. President. And just one more thing to address Senator Sullivan's question, when and if this task force is put into place, I would see that this task force could actually take up a question like that where the red cedar would be a problem and could actually move us towards making that, if the council and interested parties and stakeholders would deem that necessary in making certain plants and certain animal species invasive and move forward in that direction. So this could be a way to address that. So I would say that if it's done correctly and we do it right, then those issues such as that could be addressed through this bill. [LB391]

PRESIDENT SHEEHY: Thank you, Senator Schilz. Seeing no additional requests to speak, Senator Langemeier, you're recognized to close on AM683. Senator Langemeier waives closing. The question before the body is on the adoption of the Natural Resources Committee amendment, AM683, to LB391. All those in favor vote yea;

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opposed, nay. Record, Mr. Clerk. [LB391]

CLERK: 36 ayes, 0 nays on adoption of committee amendments. [LB391]

PRESIDENT SHEEHY: AM683 is adopted. We'll now resume floor discussion on LB391. Senator Wallman. Senator Wallman waives. Seeing no additional requests to speak, Senator Schilz, you're recognized to close on LB391. Senator Schilz waives closing. The question before the body on the advancement of LB391. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB391]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB391. [LB391]

PRESIDENT SHEEHY: LB391 advances. Mr. Clerk, we'll now proceed to LB507. [LB391 LB507]

CLERK: LB507, a bill originally introduced by Senator Harms. (Read title.) Introduced on January 18 of 2011, referred to Health and Human Services, advanced to General File. There are Health Committee amendments pending, Mr. President. (AM670, Legislative Journal page 1412, First Session, 2011.) [LB507]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Harms, you're recognized to open on LB507. [LB507]

SENATOR HARMS: Thank you, Mr. President and colleagues. This bill would amend the Welfare Reform Act to integrate provisions allowing participants under 24 years of age to pursue a high school diploma or the graduate equivalence diploma and remain in compliance with the federal Aid to Dependent Children, which we refer to as the ADC program. It allows aligns the Nebraska rules with the federal rules for ADC participants under 20 years of age regarding participation in high school or the GED-related educational activities. Colleagues, I've always had a very strong belief that education is the surest pathway out of poverty, in fact it's the only way out of poverty. Education is essential for the future success of young people. When a family is involved, young parents pursuing an education is a key strategy for long-term economic stability. I've always been a supporter of efforts to increase access to education for participants in the Nebraska Aid for Dependent Children program. Nebraska provides several options for parents assessing our Aid to Dependent Children program to move toward self-sufficiency, such as pursuing a bachelor's degree, associate's degree, or just taking classes to receive a GED or high school diploma. Unfortunately, sometimes state and federal regulations make it difficult for young parents to receive assistance by creating barriers to their pursuit of a high school diploma or GED. And I happen to believe this is counter to the core purpose of the program, which is to move low-income families to long-term economic self-sufficiency. ADC is provided only to low-income families. For example, a single parent with a child must earn less than \$623 per month to even

