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Floor Debate
February 28, 2007

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LB296 LB335 LB357 LB373 LB402 LB425 LB465 LB470A LB486 LB491 LB497 LB586
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PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the thirty-seventh day of the One Hundredth Legislature, First Session. Our chaplain for today is Father Donald Shane from St. Robert Ballarmine Catholic Church in Omaha, Nebraska, Senator Pirsch's district. Would you all please rise. []

FATHER SHANE: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Father Shane. I call to order the thirty-seventh day of the One Hundredth Legislature, First Session. Senators, please record your presence. Please record, Mr. Clerk. []

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

PRESIDENT SHEEHY: Thank you. Corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

PRESIDENT SHEEHY: Any messages, reports, or announcements? []

CLERK: Your Committee on Judiciary, chaired by Senator Ashford, reports LB143 to General File, and the following bills to General File with committee amendments: LB132, LB157, LB335, LB373, LB465, LB491, LB586, LB619, and LB620. That's all that I have, Mr. President. (Legislative Journal pages 689-693.) [LB143 LB132 LB157 LB335 LB373 LB465 LB491 LB586 LB619 LB620]

PRESIDENT SHEEHY: Thank you. We'll move to the first item under General File, senator priority bill. []

CLERK: Mr. President, LB255, introduced by Senator Rogert. (Read title.) Bill was introduced on January 10 of this year, referred to the Business and Labor Committee, and the bill was advanced to General File with committee amendments attached, Mr. President. (AM453, Legislative Journal page 657.) [LB255]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. For the benefit of senators on the floor, I'd ask senators to please maintain their voices at a minimum level. Thank you. Senator Rogert, you're recognized to open on LB255. [LB255]

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SENATOR ROBERT: Thank you, Mr. President. Members of the body, today I'm here to talk to you a little bit about LB255, my priority bill. This is a bill that amends the Wage Payment and Collection Act, and for the benefit of the body, we'll direct discussion for the most part to the amendment that the committee has, AM453, that Senator Cornett will be bringing up shortly. Back in October of last year the Supreme Court of Nebraska, in Roseland v. Strategic Staff Management, there was an interpretation of the Wage Payment and Collection Act to require the payment of unused vacation leave upon termination of employment regardless of a provision in an employer's policy handbook stating that unused vacation would not be paid at the time of termination or resignation. I'm going to give you a few definitions. The Wage Payment and Collection Act provides that wages means compensation of labor or services rendered by an employee, including fringe benefits, and also defines fringe benefits, including sick and vacation leave plans, disability income protection plans, retirement, pension, profit sharing, health and accident benefit plans, or any other employee benefit plans or programs. Accordingly, the Nebraska Supreme Court reasoned that since wages include fringe benefits in its definition, and since vacation leave is included in the definition of fringe benefits that accrued but unused vacation time constitutes wages, under the interpretation of this act all wages owed at termination must be paid at the next regular payday or within two weeks of termination. This decision has caused some uncertainty and apprehension as to how courts would apply the act to sick leave plans or alternative paid time off, or PTO, plans which combine vacation, sick, and other types of paid leave. The court concluded that any provision in a policy handbook that wages would not be paid for earned but unused vacation is contrary to the act and, thus, contrary...or, thus, an agreement regarding this would ultimately be void. Many Nebraska employees currently have policies which provide that accrued but unused vacation leave, sick leave, other paid leave will not be paid out at termination, otherwise, unless certain specific conditions are satisfied. In light of this uncertainty created by the recent Nebraska Supreme Court decision, and its broad implications, many employers are reevaluating their paid leave plans and, under the law and current interpretation, this has provided a risk of overwhelming and significant costs and liability to these employers. Consequently, many of these employees may not, in the future, be offered such generous plans if this law is not clarified. For a little background on the case, I also distributed some information from articles in the World-Herald of some recent claims regarding this issue. Roseland v. Strategic Staff Management, Incorporated, there were four employees, included their former president, that voluntarily resigned and sued their former employer for payment of their accrued but unused vacation time. The employer policy handbook stated that employees would not be allowed...they would be allowed one week for vacation after one year, two for two years, three after five years, but their accrued but unused vacation will not be carried over from year to year; upon resignation or termination, employees will not be paid for vacation time available. The company rejected the claim based on what was stipulated and agreed upon in the policy handbook. This led to a short string of court opinions from the Douglas County District

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Court through the Nebraska Court of Appeals and on to the Supreme Court of the state of Nebraska. The district court in Douglas County agreed with the employees, followed by a Appeals Court opinion that disagreed and reaffirmed that employers/employees would still have the ability to make mutual agreements. However, the employees, in Roseland, then petitioned the Nebraska Supreme Court to review the court decision and the Supreme Court found in their favor. So, in effect, this court decision has prompted close to 950 formal inquiries from concerned businesses and individuals, as well as their legal representatives seeking counsel on how to address this particular issue. It is also important to note that the court has not changed the law, but has applied a law that has actually been in effect for many years. This leaves the employer liable to many claims from former employees who do not receive wages for accrued but unused paid leave upon termination of employment. It is more likely than possible that the courts will make decisions similar to that which was made by the Supreme Court in the Roseland case. If you look in the committee statement, on the testifiers, you'll notice that the court's interpretation of the law has...could have significant and detrimental cost impact to many businesses and employee benefit plans across the state of Nebraska. The proponents in the hearings testified, include the Nebraska Health Care Association with 25,000 employees, the Hospital Association with 40,000 employees, the Cooperative Council with 5,000 employees, and several others. County, municipal, university representatives also testified in support of this bill. These organizations do not wish to reduce their benefit plans but feel free...they feel that they may need to in light of risk of liability and cost to their business. Most employers will acquire a significant financial impact if they are required to start accruing funds equal to the value of accrued but unused vacation time on their books. Most employers prefer to continue to be able to provide a quality of life and participate in competitive compensation and benefit programs. In conclusion, LB255 reflects the act's recognition that the employer and employee should be generally free to agree to terms that they choose with regard to their compensation. This language will allow employers to continue offering generous sick and other paid leave benefits to employees and aid them during illness and/or family crisis with these short-term disability plans. It would allow conditions to be placed on the use and payment of such leave, such as limiting the use and payment of those employees who need it. In addition, LB255 also includes, but is not limited to, that wages would not be collected upon termination or during employment. Simply put, the proposed language would afford employees/employers to...the opportunity to stipulate how accrued but unused paid time off will be treated and under what conditions it will be paid. With that, I welcome any discussion, debate, and concerns from the body. Thank you, Mr. President. [LB255]

PRESIDENT SHEEHY: Thank you, Senator Rogert. You've heard the opening to LB255. We'll now move to the committee amendment of Business and Labor. Senator Cornett, you're recognized to open on AM453. [LB255]

SENATOR CORNETT: Good morning, Mr. President and members of the body.

