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Floor Debate
February 12, 2018

[LB51 LB258 LB285 LB310 LB439 LB449 LB703 LB704 LB706 LB710 LB744 LB750
LB757 LB758 LB776 LB816 LB832 LB855 LB931 LB933 LB934 LB971 LB1070 LR310
LR311 LR315]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen, and welcome to George W. Norris Legislative Chamber for the twenty-fifth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Pastor Paul Warneke of the Zion Lutheran Church in Hastings, Nebraska; Senator Halloran's district. Please rise.

PASTOR WARNEKE: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Warneke. I call to order this twenty-fifth day of One Hundred Fifth Legislature, Second Session. Senators please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any corrections to the Journal?

CLERK: I have no corrections.

PRESIDENT FOLEY: Thank you, sir. Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB258 and LB285 as correctly engrossed. Enrollment and Review also reports LB750 to Select File with Enrollment and Review amendments attached. And I have a gubernatorial appointment letter, Mr. President, on an appointment to the Climate Assessment Response Committee; that appointee will be referred to Reference. That is all that I have, Mr. President. (Legislative Journal pages 591-598.) [LB258 LB285 LB750]

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following two legislative resolutions, LR310, LR311. (Doctor of the day introduced.) Members, we'll now turn to the agenda, Select File, 2018, committee priority bill. Mr. Clerk. [LR310 LR311]

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CLERK: Mr. President, LB744, first bill this morning, no Enrollment and Review. Senator Watermeier would move to amend with AM1801. (Legislative Journal page 535.) [LB744]

PRESIDENT FOLEY: Senator Watermeier, you're recognized to open AM1801. [LB744]

SENATOR WATERMEIER: Thank you, Mr. President; good morning, Nebraska. I have a quick amendment, AM1801, to LB744. The first part of this amendment simply clarifies that members of the Legislature are subject to election qualification challenges under the Legislative Qualifications and Elections Contests Act, and not under the election statute that applied to other elected officials. The second part of the amendment just makes it clear that the petition filed to a contest, an election, or challenge the qualification of a member of the Legislature can only be filed after the general election at which the member was elected. These are two minor changes that clear up the language that could cause some confusion later on. I would ask for your support of this amendment. Thank you, Mr. President. [LB744]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Is there any debate on AM1801? Seeing none, Senator Watermeier waives close. The question before the body is the adoption of AM1801 to LB744. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB744]

CLERK: 39 ayes, 0 nays, Mr. President, on adoption of Senator Watermeier's amendment. [LB744]

PRESIDENT FOLEY: AM1801 is adopted. Anything further, Mr. Clerk? [LB744]

CLERK: I have nothing further on the bill, Mr. President. [LB744]

PRESIDENT FOLEY: Senator Wishart. [LB744]

SENATOR WISHART: Mr. President, I move to advance to LB744 to E&R for engrossing. [LB744]

PRESIDENT FOLEY: Members, you've heard the motion to advance the bill. All those in favor say aye. Those opposed say nay. LB744 advances. Moving on the agenda, Select File, 2018, senator priority bill. Mr. Clerk. [LB744]

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CLERK: Mr. President, LB757; Senator, I do have E&R amendments first of all. (ER106, Legislative Journal page 524.) [LB757]

PRESIDENT FOLEY: Senator Wishart. [LB757]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB757. [LB757]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB757]

CLERK: Senator Morfeld would move to amend with AM1830. (Legislative Journal page 564.) [LB757]

PRESIDENT FOLEY: Senator Morfeld, you're recognized to open on AM1830. [LB757]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, as you recall, this is the bill that I worked with the Attorney General's Office after the Equifax data breach exposed about 700,000 Nebraskans personal financial information and data on-line. After talking to Senator Schumacher and a few other concerned parties that wanted to work on some revisions, I put together this amendment and satisfied, I think, everyone's concerns as far as I can tell. First, the amendment does this--it makes sure that we clarify that this is limited to computerized data, so this isn't the file cabinet at the small law firm or business, or whatever the case may be, but rather computerized data. Also it ensures that the size of the business is taken into account. So if you're a really large corporation, obviously there is a higher standard of care when taking care of some of these records on-line. And then also it clarifies that this only applies to third-party contracts moving forward. So if you currently have a third-party contract with somebody to store this type of sensitive financial data, in the future this bill will only apply, once it is enacted, to third-party contracts after that. And then finally, it makes sure that this only applies to actions that the Attorney General can bring against some of these companies and doesn't create a private cause of action. With that I believe that we've resolved any concerns that any senators have brought up. In addition, we ran this by different industry partners as well. Thank you, Mr. President. [LB757]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Is there any debate on AM1830? Seeing none, Senator Morfeld, you're recognized to close on the amendment. He waives close. The question before the body is the adoption of AM1830. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please. [LB757]

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CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of Senator Morfeld's amendment. [LB757]

PRESIDENT FOLEY: AM1830 is adopted. Is there anything further on the bill, Mr. Clerk? [LB757]

CLERK: Nothing further. [LB757]

PRESIDENT FOLEY: Senator Wishart. [LB757]

SENATOR WISHART: Mr. President, I move to advance LB757 to E&R for engrossing. [LB757]

PRESIDENT FOLEY: Members, you heard the motion to advance LB757 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB757 advances. Moving on the agenda, Select File, 2018, committee priority bill. Mr. Clerk. [LB757]

CLERK: Mr. President, LB758; I have E&R amendments first of all, Senator. (ER103, Legislative Journal page 486.) [LB758]

PRESIDENT FOLEY: Senator Wishart. [LB758]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments. [LB758]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments to LB758. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB758]

CLERK: Mr. President, Senator Chambers, I have two amendments from you, Senator. You had filed a kill motion earlier. Do you want that to go first or do you want your amendment? Mr. President, Senator Chambers would move to amend with AM1866. (Legislative Journal page 599.) [LB758]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on AM1866. [LB758]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, so that you will know exactly what it is I'm proposing, I would strike all of the original sections and

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amendments to Senator Hughes's bill, and I would insert a repealer clause. That repealer clause wipes out the black-tailed prairie dog law. And I'm doing it this way because I need time to try to educate my colleagues, and if you're not going to be educated, I don't care. But that is one of the most atrocious pieces of clap trap trash I've seen in the statute books, and that's why I'm trying to get rid of it. There are no prairie dogs in the city. There are no prairie dogs in my district. I am looking out for your white constituents, your white rural constituents because not a white rural senator, or any other white senator, is interested. I'm concerned about the integrity of the law. I don't want stupid, unconstitutional, unintelligible laws on the books. Had I been here when Senator...whatever his name was, brought this originally, I would have stopped it. I would have embarrassed him; I would have embarrassed the senators. Because you all will not read, I have copied out the statutes that comprise the Black-Tailed Prairie Dog Management Act and I'm going to take you on a guided tour, step by painful step. I'm doing it this way because I have prioritized my bill. But probably there wouldn't be much discussion on it, so I would not have the chance to step by step do what I intend to do today. I probably will take the whole morning on Senator Hughes's bill. There would be a way for me to amend this motion if I wanted to. I could just strike one of the sections of statute that is being repealed. If I choose to go ahead and take it to a vote, I can still offer motions to hold up his bill. I am showing you the legislation on the books that Senator Hughes did not read and probably does not understand when he led the attack on my bill. I'm trying to rescue your constituents and rescue the Legislature from one of the dumbest pieces of claptrap that I have come across. There might be others like this, and if I find them, I will go after them. And here is a little introductory rhyme because this "Ernie gram number 25," comprises that bill, that law that I intend to try to repeal. This is the rhyme: So called conservatives, a good game they talk. Put up actions needed, they take a walk. Private property rights, such they extol. Such rights are threatened, they take a stroll. I listen to all these hypocrites on this floor talking about their conservatives. You are supposed to be interested in protecting property rights. You are supposed to be in favor of smaller government. You claim to be opposed to government overreach. You claim to be against undue regulation. And here you are opposing a proposal that will play into all of those and save your white rural constituents which you all don't have enough concern about. And I'm glad Senator Larson is here because he thought he had scored against Senator Krist when Senator Krist said that a person need not be given notice when all of this overreaching machinery goes into action. Because all Senator Larson read was the word "notice." He did not read the whole thing. Had he read, and probably his staff tried to bail him out because he needs help, god knows he needs help. This is what is stated: Notices for management of colonies shall consist of two kinds: general notice and individual notices, which notices shall be on a form prescribed by this section. And this section that they are talking about, you'll find it on the handout, is 23-3806--failure to publish general notice or to serve individual notices as provided in this section shall not relieve any person from the necessity of full compliance with the Black-Tailed Prairie Dog Management Act. That is crazy. If you don't get the notice, and the law that this dumb Legislature passed said that you don't have to be given the notice, you have to behave as though you got it. You have to file an

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answer if you want to. You have to request a hearing if you want a hearing. You have to challenge if that's what you want to do, but you got no notice. You don't know that the clock is ticking on you when some disgruntled neighbor filed a complaint against you. That disgruntled neighbor said there are prairie dogs on my neighbor's property and he does not manage them, they've migrated on to my property and I want, under this law, action to be taken. The law does not require the county board to do any individual investigating. The county board need do nothing except send out a notice if they want to. And that is strictly, strictly discretionary. So, they've got the complaint, they don't send a notice, but the 60-day clock is running. And if you don't either take action or give notice as to why you're not taking action, you are going to be fined \$100 a day for 15 days for your noncompliance. And I'm shortening it up because I'm going through it step by step, but I want to give you an overview. When that amount reaches \$1,500, it becomes a lien against your property. It is added to your taxes and it draws interest like taxes. Now, I'm not aware that the tax can be increased by a bill such as this. I thought taxes had to be levied in a certain specific statutory way. This, in effect, increases a tax without any action being taken. But let me go on. You don't pay then. It becomes a lien on your property. You still don't do anything. Your property goes into foreclosure. And if it is sold, then you're out of your property. You didn't do anything because you didn't know anything. And in the meantime, they came on your property, they destroyed crops, they spread poison everywhere and you don't know what any of this is about. But that's not all, brothers and sisters, they notify the county attorney. And the county attorney converts what was a civil matter into a criminal matter. And if you are convicted, then there is an additional fine for that conviction. They do not care about the law. Senator Louden is the one... [LB758]

PRESIDENT FOLEY: One minute. [LB758]

SENATOR CHAMBERS: ...who led these dumbbells down the path of stupidity into a morass of asininity. They want this fine to go into the Black-Tailed Prairie Dog Enforcement Fund. I added to my handout, because you don't believe me, the constitutional provision that says all fines and penalties are to be used exclusively for the common schools. These fines will not go to the common schools, they will go into the Black-Tailed Prairie Dog Enforcement Fund. That violates the constitution. A lot of things in this law will do that. I'm going to turn on my light and continue. [LB758]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Harr, you're recognized. [LB758]

SENATOR HARR: Thank you, Mr. President. Would Senator Chambers yield to a question? [LB758]

PRESIDENT FOLEY: Senator Chambers, would you yield, please? [LB758]