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qualify. All ADC participants who are able are required to participate in work activities. Parents with children under the age of six must complete 20 hours of core work activities per week. Parents with children over the age of six must complete 30 hours per week, including 20 hours of core work activities, and no more than 10 hours of noncore activities. Currently, high school diploma and GED completion activities do not qualify as core work activities for most young ADC recipients. Most young parents receiving ADC benefits have young children under the age of six and are required to get all of their 20 hours from the core work activities. Young parents just cannot begin counting school as noncore activity until they've already reached their 20 hours of core work activities. Young parents struggle, it's almost impossible for them to balance family and school and work activities and be successful while on the ADC program. The current federal regulation or rules do not allow ADC recipients to pursue a high school diploma or a GED full time if they are over the age of 18. We need to remove this burden for young parents, have to do everything we can to help them be successful and break out of this very vicious cycle of poverty. What LB507 does, it would allow ADC recipients under the age of 24 to count the hours they spend pursuing their education, including adult basic education, English for a second language, and a high school GED program or high school program as their core activities. This would affect approximately 420 current participants. States have flexibility to provide alternative options to ADC recipients as long as at least 50 percent of the total caseload is participating successfully in a federally-approved work activity. Nebraska has the opportunity to make the most out of the other 50 percent, allowing the ADC recipients to pursue the high school diploma or the GED. This bill provides that if Nebraska's federally reported work participation rate, under the federal Temporary Assistance for Needy Families program were to fall to 55 percent, then the Department of Health and Human Services may set a reasonable limit for the number of applicants that they may use these new provisions. This is to ensure that Nebraska remains in compliance with the federal program participation rate. If the department sets a limit pursuant to this section, such limit shall be reviewed and adjusted annually to allow maximum participation and education directly related to employment. However, I don't believe it's necessary as this legislation would only have an impact of 4.6 percent. This bill would also require the Department of Health and Human Services to report annually to the Legislature. And that's spelled out very clearly, and there's a reason for that. So when it comes time, if this is approved, that you can evaluate this appropriately and you have the right information before you. What LB507 does also is sets a sunset, December 31, 2015, so that the Legislature can come back and you can evaluate whether it's successful. I've done this on more than one piece of legislation in this particular area. I think we approve these bills, colleagues, and we never, ever come back and have this discussion. We don't know whether they're being successful, whether the students are participating...not students, whether people are participating in these as students. So it's important that we have this discussion in the future. And this will force this to come forward and you have the criteria established, what we expect from Health and Human Services. So I would urge you to support this. I think our values and our prioritization has always been to

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provide appropriate education for those people who are in the ADC program. And I would urge you to support this bill. Thank you, Mr. President. Be happy to answer any questions after the amendment. Thank you. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Harms. You've heard the opening to LB507. As was stated, there is a Health and Human Services Committee amendment, AM670. Senator Campbell, you're recognized to open. [LB507]

SENATOR CAMPBELL: Thank you, Mr. President and members of the body. The committee amendment clarifies that it is the intent of the Legislature that the Department of Health and Human Services carry out the provisions of LB507 within the limits of its annual appropriations, therefore no additional General Fund dollars will be utilized. Also, the committee amendment provides that both work participation rates and caseload reduction credit contribute to achieving federal requirements and uses that as the guideline for a target work rate. Finally, the committee amendment states that if Nebraska's work participation rate does not exceed the target work rate by 10 percentage points in any month, the department may suspend the new educational allowance under LB507 until the target rate exceeds 10 percent for three consecutive months. The purpose of the committee amendment is to clarify and strengthen the provisions in LB507 to ensure the state continues to meet federal requirements of having 50 percent of ADC recipients engage in federally-qualified work activities and does not impact the General Fund. I would like to add, colleagues, that that's the formal statement from the committee. And I want to thank Senator Harms and his staff for working with us on this amendment. Nebraska has never failed to meet the federal requirement, and in most cases far exceeds it. So we do not anticipate that the trigger that would put in a temporary hold on this would ever be exercised. But should we get to that point, we felt it was necessary to put that trigger in the bill. We have done an excellent job in the state of Nebraska with the young people. And I can't imagine trying to meet those requirements of a work job without being able to also have an equal opportunity to get an education. We know most definitely that education makes such a difference in these people's lives in order to look and plan for their future and not just have a future of the present job they're in, but be able to get the education to look at other opportunities. We thank Senator Harms for bringing this bill forward. It is an extremely important bill to further the education of the young people in this system. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Campbell. You have heard the opening of the committee amendment, AM670, to LB507. Members requesting to speak: Senator Mello, followed by Senator Wightman, and Senator Council. Senator Mello. [LB507]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. And I will keep this very brief. I first think Senator Harms should be commended for his work on this issue. My first year down he actually had a bill very similar that expanded this