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Committee amendment AM453 to LB255 addresses the Nebraska Supreme Court October 2006 ruling in Roseland v. Strategic Staff Management. In that case, the court ruled that unused earned vacation time must be paid as wages to workers at the time of their termination, but for some labor law experts there is concern as to whether the law is ambiguous in regards to whether sick leave is also defined as a fringe benefit. According to some, the court's ruling in Roseland, as it reads now, includes sick leave. I do not believe that is the appropriate conclusion as to what the current law covers. However, whatever the case, the ruling has left many employers questioning whether the current state of the law requires them to pay employees for unused sick leave. Other employers are seeking answers about their leave policies that combine vacation time and sick leave, sometimes called paid time off, or PTOs. Already there are signs of possible litigation. I have an article where four former Douglas County employees seek pay for unused sick leave. Four Omaha...former Omaha employees with Douglas County have filed suit based on the Roseland decision in regards to sick leave. As some private, as well as public, sectors' employees have indicated, they may seek further compensation based on this ruling. Clearly, sick leave was created to be used as a conditional benefit; that is, an employee must be sick to use it. If the court ruling were to apply to sick leave, the ripple effect would be substantial. AM453 provides that all paid leave, except earned but unused vacation leave, shall not be paid out at the time of the employee's separation unless the employer and employee or the employer and a collective bargaining unit have agreed otherwise. Sick leave has been a major concern for employers across the state since Roseland ruling came out. The committee felt that it was appropriate to address sick leave; however, there are numerous other types of paid leave, such as bereavement and paid time off, or PTO. By using the generic term "paid leave," it is our intention that any type of paid leave other than vacation leave does not have to be paid out at the time of separation unless otherwise bargained. The committee spent a lot of time working on this amendment, and has worked very closely with the business sector and the state chamber to make sure that business concerns were met, and we have also worked closely with labor to make sure that we are not infringing upon any labor benefits. This amendment satisfies both employers and employees across the state. It is equitable to employees and provides clarity to the law. I would be happy to try and answer any questions that you may have, and I urge you to support the committee amendment. Thank you. [LB255]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the opening to AM453. (Doctor of the day and visitors introduced.) Senator Gay, you're recognized. [LB255]

SENATOR GAY: Thank you, Mr. President. I just wanted to take a minute. I do support this bill, but want to take a minute on...we've had...I've had opportunities to do negotiations about sick leave and some of these things in the public sector, but in the private sector I've heard many concerns regarding this. I think this is an excellent solution and I wanted to just rise and commend the committee and Senator Rogert for

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making it a priority bill because it is a very important issue we need to deal with and I think get corrected. But I just wanted to say I'm excited to support the bill and thank you for bringing this to the floor today. Thank you. [LB255]

PRESIDENT SHEEHY: Thank you, Senator Gay. Anyone else wishing to speak on this item? Senator Carlson. [LB255]

SENATOR CARLSON: Mr. President, members of the body, I, too, rise in support of AM453 and LB255. Sick leave is a form of insurance. Insurance is a sharing of risk, and in no way is earned as compensation. And if we think about the possibilities of what could happen if this isn't addressed, there are many people that have health insurance premiums that equal \$1,000 a month, which is \$12,000 a year, and over a ten-year period that amounts to \$120,000. It's conceivable that somebody could go through that period of time and never have a claim. And there isn't any way that that amount of money should be able to be reimbursed or come back to the insured, and that's really no different...no difference than sick leave. Sick leave is there to help with extra expenses and provide income in the event of sickness, and it does not become an earned fringe benefit. There were 15 proponents of this bill and 2 unions were there representing the opposition, but this is something that needs to be addressed. I fully support it and look forward to the remainder of the discussion. Thank you. [LB255]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Pirsch. [LB255]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I rise in support of both the amendment and the bill, LB255, I think for a couple of reasons. It does reach a fair resolution of the matter, and it brings an element of certainty to this, what is uncertain at this point in time. So for those two reasons, I would urge the body to support both the amendment and the underlying bill. I'll yield back my time. [LB255]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. Further discussion on AM453? Seeing none, Senator Cornett, you're recognized to close. [LB255]

SENATOR CORNETT: Thank you, Mr. President. I want to urge the body to support this amendment. It is the work...the long hours and work of the committee and my staff to reach a compromise between the business sector and the labor. We feel that we have addressed a very important issue in the most equitable manner and I, again, urge the body to pass this amendment and the subsequent bill, and I'd like to thank Senator Rogert for bringing the bill and for prioritizing it. Thank you. [LB255]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You have heard the closing. The question before the body is, shall AM453 be adopted to LB255? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB255]

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CLERK: 33 ayes, 0 nays, Mr. President, to adopt the committee amendments. [LB255]

PRESIDENT SHEEHY: Committee amendment is adopted. [LB255]

CLERK: I have nothing further on the bill, Mr. President. [LB255]

PRESIDENT SHEEHY: The floor is now open for discussion on LB255. Seeing none, Senator Rogert, you're recognized to close. [LB255]

SENATOR ROBERT: Thank you, Mr. President. Thank you, members of the body. I want to reiterate a few of the things that Senator Cornett said and that it is a good bill. I encourage everybody to support it. I'll address just the two opponents in the original...in the committee hearing were the AFL-CIO and the NSEA. They had a couple of concerns with some provisions in the green copy, and that's why we brought forth the amendment, to take care of those issues. So with no further ado, I will ask for your support to LB255. Thank you. [LB255]

PRESIDENT SHEEHY: Thank you, Senator Rogert. You've heard the closing to LB255. The question before the body is, shall LB255 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB255]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB255. [LB255]

PRESIDENT SHEEHY: LB255 does advance. Next item. [LB255]

CLERK: LB34 Senator Schimek offers. (Read title.) Bill was considered by the Executive Board, advanced to General File. Senator Schimek opened on the bill yesterday, Mr. President. There were amendments offered by Senator Erdman and an amendment to Senator Erdman's by Senator Schimek. I have those two amendments pending, Mr. President. (AM205, Legislative Journal page 482.) [LB34]

PRESIDENT SHEEHY: Senator Schimek, would you like to give us a brief explanation on LB34? [LB34]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. This bill is the bill that establishes a new special committee in the Legislature. It would be appointed by the Executive Board. It would have seven members on it, and its purpose would be to keep a focus on some of the issues that affect our Indian tribes throughout Nebraska. I think that if you just want a short explanation, Mr. President, I think that should do it. I should mention that we did have the introduction of the Erdman amendment and then my amendment to the amendment. So I think that's where we left off, was discussion on that. [LB34]