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SENATOR CHAMBERS: Yes. [LB758]

SENATOR HARR: Do you know what a noxious weed is? [LB758]

SENATOR CHAMBERS: Yes. [LB758]

SENATOR HARR: What is a noxious weed? [LB758]

SENATOR CHAMBERS: A noxious weed is one that is not indigenous to this state and has a deleterious impact, maybe it will choke out other vegetation or other problems, but it is not indigenous to this state and they put in place a law that allowed the total eradication of these noxious weeds. And if a person does not do so, then there are procedures to go through whereby spraying can occur. [LB758]

SENATOR HARR: And are you familiar with the Noxious Weed Act then? [LB758]

SENATOR CHAMBERS: I haven't read it in any detail, so I can't say that I'm really familiar with all of it. [LB758]

SENATOR HARR: Okay. Well, would you be surprised if I told you this bill is based on the Noxious Weed Act? [LB758]

SENATOR CHAMBERS: No, because I'm well aware of that part of it. [LB758]

SENATOR HARR: Okay. Are black-tailed ferrets (sic-black-footed ferret) a noxious weed? [LB758]

SENATOR CHAMBERS: No, they are animals. [LB758]

SENATOR HARR: Are they indigenous to this area? [LB758]

SENATOR CHAMBERS: Yes, and there were two billion of them at one time, but they've been, maybe 90 percent of them have been exterminated, but they still are indigenous wildlife in this state. [LB758]

SENATOR HARR: So we treat an indigenous animal like a noxious weed? [LB758]

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SENATOR CHAMBERS: Apparently they feel like they can, but you should not. [LB758]

SENATOR HARR: Okay. When these law enforcement agencies come on my land to inspect whether there is a noxious weed or not...or excuse me a black-tailed ferret (sic-black-footed ferret) or not, do they have a search warrant? [LB758]

SENATOR CHAMBERS: No, they not only do not have a warrant, but they don't have to be law enforcement officers. The statute says anybody that the county board chooses to send on your land can go on your land. And it doesn't say they have to be dressed a certain way. They don't have to show any badge of authority, nothing, just come on your land and start doing whatever they're going to do. [LB758]

SENATOR HARR: Do they have to have probable cause? [LB758]

SENATOR CHAMBERS: No. [LB758]

SENATOR HARR: Do they have to have any sort of evidence...evidentiary hearing before they go on my property? [LB758]

SENATOR CHAMBERS: No. [LB758]

SENATOR HARR: Okay. With that I would yield the remainder of my time to Senator Chambers. [LB758]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Chambers, 2 minutes and a half. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you Senator Harr. I am going to jump ahead of just going through this step by step, because there are some things that need to be touched on. And since Senator Harr brought me through what he did, I want to mention on page 1 of my handout the statute section is 23-383, subsection (2) talks about such management plan shall not conflict with any state management plan for black-tailed ferret, prairie dogs, or any rules or regulations adopted and promulgated pursuant to the Nongame Endangered Species Conservation Act and shall not conflict with any state or federal recovery plan for endangered or threatened species. The black-footed ferret was almost extinct, but it's coming back now. So I don't know if they listed them as endangered, but they certainly are threatened. And when you have this indiscriminate poisoning, the fact that black-footed ferrets use the burrows of these prairie dogs, that which they are doing is in violation of subsection (3) of 23-3803... [LB758]

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PRESIDENT FOLEY: One minute. [LB758]

SENATOR CHAMBERS: ...because there is at least in place by the federal government a recovery plan for the black-footed ferrets, but this that they are doing under this law that I'm talking about would conflict with that federal program. Thank you, Mr. President. [LB758]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Ebke, you're recognized. [LB758]

SENATOR EBKE: Thank you, Mr. President. While this has nothing to do with the core bill that we're discussing, I am sympathetic to Senator Chambers and his views on property rights. I got to thinking about it; if the state can enforce what you can do on your own property when it is not obviously harming someone else's property and they can do that without due process, okay? Do you really own your property then? Or are you just paying rent? And should we start thinking about property taxes as rent we pay to be able to use the state's property? This is an issue, I think, and I think that we need to think carefully about the broader implications of property rights and what we can allow the state to do with our property that we have purchased and that we are paying taxes on without giving us due process. With that in mind I would be happy to yield the rest of my time to Senator Chambers. [LB758]

PRESIDENT FOLEY: Thank you, Senator Ebke. Senator Chambers, four minutes. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President; thank you Senator Ebke. These other so-called conservatives have no interest in property rights. They don't even know what property rights are. They, like the parrot, are really quite dense. They utter words but they don't get the sense. They'll yak and yammer about government overreach, they don't even know what government overreach is. Government excessive regulation, they don't know what that is, they've been told to say that. That Platte Institute told them to say it. The "Repelican" Party told them to say it. So on this floor, they say it. And you say what does it mean? I could ask Senator Hughes what it means. He'd probably say, well I don't know what it means but there are those who do know what it means and they've told me to say this and I trust them so I'm going to say it. That is simple-minded, but that is what this Legislature will do. I wonder seriously why I waste so much time...so much of my time even being in this Legislature. Were I not a person who once I gave my word to people that I would behave in a certain way if they repose their trust in me, I would resign from this place today. I am fed up to the gills, which I don't have, fed up to the gills with the silliness of those in this Legislature, the ignorance of those in this Legislature, the pompous arrogance. If they brought their arrogance into line with their intelligence, they would sit down and be quiet and learn something. So I'm going to take this white person's law in the white person's statute books and take you step by step to show you that it violates the white people's

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constitution. It violates the cardinal principles of the so-called conservatives, those who are against, supposedly, they've been told to say they are anyway--government that is too big, excessive governmental regulation, governmental overreach. Private property rights should be respected. [LB758]

PRESIDENT FOLEY: One minute. [LB758]

SENATOR CHAMBERS: Then they can go for leaving something like this on the books. I'm going to read from the constitution, Article I, Section 3, a part of what is called the Bill of Rights of the Nebraska Constitution...Due process of law; equal protection is the caption: No person shall be deprived of life, liberty, or property without due process of law, nor be denied equal protection of the laws. How can you be deprived of your property? You can be deprived of the use of it. Somebody can come in and take it over and do what they please even against your will. When the government does it, that is depriving you of your property without due process of law. This bill is in violation of your constitution, but you don't read it. It violates the parallel provision in the U.S. Constitution, but you don't believe that. [LB758]

PRESIDENT FOLEY: Senator Chambers, time has expired, but you're next in the queue, you may continue. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. You don't accept the U.S. Constitution because that is the constitution of the U.S. "Gummet," as you say...gumment...g-u-m-m-e-n-t, gumment? Or g-u-m-m-i-t, gummit? Or guv'ment, g-u-v-apostrophe-m-e-n-t, guv'ment. That's what I hear these southerners and these people around here say guv'ment, the guv'ment, the guv'ment. And they don't like the guv'ment. The U.S. Constitution established the guv'ment, so they don't like the U.S. Constitution, except the Second Amendment. But I'm going to go on now. Simmer down my beating heart, if I had one, that's what I would say. Section 23-3806: Notices for management of colonies; form; publication; hearing; failure to comply with notice; powers of county board; costs; lien; notice to county attorney; penalty; collection, actions.--that is the caption which is not an official part of the law but it notifies you what is in it. This is what it says in subsection (1)(a): Notices for management of colonies shall consist of two kinds: General notice and individual notices, which notices shall be on a form prescribed by this section. Failure to publish general notice or to serve individual notices as provided in this section shall not relieve any person from the necessity of full compliance with the Black-Tailed Prairie Dog Management Act. You don't get the notice. The law itself says the notice doesn't have to be served. That is a conflict with other material in the law. It's self-contradictory. But dumbbells were writing it; dumbbells voted for it; dumbbells are against my effort to save you all and give you a modicum of dignity. Continuing: subdivision (b)--General notice shall be published by the county board of each county that has adopted a coordinated program for the management of

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black-tailed prairie dogs under Section 23-3803 in one or more newspapers of general circulation in the county on or before May 1 of each year, or at such other times as the county board may determine. Digressing: but, it said above that this notice doesn't have to be given. It describes general notice, but it doesn't have to be given. Subdivision (c)--Whenever any county board of a county that has adopted a coordinated program for the management of black-tailed prairie dogs under Section 23-3803 has reason to believe, based upon information or through its own investigation, that a colony or any portion of a colony has expanded onto adjacent property and the owner of the adjacent property objects to such expansion and the county board determines that it is necessary to secure more prompt or definite management of a colony than is accomplished by the general published notice, it shall cause to be served individual notice upon the owner of record of the property upon which the colony is locate at his or her last known address of recommended methods of when and how black-tailed prairie dogs are to be managed. That's what it says they should do. But it also says they don't have to give that notice. [LB758]

PRESIDENT FOLEY: One minute. [LB758]

SENATOR CHAMBERS: They don't have to publish it in the newspaper, they don't have to give the specific notice. What kind of...that ought to be enough to get you all to vote to repeal this...but it won't. So I want it all on the record to show how stupid you all are when you object to what I'm trying to do. On page 3, you see this long detailed official notice of two types. Now I'm not going to read all that on Senator Hughes's bill. I have a similar motion on another bill and that is when I will read all this stuff about the notice. I will go to page 4 of this handout. And since my time is short, right now, I will simply tell you that the catalog of the horrors I will present to you and show you even within that catalog... [LB758]

PRESIDENT FOLEY: Time, Senator. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. [LB758]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hughes. [LB758]

SENATOR HUGHES: Thank you, Mr. President; good morning, colleagues. Would like to bring us back around to the bill at hand, LB758, and just refresh your memory a little bit about what this bill does. This is the fix for the streamflow augmentation projects, known as N-CORPE and Rock Creek. The NRDs that implemented those two projects to bail the state of Nebraska out to keep us in compliance with Kansas and Colorado and the Republican River Compact, they took land out of production, diverted those irrigated acres into the Republican River in order to meet compliance. In doing so, that land came off the tax rolls...the property tax rolls. The NRDs have always paid those property taxes. But it was pointed out that they were doing it illegally, because

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basically one taxing entity cannot pay taxes to another taxing entity, so even though they were paying the taxes, they did protest those taxes through the TERC process. And they have won the TERC case and counties, of course, have appealed what LB758 does is it allows those NRDs that are paying...currently paying those property taxes to pay them in lieu of property tax so they will not risk being sued for doing what they need to do. This is a very big issue in Dundy County where the Rock Creek project is, and also in Lincoln County where the N-CORPE project is. This is very important to that corner of the state. Those two projects have allowed to keep hundreds of thousands of irrigated acres in production, thus helping the state's economy and, certainly, the local economy through irrigated production in those areas. We not only raise corn and soybeans, but sugar beets, potatoes, a lot of dry beans, many of you heard that term before, but it is a very productive region. And keeping the ability to irrigate in those...in that corner of the state is very important. So I just wanted to bring everybody back around to what LB758 actually does, and at some point this morning, hopefully, we will get to a vote on a cloture vote on this and I would certainly appreciate your help there. Thank you, Mr. President. [LB758]