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program to incorporate the time length that someone could utilize to continue their higher education, to help get them toward a path of a more sustainable living job with the credentials and skills they need to be successful. LB507 takes that another step in regards to what Senator Harms, and what Senator Campbell and the HHS Committee discussed, of providing flexibility for those young Nebraskans under the age of 24, who currently, unfortunately have some difficult times right now. They may be a teen mother trying to get themselves towards a path of sustainability and trying to provide themselves a pathway out of poverty. This bill allows them to continue their education and get that GED or that high school diploma, that necessary first step that we all know is critical for them to move out of poverty into a living-wage job. Just as important, I'd like to thank Senator Campbell and the HHS Committee for their due diligence of putting together the amendment with other interested groups to ensure that this won't have a General Fund impact. I know reading through the fiscal note and the committee statement that this was a lot of work to try to fine-tune this amendment to ensure this will not have an impact obviously on our General Fund status, this will not have an impact on HHS's existing budget by the adoption of AM670. And I think that we should commend their work of the due diligence they did to ensure we kept this flexibility available for the department and for these young Nebraskans without adding to the bottom line of the state's General Fund. So without further adieu, I really would like to thank Senator Harms for continuing to bring this issue forward. It is I think important that he incorporates a sunset in the benchmarks component included in this legislation so that we can see in three years from now what are these actual results for these young Nebraskans who will become essentially eligible for the ADC program and trying to continue their education and get that GED or high school diploma. What that total impact will be, I think that's critical. It is something that we talk about in the Appropriations Committee on a regular basis, to be able to measure the success or failure of these programs. And I applaud him for adding to this component as well, this legislation. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Mello. Senator Wightman. [LB507]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I, too, want to rise to thank Senator Harms for bringing this bill. As all of us in this body knows, he's about as thoughtful as anyone can be concerning education of our youth. And we're talking here about a group of people that really need that continued education. I, too, applaud the Health and Human Services Committee for their amendment to see that no additional General Funds will be required. However, had there been General Funds required I still think I would have supported the bill. But I do think it's important. I had a bill yesterday that we talked about how much difference there is between...over a lifetime of earnings between a high school graduate and one who is not a high school graduate. And I think the figure is \$260,000 over a lifetime. So I think it is important that we perhaps not look as closely at the dollars that are going to be spent right now but we look at a vision of the future. And I think if we take into account any vision of the future it

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does become important that we see these kids get as far as they can in their education. So I will support both AM670 and LB507. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Council. [LB507]

SENATOR COUNCIL: Thank you, Mr. Lieutenant Governor. And I rise in strong support of LB507. I'm also supportive of AM670, but I had some questions and they were basically along the lines of Senator Wightman's comments. And that goes to the need to have language in this bill that says that this program would stay within the existing DHHS budget, because I am in the same place that Senator Wightman is. This legislation is so important. And the impact that it can have is so important, any incremental increase in the Department of Health and Human Services budget would be something that I would urge this body to consider. But before I ask Senator Campbell to yield, I, too, want to take this opportunity to thank Senator Harms for his work in this regard. He and I have had a number of discussions about the need to enable people to move from dependency to self-sufficiency. And I was present during Senator Wightman's testimony yesterday. And no one disagrees that research has shown us for years that your income potential depends in large measure upon your educational attainment. And without a high school diploma or at a minimum a General Equivalency Diploma, that the likelihood that you will be relegated to low-paying, dead-end positions will almost assure that you will be maintained in a cycle of poverty. And if Senator Campbell would just yield to a question, because when I saw the amendment my question was, how would or how could the program that is provided for in LB507 result in an increase in the Department of Health and Human Services budget? [LB507]

PRESIDENT SHEEHY: Senator Campbell, will you yield? [LB507]

SENATOR CAMPBELL: You know, Senator Council, I think we have to in context that when the bill was introduced and when the amendment was put together we were all embroiled in a budget discussion. And I think at this point we took the recommendation of Senator Harms and some of the people we worked and said, let's make absolutely sure and state that. You know, Senator Council, I don't think it would increase it appreciably. But I think we were just trying to be cautious as we go in the years ahead. We didn't have anything specific in mind. But I think Senator Harms and I were very concerned at that point about the budget considerations. But I couldn't point to anything specific. I would have to trust, Senator Council, and I'm on your time, I apologize,... [LB507]

SENATOR COUNCIL: Okay, that's quite fine. [LB507]

SENATOR CAMPBELL: I would have to trust that Senator Harms and I will pay attention as this program goes forward. And if we think that it is lacking in funding, then we would bring that issue back to you. [LB507]