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PRESIDENT SHEEHY: Thank you, Senator Schimek. Senator Erdman, would you like to give a brief summary on your amendment? [LB34]

SENATOR ERDMAN: Mr. President, members of the Legislature, AM205 is a process to, in my opinion, clarify the representation of the Legislature on this special committee. It removes the specific committee designations that Senator Schimek had included, as well as clarify the responsibilities of the special committee should the Legislature adopt LB34. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Senator Schimek, would you like to give a brief summary on AM509? (Legislative Journal page 675.) [LB34]

SENATOR SCHIMEK: Yes, thank you, Mr. President. The amendment is a very brief one and it would simply modify the Erdman amendment by saying that these appointments, if we're not going to list them by committee, that the appointments would be based on interest and knowledge. And that's my amendment to the Erdman amendment. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Schimek. The floor will now be open for discussion on AM509. We have Senator Engel, followed by Senator Wightman. Senator Engel. [LB34]

SENATOR ENGEL: Mr. President, members of the body, I just have a question for Senator Schimek. [LB34]

PRESIDENT SHEEHY: Senator Schimek, would you yield? [LB34]

SENATOR ENGEL: I think we discussed this a little bit yesterday, but I believe we touched on this at the hearing, and I'd like to discuss with you the role and function of the Nebraska Commission on Indian Affairs. By statute, the purpose of the Nebraska Commission on Indian Affairs is to join representatives of all Indians in Nebraska to do all things which it may determine to enhance the cause of Indian rights and to develop solutions to problems common to all Nebraska Indians. And I understand that your proposed State-Tribal Relations Committee would like to be made up of just members of the Legislature, but, for the record, I wanted to ask you to explain what the State-Tribal Relations Committee will add to the process of gathering information that the Commission on Indian Affairs is not already doing. Would you respond? [LB34]

SENATOR SCHIMEK: Yes, and thank you for the question, Senator Engel. First of all, the Indian Commission is an advocacy agency, as you have mentioned. This committee would be an internal committee of the Legislature, and it is to try to help bridge the understanding of some of the problems that tribes do face. And if you looked at the handout that I gave yesterday, you'll notice a lot of states have done this. When I came

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into the Legislature, Senator Engel, I didn't really understand tribal sovereignty, I really didn't understand retrocession, I didn't understand tribal government, frankly, and the purpose of this committee would be to try to help people understand some of these very unique issues. And I don't envision that it would be a committee that would necessarily even meet during session. It may be a committee that deals simply with interim studies. But I think it's really important for us to, especially with term limits and new people coming into the Legislature all the time, to have some mechanism like this. [LB34]

SENATOR ENGEL: Thank you for your answer. I guess my response would be, I would think that the Indian Commission itself, being as they are located here and they're very effective, Judi does a great job and I used to represent them in Thurston County so I am familiar with a lot of their problems and their issues, and the only thing is, I would think that rather than setting up a separate committee that they could handle this through their own commission, rather than with individual legislators and have different meetings and so forth with the different legislators as they come about. So... [LB34]

SENATOR SCHIMEK: Senator Engel, I've tried to explain to you what I think the distinction is here. This is not for the tribes per se. This is for us, for our own internal workings, so that we have a greater understanding of the issues that do affect tribes. There's no one particular committee in the Legislature that deals with tribal issues. It's all over the landscape. And that was one reason that my green copy of the bill included membership from some of these different committees that do deal with tribal issues. So it's for us primarily, just like I think a lot of committees are for us and to help us do our work better. [LB34]

SENATOR ENGEL: Well, thank you for your information but, again, I do believe that the commission can handle this on their own. I think that's the duty of the commission, is to inform us and to keep us up to date. So thank you very much, Senator. I turn the rest of my time back to the Chair. [LB34]

PRESIDENT SHEEHY: Thank you, Senator. We have Senator Wightman, followed by Senator Fulton, Senator Chambers, and others. Senator Wightman. [LB34]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I rise with much the same question in my mind as Senator Engel has just stated. I guess I would have and would like to ask a couple of questions of Senator Schimek. [LB34]

PRESIDENT SHEEHY: Senator Schimek, would you yield? [LB34]

SENATOR SCHIMEK: Yes, I would. [LB34]

SENATOR WIGHTMAN: Now I heard your answers to Senator Engel's questions, but this would be a seven-member, is that correct, six-member? [LB34]

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SENATOR SCHIMEK: Seven members, Senator. [LB34]

SENATOR WIGHTMAN: Seven-member committee made up entirely of members of this Legislature, is that correct? [LB34]

SENATOR SCHIMEK: That is correct. [LB34]

SENATOR WIGHTMAN: And as far as how often they would meet, it would not be a standing committee, I gather. Is that correct? [LB34]

SENATOR SCHIMEK: That is correct. [LB34]

SENATOR WIGHTMAN: But it would be made up of members of all of the other standing...at least one member from each of the other standing committees? [LB34]

SENATOR SCHIMEK: Well, that was the green copy, Senator Wightman, but the Erdman amendment, which I'm willing to accept, would make that composed of whomever the Exec Board wanted to appoint. And I think his thinking is, if we designate just those committees, there are some people who serve on committees that would be automatically excluded from being able to serve on this committee. [LB34]

SENATOR WIGHTMAN: I also have a lot of problem seeing the interworking of this committee with the Nebraska Commission on Indian Affairs, which is a fully funded agency at this point. Can you tell me what it's going to add other than what maybe you've already responded to Senator Engel? [LB34]

SENATOR SCHIMEK: Well, I suppose I could expand upon what I responded to Senator Engel, but the response would be the same. It is for our...it is for us so that we have a better understanding of some of those issues that are very unique to this particular segment of our population. They have their own government at the tribal level. They have a degree of sovereignty which no other political subdivision in Nebraska has, and I think it's...the idea is that we can better understand the issues. And as I responded to Senator Engel, there is no one committee that deals with Indian issues in this Legislature. They are...they go...revenue/taxation issues go to revenue; the gaming issues go to General Affairs, and I just think it would be helpful to have some focus on this particular subject. [LB34]

SENATOR WIGHTMAN: So if we appoint a committee made up of members of the Legislature for the tribal State-Tribal Relations Committee, should we also have one for our Latino population, a separate standing committee, or if not a standing committee, a committee made up of the Legislature for them as well? [LB34]

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SENATOR SCHIMEK: No, Senator. I don't think you're understanding my point. They are and have a great deal of independence from the state of Nebraska. They are...they have been given sovereignty by the federal government. They're totally different from any other population that we might have in our state. And I don't think people have a clear idea, that understand their unique situation, and I would like to promote that process so that all of us are more knowledgeable about that unique status. [LB34]