PRESIDENT FOLEY: Thank you, Senator Hughes. Senator Chambers, you're recognized to close on AM1866. [LB758]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, and to put poor Senator Hughes's mind at ease, at 11:30 the quietus will be invoked and you'll get your vote. I know there is no way that this motion that I have will be adopted. I'm using this opportunity to put some things on the record with reference to my priority bill. And I'm going to debate that bill on its own merits, but I'm putting some information into the record and I'll go through it again. And if in spite of everything that you know, you vote to kill that bill, I will know that your vote is against me. And when you take out after me, then I take out after whoever does that. So I will get a list of who votes and how they vote. Remember this, what I am offering has nothing to do with my district. It has nothing to do with black people. It has to do with some principles that underlie this form of government, property rights, due process, the prohibition against private property being taken without adequate compensation and done so only pursuant to judicial action. There is no judicial involvement anywhere in all these things that I'm talking about. They are the types that ought to make your flesh crawl if you are truly a conservative. But I don't think you all even know what the term "conservative" means. You've been told that that's what you are and you will get your marching orders and you will be told what to do, when to do it, how to do it, and that is regrettable. People need to think, and that is what I'm doing. And I'm trying to stir your pure minds by reading to you the statutory language. I'm not going to be able to finish what I have to say on this motion right now. But if you don't know me by now, you'll never, never, never know me, no, you won't. So after this motion is voted down, I will be not voting and I will vote to reconsider and continue with my presentation which I describe as a guided tour through the Black-Tailed Prairie Dog Management Act. I have to give you this much, you didn't know what was in...what is in that statute. But now that you know, what are you

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going to do? That remains to be seen. And it will not happen on this bill. This is what is known in fight circles as a preliminary bout. [LB758]

PRESIDENT FOLEY: One minute. [LB758]

SENATOR CHAMBERS: The main event is yet to come. But if I lose in this effort, I'm going to take over the rest of the session and that means when you have these tax bills that are warring against each other anyway, think of all the amendments that I can offer, think of all the motions that I can file. And if you offer an amendment of your own, I can amend your amendment, which will fail, then I'll move to reconsider it. And if you vote cloture, then it means that a bill which has not been massaged, which has not been amended, which has not had anything done to it will have to move across the board. I'll do the same thing on Select File. And you all think I can't do it. [LB758]

PRESIDENT FOLEY: Time, Senator. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. [LB758]

PRESIDENT FOLEY: Thank you, Senator Chambers. Members, you heard the debate on AM1866. The question before the body is the adoption of the amendment. Senator Chambers. [LB758]

SENATOR CHAMBERS: I would ask for a call of the house and a roll call vote. [LB758]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please. [LB758]

CLERK: 20 ayes, 1 nay, Mr. President, to place the house under call. [LB758]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Waiting for Senators Watermeier, Briese, Brewer, and Groene. Senator Chambers, we're lacking Senator Briese and Senator Brewer. We'll proceed. Thank you, Senator Chambers. The question before the body is the adoption of AM1866. Roll call vote has been requested. Mr. Clerk. [LB758]

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CLERK: (Roll call vote taken, Legislative Journal page 599.) 5 ayes, 30 nays, Mr. President, on the amendment. [LB758]

PRESIDENT FOLEY: The amendment is not adopted. I raise the call. Mr. Clerk. [LB758]

CLERK: Mr. President, may I read some items? [LB758]

PRESIDENT FOLEY: Items for the record first, please. [LB758]

CLERK: Thank you. Mr. President, Business and Labor will have an Executive Session at 10:30 in room 2022; that's Business and Labor at 10:30. New resolutions: Senator Howard offers LR315; that will be laid over. Hearing notices from the Natural Resources and Transportation Committees. I have a Reference report referring gubernatorial appointees standing committee for confirmation hearing. And an amendment to be printed to LB51 by Senator Schumacher. (Legislative Journal pages 600-602.) [LR315 LB51]

Mr. President, Senator Chambers would move to reconsider the vote just taken with respect to AM1866. [LB758]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Chambers, you're welcome to open on your reconsideration motion. [LB758]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, let me read for you from this statute, agencies that right now, without this legislation, that I'm trying to get rid of, can be consulted for help. The Animal and Plant Health Inspection Service of the United States Department of Agriculture; the Game and Parks Commission; the United States Fish and Wildlife Service; and other local, state, and national agencies and organizations, public or private. There is much help available to control prairie dogs. But none of these agencies will do what this asinine law says. They would not go on people's property uninvited. They would not helter skelter spread poison throughout that person's property. They would not damage standing crops and destroy them. They would not trespass. All of those things can be done under this asinine law and there is no recourse for the landowner. None of this has any judicial involvement. Nothing in this law entitles a person to go into court. Nothing in this law gives a person a cause of action to get redress for the damage done to his or her private property without any notice even having been given, let alone a judicial order approving of such invasion, nor a warrant. Now, I'm going to go to this section that will tell you the kind of things that can happen

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to you. This would be found on page 4 of the handout. This is subdivision (3) of Section 23-3806. And I want to remind you, as I read this notice, that this is what the same law says about this notice: Failure to serve individual notices, as provided in this section, shall not relieve any person from the necessity of full compliance with this law. This provision says they don't have to give you the notice, but this is what can happen. If a landowner who received a notice pursuant to subsection 1 of this section fails to comply with the notice, the county board shall...then I'm going to give the list of horrors. Here it says the landowner has to have received it, but there is no proof that it was sent, no proof that it was received, and the law says specifically it doesn't have to be sent or received. So this that I'm reading is contradicted by what I read earlier. If a landowner has not made some action, this is what happens: (a) if upon expiration of the 60-day period specified on the notice...which you did not receive...required by subdivision (1)(d)(i) of this section, the landowner has not complied with the notice and has not requested a hearing pursuant to subsection (2) of this section; the county board may cause proper management methods to be used on such property and shall advise the record landowner of the cost incurred in connection with such operation. Now remember, you never got a notice of anything. The 60 days are running. The cost of any such management shall be at the expense of the landowner. In addition, the county board shall immediately cause notice to be filed of possible unpaid black-tailed prairie dog management assessments against the property upon which the management measures were used, and that will be filed in the register of deeds office in the county where the property is located. If unpaid for two months, the county board shall certify to the county treasurer property upon which the management measures were taken as a special assessment levied on the date of management. The county treasurer shall add such expense to and it shall become and form a part of the taxes upon such land and shall bear interest at the same rate as delinquent taxes; or if, upon the expiration of the 60-day period specified on this notice required by these subdivisions, the landowner has not complied with the notice and has not requested a hearing pursuant to subsection (2) of this section, the county board shall notify the county attorney who shall proceed against such landowner as prescribed in this subsection. A person who is responsible for an unmanaged colony shall upon conviction in a criminal action be guilty of an infraction pursuant to Sections 29-431 to 29-438, except that the penalty shall be a fine of \$100 per day for each day of violation up to a total of \$1,500 for 15 days of non-compliance. That is described as a fine. Subsection (4): This section shall not be construed to limit satisfaction of the obligation imposed by this section in whole or in part by tax foreclosure proceedings. In other words, if your property is foreclosed on, that's not the end of it. If you have been convicted in this criminal action, that is not the end of it. The expense may be collected by suit instituted for that purpose as a debt due to the county or by any other or additional remedy otherwise available. Amounts collected under this section shall be deposited to the black-tailed prairie dog management fund of the county board if such fund has been created by the county board or, if (no) such fund has been created, then to the county general fund. That was described as a fine. Let me read to you from your constitution what happens with fines. Article VII, Section 5: Except as provided in subsections (2) and (3) of this section...and

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subsections (2) and (3) dealt with the confiscation of property taken pursuant to...enforcement of drug laws. Listen to this: All fines, penalties, and licensed money arising under the general laws of the state...which this is...except fines and penalties for violations of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong to and be paid over to the counties respectively where the same may be levied or imposed. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools and the respective subdivisions where the same may accrue. Did you get that? No, because you're not listening. All such fines should be appropriated exclusively to the use and support of the common schools. But this law says: Amounts collected under this section shall be deposited to the black-tailed prairie dog management fund or the county general fund. That violates directly the constitution. That should be enough for you to get rid of this horrible law, but it won't be. [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: But I want that into the record so when you vote against doing away with it, people will know what a stupid action that is and how stupid are the ones who vote against it. And I will say you're say stupid, because you will be. Why do I use such language? Words have meaning. Language is meant to communicate. And I want to communicate a specific idea. And any law maker who swore to uphold the constitution of this state and the laws of this state who would vote to keep in place a law that violates the constitution is stupid, and also violating an oath. But that shows how I have so much control over some of you, I will get you to violate your oath, vote against your interest and the interest of this state. [LB758]

SPEAKER SCHEER: Time, Senator. You're next in the queue. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. Continuing: 23-3808--Entry upon land authorized...then I put just above that...no warrant nor proof of service. They don't have to prove that they served you notice of any of this. I'm reading from 23-3808--The county board of a county that has adopted a coordinated program for the management of black-tailed prairie dogs under Section 23-3803 or anyone authorized by the county board may enter upon property in the county for purposes of performing the duties and exercising the powers under the Black-Tailed Prairie Dog Management Act without being subject to any action for trespass or damages, including damages for destruction of growing crops, if reasonable care is exercised, and 48 hours' written advance notice of entrance is provided to the property owner or occupant. But the law already said that this notice does not have to be given. So to start out, you're never notified that your disgruntle neighbor ratted you out to the county board. You are not notified that the county board intends to take action against you. You are not notified that you can, within a certain period of time, ask for and be granted a hearing. You were not notified that if you do not

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take action within that 60-day period, then a fine begins to levy for every day you're not complying. And that fine is \$100 a day for 15 days or a total of \$1,500. If you still don't come through, this is a debt owed to the county; a lien is placed upon your property; it is added to the taxes on your property; it draws interest like the taxes on your property; and if you still don't come through, then your property goes into foreclosure. Your private property goes into tax recovery foreclosure. That is written in this statute. I see my brother Brewer is back. I probably shouldn't do anything on this and let these white people out there suffer what the Native American suffered when their land was stolen by your white forebears. But now they put it in the law and tell you how they're going to take your property and charge you with a crime. Charge you with a crime, because you're using your property in a way that doesn't violate the law. If you own property, you do not own it absolutely. You can be made to pay taxes subject to zoning and other regulatory provisions, you may be prohibited from doing certain things on that property, but there is a legal process that creates such an action and public input is allowed and the law authorizes it. You cannot use your property lawfully in a way that damages somebody else's property. But the law, because they're trying to civilize these white people, does not let you take up a gun and go over there and shoot your neighbor, you go into court and you seek an injunction. An injunction is a court order that orders somebody to do something or orders somebody to stop doing it. A court has what are called inherent powers... [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: ...and these are the powers that include the wherewithal to enforce its own orders. If the court enters that injunction and it's disobeyed, the court can cite that person with contempt. That person can be jailed until he or she complies with that injunction. That's how civilized people handle these kind of problems. Civilized law-abiding people that is. And the non-law-abiding people probably carry guns, even though they say they're law abiding. Thank you, Mr. President. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Chambers, you're recognized. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, continuing: The county attorney is then made to get involved in this trivial dispute between two neighbors. The county attorney is mandated to do this thing. The county attorney has his or her discretion removed. The law gives county attorneys the discretion as to whether and which charges to file. There might be a constitutional issue when a law attempts to take away the county attorney's discretion under these circumstances. A person has never received any notice. There has been no judicial action. So the county attorney is compelled by this law to go to that person and charge him or her with an infraction which is a crime under Nebraska law. The county attorney is forced