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SENATOR COUNCIL: Okay, because that's my concern. I don't want the committee's efforts to be viewed as or taken as a signal to the Department of Health and Human Services, you know, not to actively and aggressively promote those who could benefit from participation in an educational program from doing so. And I guess I didn't see anything in any fiscal note that would imply that if we were to allow people to participate in education programs, up to what the current federal limitation is, that it would result appreciably in any increase in cost to the Department of Health and Human Services. Am I correct? [LB507]

SENATOR CAMPBELL: I think, Senator Council, you are correct. And I think what the department probably would be worried about from a financial standpoint would be whether we...if we wouldn't meet the federal requirements. [LB507]

PRESIDENT SHEEHY: One minute. [LB507]

SENATOR CAMPBELL: And so to some extent, that's why there's a trigger in there that would do that, to protect the department. But we are so far from being close to that. [LB507]

SENATOR COUNCIL: Okay, so that's what the protection is, is that there is risk of losing federal funding if we don't meet the federal standards... [LB507]

SENATOR CAMPBELL: Right. [LB507]

SENATOR COUNCIL: ...for work for ADC recipients. And what the committee's intent is, is to be sure that we stay within what the federal guidelines are, because if we go outside, then we're not going to increase the Department of Health and Human Services budget. [LB507]

SENATOR CAMPBELL: Correct. [LB507]

SENATOR COUNCIL: But, hopefully, the data that will be collected will show that there may come a point in time where we are willing to risk whatever incremental increase in federal funding associated with providing these individuals with all the tools and resources they need to be successful. So thank you very much. [LB507]

PRESIDENT SHEEHY: Time, Senator. Thank you, Senator Council. Seeing no additional requests to speak, Senator Campbell, you're recognized to close on AM670. Senator Campbell waives closing. The question before the body is on the adoption of the Health and Human Services Committee amendment, AM670. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB507]

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CLERK: 36 ayes, 0 nays, Mr. President, on adoption of committee amendments.
[LB507]

PRESIDENT SHEEHY: AM670 is adopted. We'll return to floor discussion on LB507.
Seeing no requests to speak, Senator Harms, you're recognized to close. [LB507]

SENATOR HARMS: Thank you, Mr. President. Thank you, colleagues. Senator Campbell, thank you very much. As you know, last year we struggled a little bit in regard to how we would finance this to make sure that we weren't putting a bind on our budget. I think this works very well. We will, Senator Council, we will take...I will have a great deal of interest in how this bill proceeds. And if it's passed in the future, we will monitor this to see what's happening, going on, because I think it's important. And we both know that in north Omaha this has just got a great opportunity for us, plus other parts of Nebraska. So we'll make sure this happens. And I would just thank you very much for your willingness to at least consider this. And I just simply ask that you support this bill. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Harms. You have heard the closing. The question before the body is on the advancement of LB507. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB507]

CLERK: 36 ayes, 0 nays on the advancement of the bill, Mr. President. [LB507]

PRESIDENT SHEEHY: LB507 advances. We'll now proceed to LB40. [LB507 LB40]

CLERK: LB40, introduced by Senator Hadley. (Read title.) Bill was introduced on January 6 of last year, at that time referred to the Revenue Committee, advanced to General File. There are committee amendments, Mr. President. (AM1519, Legislative Journal page 1719, First Session, 2011.) [LB40]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Hadley, you're recognized to open on LB40. [LB40]

SENATOR HADLEY: Mr. President, members of the body, there's an old saying about cats having nine lives. The good news is the issue I'm bringing hasn't died. The bad news, a bill that has twice been passed by this body still has not made it across the finish line, so I am back again. LB40 is a bill that provides the Department of Revenue clarification that it is not our intention to tax nonprofit healthcare. It provides much needed direction to our community hospitals as to what it is and isn't taxable. LB40 makes clear that nonprofit clinics owned by at least one nonprofit hospital are exempt from paying sales taxes and use taxes. At the crux of this problem, if we go back in the history to the late 1980s, there was a fear that large hospitals in the eastern part of the state would go out and start nonprofit health clinics across the state and drive local