SENATOR WIGHTMAN: With regard to... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR WIGHTMAN: ...what the Nebraska Commission for Indian Affairs is doing at the present time, I assume you've attended their breakfast and that they attempt to keep us informed with regard to their tribal situation, do they not? [LB34]

SENATOR SCHIMEK: They do, Senator. I did not attend the breakfast because I had another commitment that morning, but I have attended other meetings that they have held in the Capitol. But you know how brief those meetings are. You know how if those meetings have five or ten minutes of opportunity to talk about any issue, it's rare. [LB34]

SENATOR WIGHTMAN: Well, my fear is that we're going to end up, as you say, with interim studies and we're going to be adding a whole new layer of government that, from the position of the Appropriations Committee, on which I serve, I don't think it's something that we desire to add to... [LB34]

PRESIDENT SHEEHY: Time, Senator. [LB34]

SENATOR WIGHTMAN: Thank you. [LB34]

PRESIDENT SHEEHY: Senator Fulton. [LB34]

SENATOR FULTON: Thank you, Mr. President, members of the body. I did read through the bill and my first reaction was I was hopeful that maybe we could also have a committee for Irish Filipinos. But I recognize that that probably (laughter) isn't appropriate because we aren't a sovereign nation. So I do recognize that Senator Schimek is making a distinction here that the Indian people are a sovereign nation and, therefore, there's some import assigned to what they're doing. I wonder, though, if...I have a couple of questions, though, some concerns. Would Senator Schimek yield to a question? [LB34]

PRESIDENT SHEEHY: Senator Schimek, would you yield? [LB34]

SENATOR SCHIMEK: Certainly. [LB34]

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SENATOR FULTON: Senator Schimek, being new to the Legislature and recognizing that in future years there will be others who will be elected and appointed who will be new, trying to understand the different committees out there, I have some concern. The objective of the committee would be to foster better relationships. It seems...it seems a nebulous term, and so I...could you bring more order to what the objective should be, to specifically what the objective of this committee will be? [LB34]

SENATOR SCHIMEK: Certainly, Senator Fulton. And I'm not certain that I would characterize its main function as to foster relationships, although certainly that might be one outcome. I think what I would hope and expect is that it would foster understanding of the unique problems that the tribal governments in Nebraska face and would add to our store of knowledge when we have to address any or all of the issues that they have to come to the Legislature with. [LB34]

SENATOR FULTON: Okay. My...I guess my concern, I read through and the language for AM205, which I understand is pretty much going to become the body of the new bill, if I'm correct, your amendment will be to AM205, and AM205 is...contains the language... [LB34]

SENATOR SCHIMEK: That is correct. [LB34]

SENATOR FULTON: ...okay, the intent, the committee's intent to establish as a special legislative committee with the intent of fostering better relationships between the state and so forth. My concern is, in coming into this new, there are a number of committees that I'm learning about. Of course, I want to learn about the standing committees first, but there are other committees and it seems somewhat confusing to a new person coming in as to why we would have this special committee to foster better relationships when I have simultaneously learned through the appropriations process that we have a state agency who's also to foster better relationships. Would it be your contention that this is going to focus specifically on senators, this new...the bill that you're proposing, the State-Tribal Relations Committee? Will this focus just on senators then? [LB34]

SENATOR SCHIMEK: Well, Senator Fulton, it is a committee of the Legislature. It's not a committee composed of the Legislature and tribal leaders. I would envision that there would be opportunities to call in tribal leaders on occasion when there are certain problems that arise and have those kinds of discussions or those kinds of studies. And I might point out that what got me to thinking about this originally was in Kansas they established such a commission, and they originally did it because they were facing some big, huge, gaming issues in that state. But as they progressed over the years, they have broadened the scope of... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

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SENATOR SCHIMEK: ...that committee to include many other issues as well. [LB34]

SENATOR FULTON: Okay. Well, I...again, I get back to the language of the bill, "The Tribal-Relations Committee is hereby established as a special legislative committee with the intent of fostering better relationships between the state and the federally recognized Indian tribes within the state." That seems to be duplicative of what the Indian Commission already does. Can you address that? That's...it doesn't seem that that is...that that language is specifically tailored to the Legislature. That seems to be duplicative of what already exists as a state agency. [LB34]

SENATOR SCHIMEK: I think you make a good point, Senator Fulton. Certainly, certainly I guess the intent is not just fostering relationships but truthfully educating us on the issues. [LB34]

PRESIDENT SHEEHY: Time, Senator. [LB34]

SENATOR FULTON: Okay. Thank you. [LB34]

PRESIDENT SHEEHY: Senator Chambers, followed by Senator Schimek, Senator Wightman, and others. Senator Chambers. [LB34]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I think the language in the green copy of Senator Schimek's bill, beginning in line 14 where it says, "The committee shall meet as necessary to consider, study, monitor, and review legislation that impacts state-tribal relations issues and to present draft legislation and policy recommendations to the appropriate standing committee of the Legislature," that gives a clear purpose of this committee. This language talking about fostering better relationships, with all due respect to Senator Erdman, is the type of language which well-meaning white people will put into a proposal like this because they fail to see the depth or understand the true dynamics and ramifications of these issues that relate to nonwhite people. There is no Native American on the floor of this Legislature. The closest you'll get to one is me. I am well aware of how nonwhite people's interests are handled by white people, even the best meaning white people. If you saw a picture of my grandmother on my father's side, you'd think she was an Indian. Black people have intermarried/intermingled with Native Americans almost from the beginning of our presence in this country. As Senator Schimek pointed out, the indigenous people in this country occupy a unique status. They are not like the Irish. They're not like the Swedes. They're not like even Irish Filipinos or Irish Africans. Oh, you didn't know that, Senator Fulton. (Singing) when Irish eyes are smiling, sure it's like a morning spring; the lilt of Irish laughter, you can hear the angels sing. If you trace the ancestry of black people, you would find some of every European nation in us. But I'm proud of my complexion, which is black. I will never pretend or try to be anything other than a child of Africa.