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to file a criminal charge. Now, if the county attorney has any sense, the county attorney will not do it. And the state is not going to take action against the county attorney, and the county board certainly cannot do anything. So you create all of these conflicts. This is really the bill...this law on the books that shows that the master race may be the master, but the master of "stupidity", imbecility, asininity. All of this that I'm telling you, and because you don't believe me, I gave you the copy of the statutes themselves; but you won't read them, all of that. And you know the only thing it takes to get all that going, a neighbor says that "Mr. B's" prairie dogs are coming on my property. The county board is not required to conduct an investigation to see if there were prairie dogs there already. They don't have to conduct an investigation to even determine that there are prairie dogs there of any kind. They don't have to determine whether the prairie dogs could have come from adjacent property other than that of the neighbor with whom this guy has a dispute. None of that is required. The disgruntled neighbor files a complaint; the county board cranks into action; all of this asininity, including a criminal charge that grew out of, allegedly, some prairie dogs straying into that person's property. It doesn't say how many prairie dogs. Suppose one, two; you don't have to show that any damage was done to your property if you're the complaining person by any prairie dog or group of prairie dogs. Do you see what I'm trying to rescue this Legislature from? You all who are sitting in this room now didn't know any of this before I brought it up. Senator Hughes, who knew nothing about it, in his ignorance he led a group of you all...not all of you, 21 of you he couldn't lead down the path of stupidity; but he led enough of you... [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: ...to prevent an action being taken that ought to be. I don't believe in slavery of any kind; that is holding a person against his or her will. I don't believe in that. The constitution makes it clear that you cannot be imprisoned for debt, that you cannot be enslaved, but you can be locked up as punishment for a crime, and that's different. But I'm going to tell you how indeed I own you all, but I don't feel guilty about it. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LB758]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. I'm almost embarrassed because...almost, not really...okay...because I look on the bottom of the material Senator Chambers handed out and it says laws 2012. That means I was here when this thing passed. Some parts of it are really pretty bad and probably teaches us a lesson of what happens when Senator Chambers isn't here and we don't parse through these really, really, really carefully. I'm sure the debate went something like, gee, prairie dogs are nuisances and some...in fact, there might even have been a picture handed out or a satellite photo of all kinds of holes out in

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somebody's ranch out in western Nebraska and I suppose we were impressed by that rather than doing what we should do, and that's read through the language to see some of the inconsistencies and some of the problems that are in this law, which according to what Senator Harr passed...or mentioned is just a ditto from an older law talking about weeds that have seeds that blow in the wind and get stuck to your shoes and get carried over to a neighbor's property, and probably written in the days before people were all too concerned about such things. But I actually did read through this today, line by line, from what Senator Chambers handed out. And I also read his little constitutional provision that talks about fines and penalties and license money goes to the support of the common schools. And all of a sudden some bells started ringing because I had heard some of this before just in the last couple of weeks here. And this paragraph says if unpaid for two month, the county board shall certify to the county treasurer the amount of such expense and the expense will become a lien on the...on the property upon which the management measures were taken as a special assessment levied as of the date of the management. The county treasurer shall add such expense to and shall become and form part of the taxes upon the land and will bear interest at the same rate as delinquent taxes. That's that 14 percent thing that we were talking about the other day. Now you read that in the context of all of our discussion the other day that the 14 percent is really a fine or a penalty that is imposed to get people to pay their taxes faster, and how it's really, really necessary to have it jacked up that way. And you read the constitution that says that it goes to the common schools. I'm wondering if this doesn't touch back on the language we had the other day that that interest rate should not go to the county, cannot be assigned to the purchaser of delinquent tax certificates, because it belongs to the common schools. So really some clever lawyer, again out there, if there are any, that's an interesting thing to take up. You might get a nice award of attorney fees if you can show that that interest belongs to the common schools because it is admittedly a penalty. Senator Chambers, would you yield to a question? [LB758]

SPEAKER SCHEER: Senator Chambers, would you please yield? [LB758]

SENATOR CHAMBERS: Yes. [LB758]

SENATOR SCHUMACHER: Senator Chambers, I'm curious, do you think the analysis I just gave has a bit of a ring to it? [LB758]

SENATOR CHAMBERS: I think it is plausible. I think there is something to it. And even though the statute may characterize it a certain way, a court would look at it to see what it actually is. And if it is a fine or a penalty, then it should go to the common schools. And if that were the finding, a court might say the... [LB758]

SPEAKER SCHEER: One minute. [LB758]

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SENATOR CHAMBERS: ...the county has to ante up whatever they had taken. [LB758]

SENATOR SCHUMACHER: Thank you, Senator Chambers. One other point, Senator Chambers said that a county attorney, using good discretion, would never bring an action under this, but in fact the law requires on anything assessed as a delinquent tax, the county attorney shall bring an action to foreclose an unpaid tax, otherwise...within 90 days of some deadline, otherwise the county attorney will be thrown out of office. Thank you, Mr. Speaker. [LB758]

SPEAKER SCHEER: Thank you, Senator Schumacher. Seeing no one else in the queue, Senator Chambers, you're welcome to close on your reconsideration motion. [LB758]

SENATOR CHAMBERS: I had spoken all my allowable times? [LB758]

SPEAKER SCHEER: Yes, Senator, you have. [LB758]

SENATOR CHAMBERS: Boy, when you're having fun. Mr. President, members of the Legislature, maybe when you heard the voice of the "Professor," your pay attention portion of your brain went into operation. But here are two things that I discovered while reading this bad law carefully. The foreclosure is one action, and there may be mandatory duties on the county attorney for that. But on the criminal side where the county attorney is ordered to file a criminal charge...see if you don't pay your taxes, that is not a criminal charge. That is not a criminal offense. You pay the delinquent taxes with the interest, and if you don't, then your property can go into foreclosure. But they cannot put you in jail, they cannot charge you with a crime. Under this law that I'm talking about, the county attorney is ordered to charge the person, the landowner with the prairie dogs, with a crime. Prairie dogs moving from property A to property B constitutes a crime. To tell you all something about wild animals, nobody is responsible personally for the damage done by a wild animal. Wild animals do not belong to the person on whose property they may be. If deer are on your property, you are not, under the law, allowed to kill them just because they're on your property. If you have a type of animal on your property which if it requires a hunting license to kill, you cannot kill it out of season. If you have an animal that is creating depredations, you can get a depredation or anti-depredation permit from Game and Parks. How do I know this when I don't hunt? I don't live in a rural areas because I can read and I pay more attention to what's happening to your constituents than you all do. You don't know how people are supposed to control these animals. I do. Part of it is because I love all living things great and small. And I know there are a lot of people in the rural areas who not only kill but encourage their children to kill and take pictures of them when they've killed something and make them proud of the fact that they took the life of an unoffending creature for fun and sport, which I deem to be immoral. That's what I deem it to be and I don't do it. But I look at related issues. You do not own wild animals. When you go to law school, to teach you something

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about property, which is a complex subject, they start with wild animals. The wild animals belong to the king and then you go from there. You can have something on property that you own which is not yours. Do you think you own the water pipes and gas lines that might go through your property? You think that? Then go out there and damage them. You think you own the air space above your property if there are power lines passing above your property or telephone lines? They can use that air space over your property. You do not own property absolutely. But within that realm where you can own this property and it's yours, the government cannot take it without due compensation and by demonstrating that it must be taken for legitimate public purpose. [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: I don't believe that a county attorney can be required to file a criminal charge. This crime that the person is being charged with is pursuant to another set of statutes found in Chapter 29 that has nothing to do with prairie dogs, has nothing to do with Game and Parks, and yet they're reaching over into Chapter 29, picking out a criminal offense and saying the county attorney shall charge the person with that criminal offense. Suppose the elements of that offense are not present. The county attorney is not to bring a charge unless he or she can prove or get a jury to convict. If the county attorney thinks he or she can't get a conviction, they don't file the charge. [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR CHAMBERS: They don't have to bring it. Now, I hope... [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR CHAMBERS: Oh, I'm sorry. I'll ask for a call of the house and a roll call vote. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. There's been a request to place the house under call. The question is shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Please record. [LB758]

CLERK: 13 ayes, 1 nay to place the house under call. [LB758]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence.

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All unauthorized personnel please leave the floor. The house is under call. Senator Hilkemann, would you check in, please. Senator Morfeld, Senator Vargas, please return to the floor. The house is under call. Senator Vargas, Senator Morfeld, please return to the floor. The house is under call. Senator Chambers, we're all accounted for other than Senator Vargas, can we go forward? Roll call vote, Mr. Clerk. [LB758]

CLERK: (Roll call vote taken, Legislative Journal pages 602-603.) 4 ayes, 27 nays, Mr. President, on the motion to reconsider. [LB758]

SPEAKER SCHEER: Reconsider motion does fail. Raise the call. Next item, Mr. Clerk. [LB758]

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone LB758. [LB758]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your motion. [LB758]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, before I continue my discussion, I want to look at something in this bill. There was an amendment offered that struck everything from the green copy and substituted the contents of AM1573. And among the items that will be required is the publishing of an annual report. I would like to ask Senator Hughes a question if he will respond. [LB758]

SPEAKER SCHEER: Senator Hughes, would you please yield? [LB758]

SENATOR HUGHES: Of course. [LB758]

SENATOR CHAMBERS: Senator Hughes, the language that I'm looking at is on page 2 of that amendment that was adopted, and it says beginning in line 5, "Any joint entity created pursuant to the Interlocal Cooperation Act or natural resources district that is operating a water augmentation project for streamflow enhancement shall publish an annual report." Why is it necessary that this report be published? [LB758]

SENATOR HUGHES: Because there were some questions from the citizenry in the areas, of just what the impacts were of what those...the interlocal...the NRDs were doing. [LB758]

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SENATOR CHAMBERS: But from the language, this will be an ongoing publication activity, isn't that correct, by saying annual? [LB758]

SENATOR HUGHES: Yes. My understanding, yes. [LB758]

SENATOR CHAMBERS: Well, if they explain it the first time, shouldn't that be enough? [LB758]

SENATOR HUGHES: The augmentation projects may pump or not pump on any given year. Currently, the augmentations projects will not pump for probably a period of 18 months. They began...the last time they were pumped I believe was last April or May, and they are not going to be pumped this summer, and probably will not have to pump this fall. So prior to this, they have always pumped. But this last year we've had a wet year, it is not a...Kansas does not need the water, so they will not have to be pumped. So the report will change depending on what the water that is needed, if there's water needed. [LB758]