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hospital healthcare clinics out of business. So the idea was to force them to have two owners to try and save the local hospitals and their relationships to the clinics. This committee supports this tax policy. The Legislature voted 42 to 0 in support of this issue in both 2009 and 2010. Twice this issue has come back from the Governor's Office. The first time it was called back by the Legislature at the eleventh hour so that there would be room on the green sheet for that possible estimated impact of a wind project that we did not have. I will not go into all the details other than to tell you that I agreed to allow the bill to be pulled back because I felt strongly, and still do, that jobs and investment will help us grow new revenue. Unfortunately, for many reasons including a downturn in the economy, that project didn't happen, even though our green sheet counted in the number. Hence, LB40 was put on hold. I think that's an important point right here. If you believe in our system of fiscal notes I knowingly asked the bill to come back from the Governor's Office, agreed to it because we had to balance the budget. Well, it turns out the reason that I pulled it back, the other project didn't happen. So if you believe in fiscal notes, you might say that we have about \$3 million a year more in tax revenues than we would not have had before because we did not do this and the project that was brought back, that I brought it back for did not happen also. Last year, LB420 once again made it to the finish line with overwhelming support by the Legislature. Recognizing the budget issues it came with a delayed implementation date of 2013, which promptly received a letter from the Governor that states, support for the underlying...stated, support for the underlying tax policy but opposition to the delayed implementation in light of the economic downturn. Again, I decided not to ask for a veto override because I understood the problems, the budget consideration. We need to provide our community hospitals and the Department of Revenue with clarity on tax policy regarding nonprofit healthcare. Let me give you an example. A nonprofit hospital purchases ten boxes of Band-Aids, seven boxes of Band-Aids stay at the hospital to be used and are not subject to sales and use tax. But three boxes that travel ten miles or even across the parking lot to the nonprofit clinic owned by the hospital will be assessed a sales and use tax. To me that is just utterly unbelievable from a policy standpoint that the hospital can use a Band-Aid and it's tax exempt, but the clinic that they wholly own, that's a nonprofit clinic we have to pay sales and use tax on it. The Legislature needs to eliminate the current confusion and mandate a uniform tax policy concerning nonprofit health clinics. Currently, government-owned nonprofit health clinics are exempt from sales and use tax. Both hospitals and the Department of Revenue need clarification. Hospitals are already facing a number of cuts at both the state and federal levels. By not passing LB40 we are issuing a new tax on nonprofit hospitals. In 2010 alone, hospitals provided more than \$1 billion in community benefits to Nebraska citizens. They are facing increasing costs, lower reimbursement rates, lower provider rates and we are turning around and charging sales tax. I find it ironic that we fund Medicaid and we turn around then and tax clinics on sales and use tax. We might be paying that because we are paying the Medicaid bill. It was never the intent of the Legislature to tax nonprofit healthcare. Nonprofit hospitals only recently began receiving audits on their nonprofit clinics by the Department of Revenue. The Department of Revenue rightly so began

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strict interpretation of the statute, prompted the department to assess taxes on supplies that had previously never been taxed. Hospitals are major economic drivers in communities across the state of Nebraska and employ more than 42,000 people. We need to encourage them to help us grow our economy and provide a job at the time when the state needs it most. I encourage you to vote yes on LB40 and clear up this tax policy question. Thank you, Mr. President. [LB40 LB420]

PRESIDENT SHEEHY: Thank you, Senator Hadley. You've heard the opening to LB40. As was noted, there is a Revenue Committee amendment, AM1519. Senator Cornett, you're recognized to open. [LB40]

SENATOR CORNETT: Yes, AM1519 simply strikes the enacting date from October of 2011 and inserts July of 2012. This is a technical amendment that corrects the operative date. I'd urge the body to support this. Thank you. [LB40]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the opening of the Revenue Committee amendment, AM1519. Mr. Clerk, you have an amendment to the committee amendment? [LB40]

CLERK: Senator Hadley would move to amend the committee amendments, AM1760. (Legislative Journal page 383.) [LB40]

PRESIDENT SHEEHY: Senator Hadley, you're recognized to open on AM1760. [LB40]

SENATOR HADLEY: My amendment, AM1760, merely adds the emergency clause to the bill so that we can get it enacted quickly after passage of the bill. [LB40]