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That's how I am defined. That's how I am treated. That's what my children are. That's what my forebears are. So when I'm in a body such as this Legislature, my job is to offer a perspective which my white colleagues, however well-meaning they may be, will not have. This idea of fostering better relations is so meaningless, and Senator Fulton pointed it out, that it doesn't tell us anything. This is not like a chamber of commerce group where they sit down, eat Danish, drink coffee, and have chitchat. This is a serious attempt to come to grips with the very difficult, complex problems that exist in Nebraska right now when it comes to the interfacing of this state's government with the government of the various tribes. These are not just clubs. They're not just organizations. They are not fraternities and sororities. They are nations. They are peoples. [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR CHAMBERS: And because of that unique status, there are difficulties that arise which will not arise with reference to any other group in this state, including black people. I cannot say everything I have to say this time, but I'm going to put on my light again because I don't think Senator Erdman's language that he is proposing is an accurate reflection of what this committee is supposed to do. If all they're going to do is foster better relations, and I don't know what that means, then we won't be any further along than we are right now. Thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Chambers. We have Senator Schimek, followed by Senator Rogert, Senator Nelson. Senator Schimek. Senator Rogert. [LB34]

SENATOR ROBERT: Thank you, Mr. President. I guess I'm going to speak on this just a little bit because my district contains two of the tribes in the state. And in regards to some of the questions that have come up, I don't know whether or not this would create some redundancy in our policy and our actions towards the Native Americans, but I will say that anything we can do as a body and as a state and as a group to further our communication and our negotiations with these groups of folks is probably a good thing. I deal with issues between Native Americans and the other members of their counties on pretty much a daily basis, and it's always based on a communication breakdown where we have problems. And I noticed the fiscal note shows zero. There are some concerns by the Appropriations Committee that in the future there will not be a zero in that box, and that may be where we need to look, to make sure we're not going to cost us any money. But if it doesn't cost us anything and it increases our relations with the Native Americans in the state of Nebraska and gives everybody an understanding of what their issues are and gives them a better understanding of what our issues are, then I rise in support of the commission. So I will...that's all I'll say for now. Thanks, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Rogert. We have Senator Nelson, followed

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by Senator Schimek, Senator Wightman. Senator Nelson. [LB34]

SENATOR NELSON: Thank you, Mr. President, members of the body. In light of the comments just made by Senator Rogert, I would like to address a question or two to Senator Schimek, if she will yield. [LB34]

PRESIDENT SHEEHY: Senator Schimek, would you yield? [LB34]

SENATOR SCHIMEK: Certainly. [LB34]

SENATOR NELSON: Senator Schimek, Senator Rogert just referred to the fact that he deals a great deal with the tribes, two tribes, I believe, which were in his district, and I think that's good. I'm just kind of wondering, we have tribes scattered across Nebraska and they are all within legislative districts. Is that not true? [LB34]

SENATOR SCHIMEK: Senator, we have four federally recognized tribes in Nebraska and three of them have reservations. Not all of those three tribes live on reservations, so individually they are scattered. In addition, the Ponca do not have a reservation and they are scattered mainly in Omaha and Lincoln, I think, but some up in Knox County as well. [LB34]

SENATOR NELSON: Well, if a member of one of the tribes who lives off the reservation feels that there should be legislation proposed, to whom would that person go to have it drafted and presented to this body? [LB34]

SENATOR SCHIMEK: Well, that person would have several alternatives. That person might choose to work through its tribal...his or her tribal government and ask the tribal government to try to get something introduced. That person could come directly to a state senator. That person could conceivably go to the Indian Commission and ask the Indian Commission if they would advocate for getting a bill introduced. [LB34]

SENATOR NELSON: Thank you. That's my point exactly. We already have legislators in place to do this sort of thing, which is part of the intent of your bill, and we also have the Commission on Indian Affairs to do the very same thing. It would seem to me that we already have two separate vehicles in place to accomplish the goals of this bill and, while it's a worthy bill, I get concerned about duplication, additional time on the part of the senators. Seems to me that we already have things in place to accomplish what you would like to do with this bill. Thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Senator Schimek. [LB34]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I would like to address two things that have just been discussed by Senator Nelson and Senator

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Rogert. First of all, Senator Nelson, I have to say again that this would be for our understanding as much as it would be for anybody's understanding about the...about how many tribes there are in Nebraska, about what kind of population there is in Nebraska, about what kinds of tribal governments they have, about what kind of issues they're currently facing. I mean right now up in Thurston County there's a big dispute going on, as there often is in Thurston County, over how far the reservation boundaries extend. Do they take in the city of Pender? You know, there's so many multivaried issues that the tribal governments face and I don't think that most of us, when we come into this Legislature, have any concept of the history of the tribes in this state or of their special status. It is...although the bill says that we want to foster understanding, and we certainly want to do that, foster relationships, we want to foster understanding so that those relationships are more informed, I guess. And I don't see these two entities, the commission and this internal legislative committee, as having the same functions at all, and I can't emphasize that enough. Senator Rogert raised a really good point about how much would this cost us; there's no fiscal note. Of course it won't cost us anything unless for some reason the committee, in its deliberations, would decide to come and ask the Legislature for some money to conduct a study or whatever. That's not something I envision at all, but it wouldn't have a budget, no more than any other committee of the Legislature would have a budget. There is no fiscal impact because the Legislative Council takes care of all the budgetary needs. If you look at that chart of other states, you know, there are states like us that don't have huge Indian populations, yet they have seen the necessity and the fitness of acknowledging what some people call our first Americans, and we all acknowledge that they were the first people who were here in the United States. And unfortunately, over the years, they haven't always been given a fair shake by either settlers or the people who have made treaties and the government that has interacted with them. I think that because of that most of us don't have...have not had interaction with the tribes and don't have any kind of appreciation for the problems that they have, for the ways in which they try to address the problems that they have. I mean, I know tribal chairmen that must put in the same kind of hours that you and I put in when we're here in session. They work hard... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR SCHIMEK: ...for their people and often against great odds and often without any understanding from the people that they're dealing with, and I believe that we can do better and I believe that there's no other committee of the Legislature that uniquely deals with tribal affairs. Thank you. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Schimek. Senator Wightman, followed by Senator Loudon, and Senator Chambers. Senator Wightman. [LB34]

SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. I rise in opposition to the legislative bill. I know there's been a lot of discussion by Senator Schimek that this is