SENATOR CHAMBERS: What is to be done with the report after it is present...after it is compiled? What is to be done with it? [LB758]

SENATOR HUGHES: It is to be made public...available to the public and then a record would be keeping...would be kept with the NRDs, available for future inspection. [LB758]

SENATOR CHAMBERS: Not trying to be argumentative, can you show me where it says it would be made available to the public? [LB758]

SENATOR HUGHES: I'll have to read through that a little more closely. But where it says that any... [LB758]

SENATOR CHAMBERS: And this is not a trick question. I will speak while you...see if you can locate it. I could have just read past it. [LB758]

SENATOR HUGHES: Senator Chambers, it does say shall publish an annual report. I think it's implied in that that it would be...if they are public bodies and anything they publish should be made available to the public. [LB758]

SENATOR CHAMBERS: But all that means is that they do this report, and it could be kept at some office. [LB758]

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SENATOR HUGHES: I'm sure someone would, understanding that, if they had that report available, they could ask for that. And if they refuse to give it, that's not in their best interest. [LB758]

SENATOR CHAMBERS: Oh, no, I don't think that they would refuse, I'm...and that's all I'll ask you. And then if I say anything that you'd need to respond to, I'm sure you will. There are reports and reports and reports. When the Legislature or a committee conducts a study and produces a report, they may say a copy to be sent to whomever, or whichever office or agency, or made available to the Legislature or whatever. This could be one report maintained in an office, which would mean there is no public clamor for such a report. The entity on its own ought to have a record of what it has done, and should not annually publish a report that probably nobody will be interested in, nobody will read it. There are reports that I get as a member of the Legislature. And if I have no interest in the entity that sent the report, I don't read it just for information. At my age, there's a limited amount of storage space that I have in my brain. When I was younger like these youngsters I see in front of me, my brain cells were like Velcro. Something hits it, and it sticks. Now my brain cells are more like Teflon. Nothing much will stick. If it does, it has to have a whole lot of power to impress itself on my memory. I think there are too many routinely produced reports that serve no public purpose. Anybody could obtain the information from this entity if they chose. I'm not going to try to strike that requirement. Once again, it relates to you all's interest, and particularly you all who represent the area where this legislation will come into play. I don't know if ten people here know what this bill is about. I'd like to ask Senator Riepe a question. [LB758]

SPEAKER SCHEER: Senator Riepe, would you please yield? [LB758]

SENATOR RIEPE: I would be honored. [LB758]

SENATOR CHAMBERS: Senator Riepe, what does this bill do? In essence, what is the purpose of introducing this legislation? [LB758]

SENATOR RIEPE: Well, I think this is a matter of having been a farm kid, it's like controlling noxious weeds. I think your interest is to table it, and quite frankly the bill itself is to try to gain control for ranchers and farmers over the prairie dog population. [LB758]

SENATOR CHAMBERS: No, I mean this bill that we're on now, Senator Hughes's bill, what does it do? And I'm not going to say you're wrong, I'm not going to give you a hint. What does his bill do, LB758, before I started messing with it? [LB758]

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SENATOR RIEPE: Well, his bill puts a group together for oversight of what the prairie dog, so they can control the population, best I understand it. [LB758]

SENATOR CHAMBERS: Thank you. I would like to ask Senator Hughes a question if he will respond. [LB758]

SPEAKER SCHEER: Senator Hughes, would you please yield? [LB758]

SENATOR HUGHES: Of course. [LB758]

SENATOR CHAMBERS: Senator Hughes, I had said probably ten people on this floor don't know what this bill is about and Senator Riepe has the impression it has something to do with prairie dogs, does it? [LB758]

SENATOR HUGHES: Not currently. [LB758]

SENATOR CHAMBERS: Okay. Thank you. Members of the Legislature, that wasn't to embarrass Senator Riepe, but it's to show that these bills come before us and even when people are on the floor they don't pay attention. That's how the prairie dog bill got enacted into law. Nobody listened, it made no difference, and as Senator Schumacher pointed out, he was here when that thing passed, I was not. They also got the bill that allowed hunting mountain lions to get into law when I was not here. And that person, named Loudon, persuaded the Legislature to do both of those atrocities. And I'm sure there are other things that were put into the law while I was not here. This particular provision that I questioned Senator Hughes about on the report requirement, it was...it is not essential to the bill. [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: There are other items in this bill that are not essential to what the bill purports to do. But I'm not going to take every single bill that comes through here and waste my time trying to make it do what the introducer said its purpose is because that is not a part of what my duty as a member of this Legislature is. I have assumed a responsibility to do certain things that obviously are not a part of being a senator. A duty that I have is based on what is contained in that oath. I didn't swear it, I affirmed it. I don't swear. I'm to discharge the duties of this office to the best of my ability. [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

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SENATOR CHAMBERS: Thank you, Mr. President. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Chambers, you're recognized. [LB758]

SENATOR CHAMBERS: My ability includes automatically doing what is entailed in the job. Since law making is a main function, it can be presumed that I am prepared to do the things that undergird the enactment of wise, just, needed laws, and to resist the putting into law, proposals and propositions that don't meet that standard. Senator Hughes's bill doesn't make me any difference one way or the other. I picked his bill to get even with him for what he did in leading you all down the primrose path so that you voted against getting rid of some atrocious legislation that a previous Legislature put into the books. And that brings me to the matter of my saying that I own you. You know what demonstrates that I own you? I can make you so upset on cue that you will vote against things because I'm the one who is connected to supporting it or bringing it. That has happened with me and to me ever since I've been in this Legislature. And before I got into this Legislature, you all need to know that there are bad things that happened to people of my complexion just because of our complexion. To show how widespread that hatred of my complexion is, Senator Brasch mentioned that she had a relative who was put in a boxcar to be taken to a gas chamber, I presume, or a concentration camp because his complexion. She described it as more olive than that of these other people. So that meant he was not of the master race. Our complexion is deemed by some people a curse, but I deem it a badge of pride. Despite all that people, not of my complexion try to heap on me, they cannot get me down. They cannot defeat me, they cannot discourage me, they cannot stop me from using my brain. And I can come among them and be overwhelmingly outnumbered and bring everything that they're trying to do to a halt. I am going to take a long poem that I wrote, 50-something pages and break it down into five or ten of my Ernie grams to show what I put together to stop this Legislature from enacting a stupid rule against me that would have impinged on the right and the ability of a legislator to properly represent his or her constituency. Included is at least one quote from former judge, U.S. Judge Urbom, for whom I had a lot of respect, for he mentioned me by name in connection with vigorous legislative debate. You all talk, but you don't back it up. You don't go into the belly of the beast. [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: You don't go into a courtroom that has nothing to do with you personally to try to vindicate a law or a right that does impinge on other people. I've done it. And I'll continue to do it because my standards are higher than those of people who are in this Legislature. I handed you all all that material to show the judges that I had brought to book, so to speak. That's not a part of being a legislator, but it's a part of my duty as I perceive my duty as a

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legislator. Never would I lower my standards to those of people who currently are in this Legislature in general. I wouldn't even have to show up here. I wouldn't have to crack a book. I wouldn't have to study anything and I certainly wouldn't read the constitution over and over and over. You all don't even know what's in it. [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Chambers, you're recognized. [LB758]

SENATOR CHAMBERS: Is this my final time? [LB758]

SPEAKER SCHEER: No, you still have a close left. [LB758]

SENATOR CHAMBERS: Okay. In addition to this time. Thank you. Members of the Legislature, I'm going to mess with Senator Linehan, not in any depth, but she's very concerned and interested in what happens in the schools. Others are interested, but their interest goes to the fact that property taxes underwrite the schools. Who took the time to show that fines and penalties are to be used exclusively for the support of the common schools? Senator Linehan voted against my bill that would have struck an unconstitutional provision from the law that said such fines would go into a prairie dog control fund. That violates the constitution. But you all want it to stay there. I don't. Your constitution means more to me than it does to you because it's not much, but it's the only hope that people like me have. We can try to embarrass you, try to shame you, and occasionally get a court to rule in the proper way, to get us some surcease of oppression. You all don't know anything about that. I look at the little things around here that upset you all and run you off the track. I listen to things that Senator Larson back there talks about in what he does. Suppose a black senator were a chairperson of a committee, had a bill...his bill...make it me. I'm the chairperson of a committee, I have a bill that I've introduced, and I don't present the bill, I call on my staff member to introduce my bill, and I'm sitting up there as the Chair. This is a white man, a member of the master race, one of your leaders. And not one of you said anything about it. I think it was shameful. And I read about it in the paper. What do you think people think about the rest of the Legislature? They will think that's the practice, that chairpersons have staff members introduce a bill and then will ask the staff person questions, which the staff person may not be able to answer. Other committee members probably reluctantly have to put questions to the staff member because the cowardly chairperson is sitting up there presiding, but won't take the chair that the person is to sit in who's introducing the bill. That's what Larson did. There ought to be a higher standard in this place. I shouldn't have to talk

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day after day after day about the things that I do. I'm like your master, I'm like your father. Where's your pride? Where's your dignity and your integrity? What does this Legislature mean to you? Your Legislature, when I was not here, put an asinine provision before the public to put trapping, hunting, and fishing into the constitution...into the constitution. There was a book written called original ideas or principles and it told about some idiotic people when the U.S....you wouldn't know this, the U.S. Constitution was being debated. And some simple-minded people like those in Nebraska... [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: ...wanted to put trapping, hunting, and fishing into the constitution. And a guy named Webster had the other delegates laughing, roaring with laughter and rolling in the aisles. In addition to trapping, hunting, and fishing, you should say that a person of a cold winter night who has slept a sufficient amount of time on the right-hand side is empowered under the constitution to roll over and spend the rest of the night on the left-hand side. And other silly things to show how stupid that was, and they were embarrassed enough not to put trapping, hunting, and fishing in the U.S. Constitution. I leave here. And what do you all do, those who were here? Senator Pirsch was running for Attorney General and he thought that would get him some votes by putting something before the public like that. And you know what Nebraskans will vote for. [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Baker, you're recognized. [LB758]

SENATOR BAKER: Thank you, Mr. President. Is it permissible for me to ask Senator Schumacher if he'd answer a couple questions about his testimony? [LB758]

SPEAKER SCHEER: Senator Schumacher, would you please yield? [LB758]

SENATOR SCHUMACHER: Yes, I will. [LB758]

SENATOR BAKER: Senator Schumacher, you noted that the law passed in 2012, 2338-03 or amendments of that in 2012, so what do you see as a path forward here? I mean, this...this is being addressed through a...attaching on to a water bill. What would you see is a way forward to correct the problems in this 2338-03? [LB758]

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SENATOR SCHUMACHER: Well, I don't think this bill is a vehicle to do it or even if it was, would it get done here. But I do think that Senator Chambers has prioritized the measure which these particular things could be addressed or at least worked on. [LB758]

SENATOR BAKER: Well, thank you. I yield the rest of my time to Senator Chambers. [LB758]