PRESIDENT SHEEHY: Thank you, Senator Hadley. You've heard the opening of the amendment, AM1760. Members requesting to speak: Senator Langemeier and Senator Flood. Senator Langemeier. [LB40]

SENATOR LANGEMEIER: Mr. President, members of the body, I want to thank Senator Hadley for continuing to bring LB40 before us. I rise in support of LB40 as I have each time it's come up. And I think the fiscal note and the green sheet got in our way to allow some other projects so we brought it back. I think this year it fits within our fiscal note very well. And I think it's a priority that all of you have demonstrated you have as well as many Nebraskans. So with that, I'd ask for your support of both amendments and LB40. Thank you. [LB40]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Flood. [LB40]

SPEAKER FLOOD: Thank you, Mr. President, members. I echo what Senator Langemeier said. A couple of years ago, Senator Hadley, for the good of this body,

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allowed another bill to go forward, I believe it was LB1048, if I remember correctly, and we performed some legislative gymnastics to make that happen. And I know some of you weren't there when that happened, but Senator Hadley demonstrated statesmanship and a willingness to see this issue through on another day. And I voted for LB40 in its original form and as amended before. I'm going to vote for it again. And I want to extend my appreciation to him for recognizing the constraints we live under as it relates to our budgeting. And I look forward to this passing. I've heard the stories from Chadron and from other places in the state where this has had an impact. And I strongly believe it's the right state policy. Thank you, Mr. President. [LB40]

PRESIDENT SHEEHY: Thank you, Senator Flood. Senator Brasch. [LB40]

SENATOR BRASCH: Thank you, Lieutenant Governor. I also rise in support of AM1760 and AM1519 and LB40. I want to also add that our hospitals, as Senator Hadley had mentioned, are very valuable to our communities and particularly our rural communities. We happen to live, as most people have heard me say, right between four communities. We're very familiar with hospitals in the area. They continue to be a vital part of our population, helping our children, our elderly, and our communities. I commend them for the work they do and for Senator Hadley for carrying this bill. Thank you, Lieutenant Governor. [LB40]

PRESIDENT SHEEHY: Thank you, Senator Brasch. Senator Cornett. [LB40]

SENATOR CORNETT: Thank you. I just also rise in support. Senator Hadley has worked for a number of years on this bill. And I echo what Speaker Flood and Senator Langemeier said when they talked about that he showed great statesmanship a few years ago by pulling this bill back for the greater good at that time. I just urge the body to support this bill and thank Senator Hadley for being so persistent with it. [LB40]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Seeing no additional requests to speak, Senator Hadley, you're recognized to close on AM1760. [LB40]

SENATOR HADLEY: Mr. President, members of the body, again AM1760 just adds the emergency clause to the bill. I would ask for your support. [LB40]

PRESIDENT SHEEHY: Thank you, Senator Hadley. You have heard the closing. The question before the body is on the adoption of AM1760 to AM1519. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB40]

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of Senator Hadley's amendment to the committee amendments. [LB40]

PRESIDENT SHEEHY: AM1760 is adopted. We will now return to the Revenue

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Committee amendment, AM1519. Senator Krist. [LB40]

SENATOR KRIST: I know we're pressing the lunch time. And I know that Senator Hadley would like to see this go. And I respect the opinion of our Speaker and others. But I almost feel compelled, I am compelled to stand at the mike today and say that there are a number of commitments that we will be looking at from now until the end of the session that will draw money, money critically that needs to go to areas to restore essential services and other requirements. And I just want to remind this body that, as we continue to go down the road and we delay getting bills onto the floor that are of critical value and will require critical funding, we are nickel-and-diming ourselves towards the end of the session. With that, I wholeheartedly support the effort of LB40...I'm sorry, of AM1519 and the underlying bill. But I cautiously am guarded in terms of opening up a checkbook and nickel-and-diming ourself into the end. Thank you, colleagues. [LB40]

PRESIDENT SHEEHY: Thank you, Senator Krist. Seeing no additional requests to speak, Senator Cornett, you're recognized to close on the Revenue Committee amendment, AM1519. [LB40]