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not duplicative and that it...its intent is to establish something beyond what Nebraska Commission on Indian Affairs was set up to do. But I want to read to the body some of the language with regard to that agency, and this is from our...whatever our document is called, our list of agencies, the book that is a description of all of the agencies of the state government. The Commission on Indian Affairs was established in 1971 and consists of 14 Indian commissioners appointed by the Governor. The commission's statutory mission is, quote, to do all things which it may determine to enhance the cause of Indian rights and to develop solutions to problems common to all Nebraska Indians. It is the state liaison between the four headquarter tribes--the Omaha, Ponca, Santee Sioux, and Winnebago Tribes of Nebraska. It helps ensure the sovereignty of both tribal and state governments are recognized and acted upon in a true government-to-government relationship. That's one of the various...the very things that Senator Schimek has been saying that this committee will do that there's nothing in place to do now. It goes on to say the commission serves off-reservation Indian communities by helping assure they are afforded the right of equitable opportunities in the areas of housing, employment, education, healthcare, economic development, and human/civil rights within Nebraska. All goals of the commission are accomplished through advocacy, education, and promotion of legislation. It then goes on to describe the program objectives. These are: identify and eliminate barriers for Nebraska tribes and Indian citizens in the areas of housing, employment, education, healthcare, economic development, and human and civil rights; promote and effectively mobilize government and private sector resources to improve equitable opportunities for Indians in Nebraska; educate legislators, youth and the general public on the issues and legislation that impact Nebraska tribes, Indian citizens and their families; apprise the Governor of the climate in the Native Indian community at the state and national level; foster diversity and cultural sensitivity within the Nebraska State Legislature; advance sovereignty issues. Now I cannot see one thing that this committee that Senator Schimek seeks to have established would do that isn't being done or isn't provided for by the Nebraska Commission on Indian Affairs. I know that Senator Rogert has said that there's no fiscal impact at the present time, but I think as members, and we all become somewhat cynics, I think, when we're on the Appropriations Committee, but I think we all see, as we go through the various budget things that probably started with no fiscal impact and a whole new agency was created, interim study committees are commissioned, and it just seems to me that we're going to add to the cost of state government in an area that we don't need to act...or to add to the cost of state government. Thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Wightman. I do have an announcement. Senator Loudon and SharonAnn are proud new grandparents. Their son Jon and wife Nicole have a new baby girl, Abigail Marilyn Loudon, born 7 pounds, 13 ounces on the 27th of this month at 8:50 p.m. Mother and baby are doing very well and Senator Loudon, grandpa, is very happy. So congratulations, Senator Loudon. Senator Loudon. [LB34]

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SENATOR LOUDEN: Thank you, Mr. President, and thank you for that fine introduction. Now to get back to the business at hand. I've worked with the Indian Commission probably as much as any senator here in the Legislature. In the area that I represent, the 49th District, we're right there next to the Pine Ridge Indian Reservation out of South Dakota and we have a lot of Native Americans in the Chadron, Gordon, Rushville, Alliance, all those areas that I represent up there. And we do a lot of work with them. I've worked with Director gaiashkibos many times and with some of the commission members that are out there in that part of the country that serve the Indian Commission. I really can't see where this would help anything, because you're getting some chairmen or interested people, perhaps. Are they out there where these people are? Are you having...going to appoint people that are, I guess would say, know what is actually going on with these different issues that come up with the Native Americans? I've noticed that our funding for the Indian Commission is very, very, very slim. I think, if I looked in the agency this year it runs in my mind it's less than \$200,000 what these people are trying to do something. So instead of appointing another...some members and stuff, I think we have to consider are they...what they're doing with the amount of money that they're receiving. As I look through what the handout I think that Senator Schimek sent around, and I notice that she's mentioned what other states have committees or something like that, too, and I was wondering if Senator Schimek would answer questions for me, please. [LB34]

PRESIDENT SHEEHY: Senator Schimek, would you yield? [LB34]

SENATOR SCHIMEK: I will try. [LB34]

SENATOR LOUDEN: Yeah. Senator Schimek, on this handout that you sent around there, you mentioned various states and they have these committees and stuff. How many of those states have an Indian Commission besides the committees? I mean is this the only thing they have, or do they have an Indian Commission like the state of Nebraska has? [LB34]

SENATOR SCHIMEK: I truthfully can't answer that, Senator. I will be happy to try to find out the answer for you. [LB34]

SENATOR LOUDEN: Okay. Thank you, Senator Schimek. My observation is that I think probably, as usual, Nebraska is ahead of the game on some of this stuff and we do have a regular commission for Native Americans, same as our Mexican-American Commission, same as our Commission on Women. Those have all been commissions that are funded by the appropriations and on General Funds, so I think what we're doing is probably ahead of a lot...many of these other states. We don't have near the Native American populations perhaps like Arizona, and Kansas I don't know. Most of theirs, they have numerous tribes and reservations, but they have not...no consequential size.

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Nebraska, so happens that we have only one or so reservations, but we are sitting next to huge reservations, the Rosebud and the Pine Ridge, along the northern border of Nebraska, and of course the way the road system is, most of those people do their trading in Nebraska. The Gordon, Rushville, Chadron area does quite well with Native American trade. If you don't think so then ask yourself why Wal-Mart came in with a superstore in Chadron and why, what is it, ALCO still has a store going in Gordon when other towns that were larger than that don't have those type of retail outlets. So this is something that I think we need to... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR LOUDEN: ...work with our Indian Commission more, and I certainly will oppose this legislation. I would like to see more funding go to our Indian Commission and work at it that way, because I think at the present time they do a very good job. Thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Chambers, followed by Senator Avery, Senator Fulton, Senator Schimek. Senator Chambers. [LB34]

SENATOR CHAMBERS: Mr. President, members of the Legislature, you all may be unaware of this, but the graves and burial sites of Native Americans were rifled regularly. Bones were taken, burial goods, artifacts, and this kind of activity was not considered grave robbery, desecrating a grave, or defiling a corpse, because Native Americans still are not viewed completely as human beings. Bones wound up in boxes at the university, with the Historical Society, in museums, in private collections. A group came to me that had been trying to get this corrected all over the country and I said I will get it done in Nebraska. When I was presenting the matter to my colleagues, they were not very sympathetic. At that time a lady named Senator Labeledz was among us, so I said, Bernice, I want to ask you a few questions because your responses will help my white colleagues to understand what I'm talking about. Let's say you died, you were buried, and you had a favorite crucifix and maybe a necklace or some other artifact representative of your religious faith, and these things were buried with you; and after a period of time somebody came along and dug up your corpse, broke open your coffin, took the crucifix, all of these other artifacts. She immediately understood. She said, Ernie, I see what you're talking about. Sometimes it shouldn't be necessary to do that. You have to say put yourself in the condition and position of these other groups. Once Bernice saw the light, she talked to other people and helped get that job done. I used to would use her sometimes as a sounding board because, although we didn't see eye to eye on some issues, she was a strong person and she could hold her own. I'm going to tell you another incident that took place. It involved Senator Labeledz. We were under that balcony to my right. A group of senators were there. Senator Labeledz was there. No, we were talking; Senator Labeledz came up, and one of the senators said, I want to tell a Polish joke. And I said, no, you won't tell any Polish jokes here. You won't tell any Polish