SPEAKER SCHEER: Senator Chambers, Three minutes, 45 seconds. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Baker. Members of the Legislature, now that that issue is before us again, I had to waste...I had to waste my priority opportunity because when I had the bill that came up in the ordinary order, you all did not vote to let it advance to Select File. I talked about these very things. And I said that I was going to fix or punish or get even with Senator Hughes and the Legislature for what it did. Not just to me. There's a person who said even the gods labor in vain against stupidity. Even the gods labor in vain against stupidity. I don't deem myself a god because what I've read about all of them, leave a great deal to be desired. I don't care whether it's spelled with a capital G, or a lower case g. All of them were simple, all of them were contradictory, and people who were simple created their gods in their own image. And since they were simple-minded, their gods are simple-minded also. But accepting the notion of what a god should be, those gods labor in vain against stupidity. And I've been doing that for 43 years. More than four decades of my life I've spent around ignorant white people. Yes. And I mean exactly what I'm saying, and read the laws, and you will see what I'm talking about. Listen to the debates on the floor of the Legislature, and you'll hear what I'm talking about. I didn't ask Senator Riepe that question to embarrass him but he's chairman of a committee and he thought that Senator Hughes's bill deals with prairie dogs, because I viced his mind, I own him. I own him to such an extent that even though we're not talking about a bill that deals with prairie dogs, that's what he thinks Senator Hughes's bill dealt with. [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: Do you think I enjoy, even though I say I do, talking to you all like this all the time? There are better things I could do with my time if I had my way. But if I did the things that I would enjoy more than being here, trash legislation would run across this floor. Even Senator Lowe had a bill and I talked and talked, and he said that he...it needed to be slowed down. But because it's me, you all have a knee-jerk reaction, and I learned, so I know that's what's going to happen, and I come prepared for it. I came prepared to take all of this morning, burn off another day. And even though Senator Baker gave me time, I've got a motion that I'm going to put on his bill which is LB710 but I'll tell him this. There is an accord that we might could reach, and we can talk about that off the mike because that will be a different thing. [LB758 LB710]

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SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR CHAMBERS: You said time? [LB758]

SPEAKER SCHEER: Time. [LB758]

SENATOR CHAMBERS: Thank you. [LB758]

SPEAKER SCHEER: Thank you, Senator Baker and Senator Chambers. Seeing no one else in the queue, you're welcome to close, Senator Chambers. [LB758]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm in a debate with myself right now. I can keep us on Senator Hughes's bill very easily until 11:30 and that's when his bill will be sprung. And I don't know how far we'll get on Senator Baker's bill. But I'll have to do some thinking as to how much time I'm going to take on his bill. It's that LB710, helping the predatory lenders. And I feel a responsibility to at least put a stumbling block in their path. But that bill will pass also. It will give Senator Baker a chance to go through his paces, and I will have a good time, because in fighting it, not only am I doing my duty, but I'm burning time off the clock. The less time we have, the less mischief can be worked, the less damage will be done. And as I've stated, I can't wait for those tax bills to get out here. And I'm going to see what the Appropriations Committee does about kicking that...the Governor's backward antiwoman position relative to Title X, get that out of that bill. That's what they should do. And that bill is amenable to many, many amendments. And I don't know how long that bill will be discussed before cloture is invoked. But if I can be ingenious enough, I can offer enough amendments so that there won't be the opportunity for other amendments to be considered. And then when you invoke cloture, you'll just have to move the bill in whatever form it's in and that's the way you'll have to enact it into law. Or don't enact it and we come back for a special session and I'll do the same thing at a special session. If I couldn't do these things, I wouldn't say it because I don't believe in bluffing. And if I'm bluffing, you could really embarrass me. But here's the funny thing, instead of trying to embarrass me by pushing me beyond what my limit is, you want to negotiate with me or see if there's anything that can be done to stop me, an 80-year-old man from taking all this time. And I have to say no, because you're not willing to do what ought to be done. Getting rid of that prairie dog bill, I'm going to say it again and again, does not benefit me at all. Not directly. It benefits me intellectually because some of the worst legislation ever enacted will be taken off the books. It does not affect city people. And I don't care about all city people. And it certainly doesn't affect black people. So this is simply an action on my part to try to help purify the statute books. Take away something that shames the Legislature. But since my colleagues don't read, they don't know that it's there. If they read, they haven't studied. They don't know that it violates the constitution in several respects. [LB758 LB710]

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SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: They don't know the meaning of private property, they don't know the meaning of due process, they don't know where fines and penalties are to go. You know now because I told you. And I didn't just tell you, I put it on that handout I gave you, straight from the constitution. The constitution told you. But that prairie dog bill, the law now, violates that provision of the constitution. But you want to keep it on the books because you'd rather let your constitution be damaged than to acknowledge that I'm right. But I'll just have to plug away. Because I think I can. I think I can. I think I can. In fact, I know that I can. And you know what I know? That I can wear you down before you can wear me out. Thank you, Mr. President. I'll ask for a call of the house and a roll call vote. Bring those other people in here and let them take their whipping too. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Please record. [LB758]

CLERK: 15 ayes, 0 nays, Mr. President, to place the house under call. [LB758]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Watermeier, Senator Morfeld, the house is under call. Senator Schmacher, would you please check in. Senator Riepe, the house is under call, would you please return to the floor. Senator Morfeld, Senator Riepe, the house is under call, please return to the floor. Senator, we're waiting on two. Is it okay to start the roll call? Senator Chambers, is it okay to start the roll call? We are still minus one member. We're all here and spoken for. Mr. Clerk. [LB758]

CLERK: (Roll call vote taken, Legislative Journal pages 603-604.) 0 ayes, 37 nays, Mr. President, on the motion to indefinitely postpone. [LB758]

SPEAKER SCHEER: The motion does fail. I raise the call. Mr. Clerk. [LB758]

CLERK: Mr. President, Senator Chambers would move to reconsider that vote. [LB758]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your reconsideration motion. [LB758]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this will take us very close to 11:30, and that's zero hour. That is when we reach the moment of truth, but not really. This bill, as far as I'm concerned, is of no consequence. If Senator Hughes hadn't done what he did, I wouldn't be doing what I'm doing and that will tip the rest of you all off. If you want to mess with me, then do so and I will play the game the way you show me you intend to play it with me. I'm something like those countries that have to fight the United States. The United States has bombs, missiles, airplanes, the fighter variety, the bombers, the transports. They have napalm. They have all of that. And they go and attack countries that cannot fight back. So the white country has to have a whole lot of company along with them, overwhelming odds in their favor. Why don't they run in and jump on Russia for what Russia might do in Ukraine or someplace else? Because Russia's got what they've got and they can dish it out and kill hundreds of civilians, as America and those who America supports did in Afghanistan, Iraq, and are doing in Syria. They don't care how much they destroy other countries. They don't care how many civilians they kill. So when I'm dealing with their progeny, I expect them to need a lot of company and have overwhelming odds. But I don't need a lot of company. I will stand and I will do what it is I think I ought to do, and I'll do it as long as I think I ought to do it, and I'll do it in the way I believe I ought to do it. And I'll do it in the way that I'm capable of doing it. I've told you that you can get Senator Hilgers to convene a session of the Rules Committee, an emergency session and adopt the rule that they think will stop me. But maybe he doesn't want to be that transparent. I didn't like it when Senator Riepe got to be Chair of the HHS Committee as he did. I didn't like whatever happened on that first day, not this session, last session. That poisoned the well. And I noted at the time that it would. But Democrat, Republican, none of that means anything to me. No party, no organization, no person or group of persons will dictate to me with reference to anything that I should do. There is one person who could dictate to me for the time being and that's one person who puts a gun to my head. That person can do some dictating, and not being crazy, I will comply. But that's not what you all have here. I am going to keep raising again and again and again that prairie dog bill and the perversion of the law that it represents. What I can't understand is why you all followed Senator Hughes, those of you who did. Why? Does he hold some special kind of mojo over you? Or is it as I say? He invoked that knee-jerk reaction you have to me. What Senator Hughes ought to do...everybody has got some of this on their desk, this hand cleaner. Since unlike Pilate there is no water that can be poured from one basin into the other and he can wash his hands and say, I'll have nothing to do with the blood of this just man, he can rub that cleanser on his hands and tell me that he'll have nothing further to do with maintaining that bad law on the books. Come on, Virginia, show me a sign, send me the signal, I'll throw you a line. That's the way it operates. But I'm going to keep us here until...not the cows come home, but until cloture is voted. I think you all enjoy better when I'm fulminating than when I'm speaking in measured tones like this. But I want to read this rhyme again because I like it. So-called conservatives, a good game they talk. Put up actions needed, they take a walk. Private property rights, such they extol. Such rights are threatened, they take a stroll. You all...now you all weren't here, some of you were. Those who were here, but you all who are here

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voted to keep this because this part that I'm reading is in the law that you all voted to keep. And it's from Section 23-3803,(2): Such management plan shall include a listing of the methods of management of colonies to be used for purposes which are consistent with the act. Taking that, if there is to be a listing but the Legislature gives no direction whatsoever, how much legislative authority is being delegated to these idiotic people? But anyway, such management plan shall not conflict with any state adopted and promulgated...any state management plan for black-tailed prairie dogs or any rules or regulations adopted and promulgated pursuant to the Nongame and Endangered Species Conservation Act and shall not conflict with any state or federal recovery plan for endangered or threatened species. And the black-footed ferret fits into one or both of those categories and yet they are endangered by the carrying out of this law. I'd like to ask Senator Hilgers a question, if he will respond. [LB758]

SPEAKER SCHEER: Senator Hilgers, would you please yield? [LB758]

SENATOR HILGERS: Absolutely. [LB758]

SENATOR CHAMBERS: Senator Hilgers, I'm not going to take you through a Socratic routine, but it says this act should not conflict with any of the acts that are listed. You don't have to read them because that's not the question. Do you see anything that says this act shall not conflict with itself, where those words are found? [LB758]

SENATOR HILGERS: I don't believe that those words are in the act. [LB758]

SENATOR CHAMBERS: If you read the language of the act, do you see at least a conflict, at least one conflict? [LB758]

SENATOR HILGERS: Which specific conflict would you be referring to, Senator Chambers? [LB758]

SENATOR CHAMBERS: Where it says in one place that notice shall be given in this manner. But then it has a specific provision saying that such notice...that failure to give such notice does not remove a person's responsibility to be subject to everything in that law. [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR HILGERS: I'm looking at 23-3806(1)(a) and I do think, Senator Chambers, that those two things would be...certainly would be inconsistent with each other. [LB758]

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SENATOR CHAMBERS: Thank you. That's all that I will ask you. The act tells you what other acts it should not conflict with, but it does conflict with itself. And notice is a very essential part of the law. It has to do with letting a person know what he or she is legally obligated under the law to do or refrain from doing. That's why if a law is ambiguous, meaning it could mean more than one thing, it is vague. It does not specify what is allowed and what is not, then it's struck down as unconstitutional because it does not give the person adequate notice. Thank you, Mr. President. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers and Senator Hilgers. (Visitors introduced.) Senator Chambers, you're recognized. [LB758]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm trying to speak in measured tones because maybe you will listen. But I don't believe you're going to listen, so I'm going to go back to the way I generally talk when I'm trying to make a point with you. I'd like to ask Senator Hughes a question if he will respond. [LB758]