SENATOR CORNETT: Yes, again AM1519 is just a technical amendment that switches the operative date. Thank you. [LB40]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the closing. The question before the body is on the adoption of the Revenue Committee amendment, AM1519, to LB40. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB40]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB40]

PRESIDENT SHEEHY: AM1519 is adopted. We'll now return to discussion of... [LB40]

CLERK: Senator Pahls, you had filed an amendment a year ago, Senator. But I had a note that you wanted to withdraw. Thank you. I have... [LB40]

PRESIDENT SHEEHY: AM1545 is withdrawn. [LB40]

CLERK: I'm sorry, Mr. President. I have nothing further on the bill. [LB40]

PRESIDENT SHEEHY: We'll now resume floor discussion on LB40. Senator Pahls. [LB40]

SENATOR PAHLS: Thank you, Mr. President, members of the body. Of course, you all

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know where I stand on tax exemptions. You know, I love every one of them. One thing that I think that I've heard several times this morning is that we ought to have sunsets on certain bills. And to me, I would be intrigued if we would not start a little tradition today is vote for the bill, I'm not arguing that, because you can...we know where this bill is going to go, come on. We shouldn't even have to push the green light, we know what the end results are going to be. And I'm not hesitant to say that's okay. That's not the issue. But I'm looking at the impact in 2011-12 the fiscal impact will be \$2,290,000; 2012-2013 the impact will be \$2,680,000. Just think, in a year's time or in a two-year period of time how much that has increased. That happens to every one of these exemptions. And for those of you who are...think that there are other issues that we need to be addressing financially, whether it be roads, education, health, we just constantly nip away at this because now this is going to be nipping away in the future at roads, because that will have an impact on the General Fund. Again, I know that this is an important bill in a lot of people's eyes. And I'm not denying that. But one bill at a time mounts up. And for those of you who have not heard the little mantra before, that that looks like about \$3 billion a year. Least this will go on forever, unless there is a sunset. And I know there will not be a sunset to this. But that's what happens. Just look at the fiscal note for what's happening in the short period of time, ten years from now I wonder what that's going to be? Wonder what those Legislatures are going to have to be trying to cut? Some people think an exemption actually is a tax increase because somebody is going to be picking up the bill. So, you know, the Governor wants it...he has his idea on an awful lot of tax cuts this year. Perhaps if we take a look at some of the exemptions we would have our tax cut. Thank you. [LB40]

PRESIDENT SHEEHY: Thank you, Senator Pahls. Seeing no additional requests to speak, Senator Hadley, you're recognized to close on LB40. [LB40]

SENATOR HADLEY: Mr. President, members of the body, I will make it very quick. I know we're hitting the noonhour. Number one, we will have this, if we pass it today, it will come back on Select and it will sit on Select until we get the budget ready. And it will be one of those bills that is brought after we get the budget ready. So you will have plenty of time to decide where it fits in the priorities of what we're doing. Secondly, I am a firm believer that we need consistent tax policy. And if this body wants to tax nonprofit healthcare then we ought to make that statement. And those hospitals that you have out in your communities, should we start taxing them? Because that's what we're doing. That's the question that you have. I urge your support of LB40. And we will certainly, I am sure, have a discussion later on when we talk about the fiscal note and its impact on everything else that we're doing in this body. Thank you, Mr. President. [LB40]

PRESIDENT SHEEHY: Thank you, Senator Hadley. You have heard the closing. The question before the body is on the advancement of LB40. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB40]

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CLERK: 37 ayes, 0 nays on the advancement of the bill, Mr. President. [LB40]

PRESIDENT SHEEHY: LB40 advances. Mr. Clerk, do you have items for the record? [LB40]

CLERK: I do. Urban Affairs Committee, chaired by Senator McGill, reports LB786 to General File with amendments. Senator Loudon would like to print an amendment to LB498; Senator Schilz to LB391. And notice of hearing from the Revenue Committee, Mr. President. (Legislative Journal pages 384-385.) [LB786 LB498 LB391]

Priority motion: Senator Krist would move to adjourn the body until Wednesday morning, February 1, at 9:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Wednesday, February 1, at 9:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.