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jokes today. You won't tell any Polish jokes whenever I am present. Bernice put her hand on my arm, she said, Ernie, thank you. And I told these guys the fact that she didn't immediately say something indicates the kind of conditioning that people go through in a white society where they feel they have to accept insults and put-downs to get along. But that is not the price of being a member of whatever group you are a member of, and if I'm present, I will do what I can to stop that. When people on this floor talk about what the Indian Commission can do, it doesn't have the wherewithal in terms of finances, staffing, or anything else to undertake to do what Senator Schimek's committee is designed to accomplish. If you don't like Indians, just say so. When we were trying to get retrocession, I was trying to show these white people how much racism is in their language. I said you got a city, one of the senators was from near there, called Indianola. I said suppose I want to say you all are from "Caucasianola"? As soon as I put it on white people, they say... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR CHAMBERS: ...I'm a racist, but they've got all of this stuff. They talk about the pot calling the kettle black, that's an insult and it's designed to be. So when I say it's the urinal calling the commode white, they all of a sudden say, oh, you're a racist. They can't take it. They cannot take it, but they're so accustomed in their arrogance, their insensitivity of feeling that whatever they say is right and nobody should be offended. I'm trying to lay some background because I'm going to have a few more things to say directly on the bill. But I want to put in context for you the remarks that I intend to make. Thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Avery. [LB34]

SENATOR AVERY: Thank you, Mr. President. I'm going to support this, the Schimek amendment, and I'm going to support LB34, and the reason I'm going to do it is because I believe that anything and everything we can do to foster good relationships with Nebraska's tribes and Native Americans in this state, that we should do it. I would ask this question: Who in this body can say that they know all they need to know about the Indian residents and our neighbors? I don't know if anybody can answer that with an affirmative. This Legislature can learn more about Indian interests and concerns, such as Health and Human Services issues, liquor regulation issues, civil jurisdiction, gaming, control of natural resources, and many others. Ask yourself this. This is really the key question: What do we lose if we support this legislation? What do we lose? The answer is absolutely nothing. Then ask the question: What do we gain? And I would submit to you that probably we could gain a great deal. We could, in fact, find out that this committee could lead to better understanding between us and Nebraska tribes, and if that happens then we will have gained a great deal. Thank you. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Fulton. [LB34]

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SENATOR FULTON: Thank you, Mr. President, members of the body. I did some more research on the Nebraska Commission on Indian Affairs. I had the opportunity, I should say, to meet the executive director. It's a lady who is impressive. She's very impressive, and I think that she's doing a good job there and she'll continue to do so. It is for that reason, I believe, that I will oppose this bill. Whenever there's a problem, we have a tendency to throw government at it. We already have a Commission on Indian Affairs whose mission is dedicated to protecting tribal sovereignty, strengthening government-to-government consultation, and preserving the integrity of state-tribal relations by legislating, educating, and advocating in partnership with tribal governments, Indian citizens, and organizations. I emphasize the word "educating" because I believe that there is where the duplication would lie, were we to move LB34 forward. And I'm still open to debate on this. Maybe I can be persuaded otherwise or proven wrong, but if part of the mission statement of the Nebraska Commission on Indian Affairs is education, that seems to be duplicative when I read through the intent of this State-Tribal Relations Committee which is established as a special legislative committee with the intent of fostering better relationships between the state and the federally recognized Indian tribes within the state. As a fix to if we want to educate about the Indian affairs that are here in Nebraska, the Indian interests in Nebraska, I suggest that we are most effective by "lasering" in with a specific agency whose charge is to do so. By creating more government, we dilute the effectiveness of the commission. That's been my experience in walking through government that seems that there is duplication and it's...it makes us less responsive. So if our intent here is to foster better relations, I suggest that we can do so by focusing on the existing agency, the Nebraska Commission on Indian Affairs. This is part of their charge already. So that's my...my first argument against the bill is one of duplication and dilution. Secondly, Senator Rogert brought up a good question, a good point. There isn't a fiscal note that's attached to this bill and I recognize that and I'm appreciative of that, but that isn't the only way that dollars get spent. And so I guess I...if Senator Schimek is available, I would ask if she'd yield to a question. [LB34]

PRESIDENT SHEEHY: Senator Schimek, would you yield? [LB34]

SENATOR SCHIMEK: Yes. [LB34]

SENATOR FULTON: Senator Schimek, would part of the authority of this committee be to commission interim studies? Could they conceivably do that if this were to be enacted? [LB34]

SENATOR SCHIMEK: They could. It depends on whether we accept the amendment or not, I think. I'll have to examine that a little bit, but they certainly would be referenced interim studies, yes. And I'm assuming, since this is kind of a wide-open amendment now, that they would also be able to initiate interim studies, yes. [LB34]

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SENATOR FULTON: Okay. Thank you, Senator Schimek. [LB34]

SENATOR SCHIMEK: You're welcome. [LB34]

SENATOR FULTON: That is...that is...I just point out that after going through the appropriations process, being sensitized to the appropriations process, I recognize that there are a lot of ways for government to spend money, and creating another committee is. [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR FULTON: Another committee has the authority to spend more money. I suggest that this can already be accomplished most effectively by having focus, and the Commission on Indian Affairs has this purview. It has that focus. I suggest that introducing another committee will dilute its authority, will open the Legislature to spending more money, even though there's no fiscal note attached to this. And so for that reason I stand against it, but I am still interested to hear more debate. So thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Fulton. (Visitors introduced.) Senator Schimek, followed by Senator Ashford, Senator Chambers, and others. Senator Schimek. [LB34]

SENATOR SCHIMEK: Thank you, Mr. President and members. I'm experiencing a great deal of frustration here today because I think the point is being missed. First of all, we're talking about something in the legislative branch. We're talking about a committee of the Legislature. We are not talking about establishing a commission or an agency or a department in the executive branch. And this is something that we can do and do do. Think about...think about this. I just heard it said a little while ago that we don't need this committee because we've got the Commission on Indian Affairs. Well, good grief, then we probably don't need a Committee on Agriculture because we got a Department of Agriculture; we probably don't need a Committee on Banking because we've got a (laugh) we've got a Department of Banking. I mean, I'm so frustrated over this because I think the point is really being missed. The point is that our responsibilities are to know about the issues and to act on those issues, and if we don't have enough information at our fingertips, we won't do as good a job as we should. Now, Senator Fulton, the Indian Commission is very supportive of this particular bill. The four tribes of Nebraska are very supportive of this bill, and they've been waiting three years for us to take some action on this bill. This bill has come out of the Executive Board every single time it's been introduced, but it's one of those little bills that's sort of been lost along the way, you know, not a senator priority. It did get a Speaker's priority designation last year, but we still didn't get to it. The point is that this is not going to cost money. This is...we're not