SPEAKER SCHEER: Senator Hughes, would you please yield? [LB758]

SENATOR HUGHES: Of course. [LB758]

SENATOR CHAMBERS: Senator Hughes, do you think the constitution means what it says when it says all such fines, penalties and license money shall be appropriated exclusively to the use and support for the common schools? Do you think the constitution means that? [LB758]

SENATOR HUGHES: If that's indeed what the constitution says. I have not read it lately, so I'll take your word for it, yes. [LB758]

SENATOR CHAMBERS: Okay, and a copy of it is in the handout, but you might feel that maybe I falsified that copy. Now, if that is indeed...wait a minute, you haven't read it lately. Had you ever read that? [LB758]

SENATOR HUGHES: Yes, I have. [LB758]

SENATOR CHAMBERS: Then you shouldn't say you haven't read it lately, you should say, yeah, that's what it says. So you know that's what it says, don't you, because you said if indeed it says that. You know that indeed it does say all fines and penalties shall be used exclusively for the support of the common schools. You know that's in the constitution, don't you? [LB758]

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SENATOR HUGHES: I did not recall that specific language. [LB758]

SENATOR CHAMBERS: I think I better let you go. Thank you. That's all I'll ask you. Members of the Legislature, how do you know what is constitutional and what is not if you won't even read the constitution? You don't even know what's in the constitution. I don't mean you have to be aware of every section, every subsection, every article, but something as significant as a source of funds to the public schools ought to be something every senator would be familiar with. But maybe Senator Hughes is not alone. Maybe you all didn't know that. But I will tell you this, if I hand you something that is written, printed, and it cites the Nebraska Constitution, the U.S. Constitution, or a statute, I will assure you that what I write is the way it is. And if I use a quote from the constitution of those documents and I'm leaving something out, I put the three little dots. I don't know if that's calls an ellipsis, or ellipse, or what, but it's called something like that and people can look it up in the dictionary and correct me. If Larson is here, he can do it. He can run and ask one of his staff members, what is that Senator Chambers is talking about? How would you spell it? I'm going to run up there and tell him what it ought to be and I will have improved his education. You all don't need to do anything else this morning. You don't need to do anything else the rest of this session. You ought to adjourn sine die and think about it a while and then let the Governor call you back in a special session and get down to the business that really relates to the state. [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: You want to talk about taxes. I don't want to talk about taxes in the way that you want to. Somebody is offering a proposal to raise the state sales tax by a half cent. Not if I'm here and have anything to do with it. That is a tax that hits Little Orphan Annie the same way it hits Daddy Warbucks. It hits the poor person in the shelter like it hits Warren Buffet, and that is an unfair tax on its face. But these people are behaving politically and they're trying to do what they think they can get a majority of the senators to support. And I'm going to see if for the first time in my career in the Legislature I can take the budget bill to cloture. I'm going to see if I can do that. And it will be... [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers and Hughes. Senator Chambers, you're recognized. [LB758]

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SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to ask Senator Hughes another question if he will answer. [LB758]

SPEAKER SCHEER: Senator Hughes, would you please yield? [LB758]

SENATOR HUGHES: Of course. [LB758]

SENATOR CHAMBERS: Senator Hughes, if the things that I've said about that prairie dog bill are true, if they can do things on people's private property in the way that I said, if they don't have to give a landowner notice before they do it, are you going to continue opposing a bill that would repeal those provisions? [LB758]

SENATOR HUGHES: I think that the opportunity for landowners to have a pathway to stop their neighbors from infringing upon their rights, be it prairie dogs, be it noxious weeds, be it abandoned cars, I think we need to have that ability. [LB758]

SENATOR CHAMBERS: I didn't hear everything Senator Hughes said, but I think he was obfuscating. I think he said something about you should have a way to stop your neighbor from doing something or other. Is that what you said, Senator Hughes? [LB758]

SENATOR HUGHES: That's correct. We need to have rules so we all live well together. [LB758]

SENATOR CHAMBERS: And you think it's important enough to be able to go on somebody's property on the basis of an unsubstantiated complaint made to the county board, do you think that? [LB758]

SENATOR HUGHES: I think there may be a fix to this bill and that's something that I'm looking into it. [LB758]

SENATOR CHAMBERS: That's not what I asked you. [LB758]

SENATOR HUGHES: But I'm still not in favor of repealing it completely. [LB758]

SENATOR CHAMBERS: Then I don't need to ask you any other questions. Senator Hughes is going to lead you all down a primrose path again if you follow him. I did prioritize my bill. I handed you this material. Now, there is no way to fix that prairie dog bill. He wants to go along with what some ignorant person from the rural area did. And he thinks yesterday's ignorance

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should be today's knowing policy. But I'm going to make it as hard as possible for that to be the case. And if he leads you into killing my priority bill, then kiss the session goodbye and tell Senator Hughes to find a way to stop me. Let Senator Hughes give you a pathway to stop me. His position is totally unreasonable. It is unintelligent. It is simpleminded. And that's because he probably hasn't listened to anything and he's as ignorant today as he was when he led you all down the primrose path the other day. A rural person put that stupidity in the statute and he says it should stay there and you should be stupid today. Well, be stupid, stupid, and take the consequences. Stop me. That's your assignment. And there is a television program that tells you what it is. It's called Mission Impossible. In ten minutes, Senator Hughes can invoke cloture for this round and he'll be able to invoke cloture on Final Reading. But when that bill of his is on Final Reading, there are going to be bills in front of it and bills behind it. And I showed the other day what I can do with bills on Final Reading. [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: But I did not want to kill those bills by putting a motion to return it for a specific amendment. But I can think of any number of specific amendments on any one bill. If it's got ten words, I can think of ten specific amendments. And I can convert those into 20 opportunities because I will make the motion, then I will move to reconsider. So if you give me ten shots, that's really 20, multiplied by at least two, and nobody need say a word. I can take 25 minutes on each motion. So on one bill, I can get 50, f-i-f-t-y, minutes. How many 50-minute segments will it take to end a legislative day? [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR CHAMBERS: Follow Senator Hughes. I hope you follow him. [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. Was that my last time? [LB758]

SPEAKER SCHEER: Senator, there are no others in the queue and you are welcome to close on your reconsideration motion. [LB758]

SENATOR CHAMBERS: Then I guess after this I'll have to make another motion because I've got to get us to 11:30. Members of the Legislature, I'm going to go by what Senator McDonnell said. Forgive your enemies, but don't forget their names. What's happening today is going to happen again and again and again. It's going to be like that movie Groundhog Day, which I didn't

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see, but I've been told that they play the same scene over and over and over. Senator Groene, sitting down there, told me that if I keep the emphasis on what's happening to people's private property, he could support what I'm trying to do. But Senator Groene, once you get his attention, he can think and he will think. Senator Hughes, I don't think so, and I'm saying it to his face. If in light of the information he's got...oh, that's right. He didn't know what the constitution said because he hadn't read it lately. Now, I'm 80 years old. Shouldn't I be the one showing signs of dementia? Can I read something as significant as that in the constitution and not be sure that it's there? I was giving too much credit to people where I don't give much credit at all. That's what goes on around here. They don't read. These people have chairmanships of committees and don't even know what the subject matter of that committee is. It's difficult to work in a place like this. Not because it's too draining or too tiring, it's such a waste of time, such a waste of energy; beating the wall with a feather and trying to move the wall, trying to take a paper straw and push it through a steel beam. I mean, that would be easier than trying to get something into the heads of some of these people around here. But I have to demonstrate again and again, and remember this, we're going to be going to full days pretty soon, and I will tell you there are some bills that I won't take any time with at all because there will be people on both sides arguing it. Then I will join the discussion and do what I think ought to be done with the bill. But for the life of me, I don't know what it takes to make some people on this floor understand things. And I don't think Senator Hughes is alone in what he said. He doesn't want to repeal that bad legislation. He likes it. You know why? Because it's there. And since it's there, it must be good and it must have value. But I don't agree with that. How much time do I have? [LB758]

SPEAKER SCHEER: One minute, 30 seconds. [LB758]

SENATOR CHAMBERS: Am I free to use my minute and 30 seconds the way I please? I can just sit here and contemplate, can't I, the next thing that I'm going to say? [LB758]

SPEAKER SCHEER: You certainly can. [LB758]

SENATOR CHAMBERS: So he put on his thinking cap and he thought and he thought and he thought. I think when I make my next motion, I may speak very, very slowly so that people like Senator Hughes... [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: ...can understand. Why do I mention him by name? Because he separated himself from the rest of you. And you all had that lemming mentality. It's not much of anything to get you all to run along and follow behind somebody. But the one who spearheaded it, just looking back there at Senator Hughes, he doesn't look like he has that kind of power,

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which means you can't judge a book by its cover. But he sure tells me a lot about the rest of you all. Why offer you information? Why give you facts? That rhyme that I gave about these conservatives, it's true. You talk a good game and that's it. Mr. President, I will ask for a call of the house and a roll call vote. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. There has been a request to place under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed please vote nay. Please record. [LB758]

CLERK: 17 ayes, 3 nays to place the house under call. [LB758]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Kolowski, could you check in, please. Senator Vargas, could you check in, please. Senator Geist, Senator Brewer, Senator Lowe, please return to the floor. The house is under call. Senator Brewer, Senator Geist, please return to the floor. The house is under call. Senator Chambers, did you request a roll call vote? Mr. Clerk. The item before us, the reconsideration of the indefinitely postpone on LB758. [LB758]

CLERK: (Roll call vote taken, Legislative Journal page 604.) 1 aye, 43 nays, Mr. President. [LB758]

SPEAKER SCHEER: The motion to reconsider does fail. We are still under call. Mr. Clerk for a motion. [LB758]

CLERK: Mr. President, Senator Hughes would move to invoke cloture pursuant to Rule 7, Section 10. [LB758]

SPEAKER SCHEER: There has been fair and full debate according to the Chair. We will now take a cloture vote on LB758. This takes 33 positive votes. There has been a request for a roll call vote. Mr. Clerk. [LB758]

CLERK: (Roll call vote taken, Legislative Journal page 605.) 45 ayes, 1 nay, Mr. President, to invoke cloture. [LB758]

SPEAKER SCHEER: Motion is successful. The next vote is support on LB758. Been a request for a roll call vote. Mr. Clerk. [LB758]

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CLERK: (Roll call vote taken, Legislative Journal pages 605-606.) 47 ayes, 0 nays, Mr. President, on the advancement of LB758. [LB758]

SPEAKER SCHEER: LB758 is advanced to E&R Engrossing. Raise the call. Next item, Mr. Clerk. [LB758]

CLERK: Mr. President, LB710. Senator Wishart, I have E&R amendments, first of all, Senator. (ER108, Legislative Journal page 562.) [LB710]

SPEAKER SCHEER: Senator Wishart, for a motion. [LB710]

SENATOR WISHART: I move to...the adoption of the E&R amendments to LB710. [LB710]

SPEAKER SCHEER: You've heard the motion. All those in favor please say aye. All those opposed say nay. The amendments are adopted. [LB710]

CLERK: Senator Walz would move to amend with AM1763. (Legislative Journal page 529.) [LB710]

SPEAKER SCHEER: Senator Walz, you're welcome to open on your amendment. [LB710]

SENATOR WALZ: Thank you, Mr. President. This amendment delays the date the interest starts to run 30 days from the date services were provided or date of accrual. This change more closely mirrors the original statute where interest begins to run at the date of presentation. Reading through this bill, I found it unfair to start charging the consumer interest on the day they received the service even before they had received a bill. I ask for your green vote on this amendment. Thank you, Mr. President. [LB710]

SPEAKER SCHEER: Thank you, Senator Walz. Returning to debate. Seeing none, Senator Walz, you're welcome to close on AM1763. She waives closing. The question before us is the adoption of AM1763. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB710]

CLERK: 36 ayes, 0 nays on adoption of Senator Walz's amendment. [LB710]

SPEAKER SCHEER: AM1763 is adopted. [LB710]

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CLERK: Senator Chambers would move to amend with AM1867. (Legislative Journal page 606.) [LB710]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your amendment. [LB710]

SENATOR CHAMBERS: Thank you. Thank you, Mr. President. As Herman's Hermits said, this is second verse, same as the first. It would strike the original sections and all amendments thereto and insert the following new section. And that would be a repealer clause which would outright repeal Sections 23-3801 through 23-3810, which is the Black-Tailed Prairie Dog Management Act, the same thing that I had offered on Senator Hughes's bill. And when other bills come up, depending on what I think, I'm having the same amendment drafted to these bills. And I'm going to go through the same process because when the transcribers put their typewriters, whatever they use now, to work, what had been said on a prior bill, even if it's exactly what would be said on the following bill, they would not automatically type into the second bill what was said during discussion of the first bill. So, I'm going to discuss again in the time that I have today and tomorrow what I had talked about already. And I probably will have a similar amendment drafted to some of the bills that will come up tomorrow. I'm going to just hammer and hammer and hammer until I decide that enough has been done with that amendment. Then I will start offering amendments to the bill itself that may be before us, and my approach may be to offer other types of amendments and motions, then let this repealer be my fallback position. But I'm going to discuss that issue over and over and over. If Senator Erdman would agree to withdraw his tax bill, then I will stop doing what I'm doing. I'd like to ask Senator Erdman a question or two if he is in the house. [LB710]

SPEAKER SCHEER: Senator Erdman, would you please yield? [LB710]

SENATOR ERDMAN: Yes, I would. Anything for you, Senator Chambers. [LB710]

SENATOR CHAMBERS: Thank you. Senator Erdman, you have introduced a bill that relates to taxation. Is that correct? [LB710]

SENATOR ERDMAN: Property tax relief. That's correct. [LB710]

SENATOR CHAMBERS: Briefly, what would your bill do if it were enacted into law in the form that you introduced it? [LB710]

SENATOR ERDMAN: It would reduce property taxpayers' burden by 30 percent. [LB710]

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SENATOR CHAMBERS: And who has to pay property tax? [LB710]

SENATOR ERDMAN: Anyone who owns property. [LB710]

SENATOR CHAMBERS: Anyone who owns property. Does anyone who own property have certain rights protected by the constitution? [LB710]

SENATOR ERDMAN: They do, sir. [LB710]

SENATOR CHAMBERS: Would one of those rights, if you know, be that the government cannot take a person's property without due process of law and adequate compensation? [LB710]

SENATOR ERDMAN: In most cases, that's correct. [LB710]

SENATOR CHAMBERS: Now, does your bill mean much to you? [LB710]

SENATOR ERDMAN: Yes, it does. [LB710]

SENATOR CHAMBERS: On the scale of 1 to 100, how much does it mean to you with 100 being the max? [LB710]

SENATOR ERDMAN: About 150. [LB710]

SENATOR CHAMBERS: Okay, smart-ass. [LB710]

SENATOR ERDMAN: (Laughter) I didn't answer it correct. At least 100. [LB710]

SENATOR CHAMBERS: Okay. Now, have you ever bargained with anybody before in your life? [LB710]

SENATOR ERDMAN: I have. [LB710]

SENATOR CHAMBERS: Are you in a mood to bargain this morning? [LB710]

SENATOR ERDMAN: Let's see where it goes. Perhaps. [LB710]

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SENATOR CHAMBERS: Good answer. Do you think that a better use of time could be made-- and I'm not going to be offended--than what I put the time, than the way I've used the time this morning? [LB710]

SENATOR ERDMAN: You have the right to do what you did this morning. [LB710]

SENATOR CHAMBERS: I think you're the kind of man I'd like to bargain with. Senator Erdman, if you will withdraw your bill, I will not discuss prairie dogs anymore this session. Are you willing to do that? [LB710]

SENATOR ERDMAN: I am not. No, sir. [LB710]

SENATOR CHAMBERS: Thank you, Senator Erdman. [LB710]

SENATOR ERDMAN: Thank you for the time. [LB710]

SENATOR CHAMBERS: Members of the Legislature, when there are things that mean something to us, we are not willing to relinquish them. So I cannot leave this issue alone. And you can punish me if that's what you want to try to do when my bill, LB449, comes up. That's my priority bill. The sole purpose that it has is to repeal that prairie dog law. You can kill it. I'm doing what I'm doing because when my bill actually comes up, I would not offer motions on my own bill. Too much needs to be said for me to be able to say it in the amount of time I may be allotted. Maybe nobody else would speak on the bill. So once I spoke my allotted times and closed, then a vote would be taken. But I want to be sure that the record is replete with information, explanations, citations, quotations, and yet, you will not do the right thing. You will not do the right thing. In order for any law to be enacted, it has to replace something that is already in the statute books. If there is a law on the books that says one, two, three, four, five, and you introduced a bill that said one, two, three, four, five, that wouldn't even be given a hearing or given consideration because it is not amending anything. It is not offering anything new. And that's what has to be done before a proposition would be allowed to have a hearing, be sent to the floor, or even killed. So any bill that anybody brings contains language that either repeals existing statutory material or modifies it. That's what I'm doing with my LB449. I am trying to cleanse the statute books and I don't know if people paid attention, but I told you that at 11:30 the time would be here for that motion to be made. I ended what I had to say and asked for a call of the house at 11:28. So when 11:30 struck... [LB710 LB7449]

SPEAKER SCHEER: One minute. [LB710]

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SENATOR CHAMBERS: ...it was just about the time that was necessary to have been reached before that cloture motion could be made. Now what is before me is to carry us to the point where we adjourn for the day, unless I have miscalculated and we're going to have all day sessions starting today, which wouldn't bother me because that would mean that I don't have to go to the Judiciary Committee this afternoon. Oh, that's right, those meetings go so long, I was thinking we meet five days a week because we meet when the Legislature is not even in session. Okay. Well, Senator Albrecht, I'll probably be with you today, I think. [LB710]

SPEAKER SCHEER: Time, Senator. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President. [LB710]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Chambers, you're recognized. [LB710]

SENATOR CHAMBERS: As Shakespeare would say, parting is such sweet sorrow. You should emphasize the sweet because there will be enough sorrow on other occasions. Senator Linehan has a bill that I think is good. It relates to reading and there are other bills that I'm familiar with, but all will have to go when the wagon comes and I'm going to be riding this wagon quite a bit. One thing that slowed me down today was my exchange with Senator Hughes. I won't have an exchange with him because his bill is out of the way for now. On Final Reading he and I will probably chat a bit and even if offering a motion to bring the bill back for a specific amendment will take it off Final Reading, on his bill, that's what I'm going to do. And I don't even care about the bill. I care about what he did. But he showed again today he doesn't read anything. As long as he's been around, as long as he's been bellyaching about property taxes and supporting the school system, he didn't even know that fines and penalties are to be used exclusively for the upkeep and support of the common schools. Maybe others didn't know that either. So my job is going to have to be one of educating. Maybe I will bring the constitution in here and start at Article I, Section 1, and we will have a little educating to improve some educations and I think that Senator Ebke might, in spite of herself, join a discussion of that kind. But I am not going to let people in this Legislature be as lacking in knowledge when they leave as they were when they came here. The benefit of being in a place like this is that we can learn from each other. I learn from some of you. There are things you all know that I don't know, that I wouldn't take the time to research just on my own because I'm curious about them. It comes up on the floor and has happened the last day we were here. I was trying to get information from Senator Friesen about these bridges that are out in the country and I did get a phone call from a man who was watching our discussions. And when his bill comes up again, I will share with him the information that the man gave to me. And it's not anything necessarily that will give him heartburn. It might be even something that more or less agrees or doesn't disagree entirely with what he has been advocating for that

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bill. I am not opposed to every bill. I voted to advance Senator Hughes's bill. If I was like him, I would have voted against it just because his name is on it. But I think it's harmless. It's not going to do that much good. Let me say this, it's not going to make that much difference. So I have succeeded this morning in burning off a day, taking Senator Hughes's bill to Final Reading and by any reckoning, when you have two things in mind that you're going to do... [LB710]

SPEAKER SCHEER: One minute. [LB710]

SENATOR CHAMBERS: ...and you achieve both of them, that's called batting a thousand. That's good in anybody's league. So if I could do this on a ball diamond, baseball diamond, I could have my pick of teams that I would play for. They'd pay me millions of dollars just to hit a ball with a stick. A grown man playing a child's game becoming a multimillionaire. But that's the way things go in America. So I'm going to see if I have one more opportunity to talk or if I should close. [LB710]

SPEAKER SCHEER: Thank you, Senator Chambers. Mr. Clerk. Read across, please. [LB710]

CLERK: Mr. President, Education Committee, chaired by Senator Groene, reports LB1070 to General File. Health Committee, chaired by Senator Riepe, reports LB703 to General File, and LB704 and LB706 to General File. Judiciary, chaired by Senator Ebke, reports LB816, LB933 to General File; LB832, General File with amendments, likewise with LB855 and LB931, LB934, and LB971. Have a confirmation report from Health and Human Services Committee. Series of hearing notices: the Education Committee, Agriculture Committee, Health and Human Services. Priority bill designation: Senator Kolterman, LB439; Senator McCollister, LB776. Amendments to be printed: Senator Harr, to LB310. (Legislative Journal pages 606-616.) [LB1070 LB703 LB704 LB706 LB816 LB933 LB832 LB855 LB931 LB934 LB971 LB439 LB776 LB310]

Mr. President, priority motion. Senator Briese would move to adjourn the body until Tuesday, February 13, at 9:00 a.m.

SPEAKER SCHEER: You've heard the motion. All those in favor of adjournment say aye. All those opposed say nay. The ayes have it. We are adjourned.