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establishing a commission. We're not establishing a task force. We're not establishing a department. This is an internal operation of the Legislature and, as such, it won't cost us any more than any other committee, and we don't...we don't apportion our costs to committees. Ours is an operating cost. Now I recognize the fact that we could get far too many special committees and people's time can be dispersed in too many directions. I don't see this committee as meeting all the time or maybe even possibly not even session, depending on the kinds of issues that need to be discussed and addressed, but the option is there. And we do need the option. I don't know what I'm going to say to the Indian Commission and the four tribes of Nebraska if this bill doesn't pass. I think it's going to be a shame. I think it's going to be very disappointing to them because they've waited and worked in good faith with our legislative process. Now that doesn't mean we have to pass this bill. I'm not trying to lay that on you. But I'm really sensing a misunderstanding of what this bill is all about. And I would like for you to really think about what we're doing here this morning and what kind of message we might be sending to our friends on the reservations and off the reservations who have problems that... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR SCHIMEK: ...we can't even dream about sometimes. And I don't think it would hurt us to have an open mind towards the establishment of this committee. Thank you. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Schimek. Senator Ashford. [LB34]

SENATOR ASHFORD: Thank you, Mr. President and members. Senator Schimek, you're one of the greats (laugh) and it will be a loss to this state when you leave here. I sat in this body for eight years and listened to speeches like this over and over again on issues that are so important to people, and I was just...I'm touched by this bill in so many ways. I'm touched because you brought the bill, and I'm touched by all the bills that you've brought to us during the time I was here and now again with you in this Legislature. And I'm also touched because I was sitting in this chair right here, Senator Stuthman's chair, which is actually my chair that Arnie is sitting in, but I was sitting in that chair when the discussion took place between Senator Chambers and Senator Labeledz. It was one of the great discussions that I recall from my eight years in the Legislature, and Senator Chambers was trying to get the point across about what he...about these tribal remains and about the artifacts and about the burial grounds and about how important and fundamental those beliefs are to the Indian tribes in this state. And I can tell you that that discussion was a sea change in the way I thought about the tribes. It was a sea change in what I thought about that issue, and I voted proudly for those bills. And Senator Chambers brought those bills, and Speaker Baack, I believe, was also a sponsor of one of the bills. And it changed, I think, the thinking to a great degree in this state about how we think about Indian tribes. My family came from Ireland

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to northeast Nebraska in 1848, and my family up in Dakota County--and I talk to Senator Engel about this from time to time, and go...and used to go up there to my...the farm that my family had--and when they came with the four Irish families and they came to northeast Nebraska, they met the Indian tribes, the Omaha Indians, and they...and I would sit at my great-aunt's house, in her house, and listen to stories about how the Ashfords and the O'Connors and the Duggans and these Irish families sat together and learned about each other and taught each other so much. So when this debate occurred in the Legislature on the tribal remains, it was a great debate and it reawakened a tremendous amount of my history and my thinking, and I was so proud to vote for it. On Senator Fulton's points, I...the budget, we have a \$3.2 billion budget in this state. (Laugh) We get \$12,000 a year. We should have special committees on everything in state government, like they used to do in the Omaha City Council, when every city councilman was responsible. One was responsible for the police force, one was responsible for the firefighters, and they were in charge. That's the way. Each one of us ought to be in charge of a department and we would save a lot of money, a lot of money. So I...the more of these we can do, the better. The less big government, Senator Fulton, you're absolutely right, it's become...it is out of control. When I left the Legislature our budget was \$1.6 billion. It's now \$3.2 billion, or whatever it is, and it's out of control, and I think to a certain degree it's because we've delegated too much of what we do to the bureaucracy of state government. But in any event, I'm proud to vote for this bill. I'm proud of Senator Schimek for everything she's done for this state, and I'm proud of Senator Chambers for having initiated the tribal remains bill at a time when it was very unpopular to do so, and I certainly urge all of us to get behind this legislation. It's meaningful legislation. [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR ASHFORD: It will make a huge difference and it reflects the character of our state. This is the kind of legislation that reflects what kind of people we are. And I'll tell you what, it's time to get to debates about that. We've got, for the first time in 35 years, poverty in this state is...has increased exponentially, and we are, I believe, somewhere around third in the nation in urban poverty in this country. It is time that we talked about these issues, because it goes to the character of what kind of state we are. So I applaud Senator Schimek, I applaud what she's doing, and I urge that we advance this bill. Thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Senator Chambers, followed by Senator Wallman, Senator Avery, and others. Senator Chambers, this is your third time. [LB34]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I read history all the time. I sometimes wonder how could some of the atrocious things that happen to groups of people have happened? As I listen to this debate, look around this

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floor, see the lack of interest, I can readily understand it. We're dealing with an issue that white people, not all but in general, don't care about. Look how depopulated the Chamber is. Suppose we were talking about one of those rural issues which, by the way, I have been a champion of since I've been in this Legislature. Some rural commissions that some of the other white senators, Senator Carlson, wanted to abolish, I saved. Some of the senators were prepared to get rid of the Ag Committee and I saved that committee. And I told these white people, what sense does it make when you say agriculture is the basis of this state's economy and you're not going to have an Agriculture Committee? I saved the white people's Agriculture Committee. I can look beyond what happens to people of my complexion because I say over and over we are state senators. How many of you all even know what the Trail of Tears refers to? Have you ever heard of Chief Joseph, the Nez Perce? He led a tribe, a whole people, elderly, infirmed, women, babies hundreds of miles eluding the United States Army. He did something that was unthinkable and accomplished what seemed to be impossible. White children are not taught anything like that. You know what they're taught? (Makes woo-woo woo-woo woo-woo woo-woo woo-woo sound.) And stick a feather in your head and go jumping around and one little, two little, three little Indians, and wonder why we are offended by it. Because you don't care and you don't understand. That bill on Native American remains that I got through this Legislature became a model used not only in other states but by the United States government, but the United States government didn't do it first. It was done here. You talk about money. I ought to oppose every money bill that comes up. What piddling amount are you talking about? How is knowledge going to hurt anybody? In knowledge, there is power. That's why I'm always talking about the education our children need. We don't need to be ignorant. Didn't Saint Paul tell you, brethren, I would not have you ignorant? That's what Senator Schimek is saying with her bill--colleagues, I would not have you ignorant. And somebody else in one of those old books talked about somebody who is a workman who needeth not to be ashamed, studies daily to see if those things are so. And they were...he was talking about things that are spoken of in the "Bibble"--study to see if they're so. And some of my colleagues fear knowledge, fear information. And I'm glad Senator Schimek brought up all these white people's commissions and departments and committees that we have that do spend money, and you don't get upset about that. Senator Pahls is Chair of the Banking Committee. Well, why do we need a Banking Department? Why do we need a Banking Committee? Because it relates to white people, that's why. And these things are not even questioned because it's you and whatever you want is right and whatever you want you get. And you think I, a black man, am going to stand on this floor and let you get away with that? If I use the kind of language some of you all use, I would use that H word. I think I'll use it anyway--heavens no. I fooled you, didn't I? (Laughter) [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR CHAMBERS: Because I don't want to vulgarize the language, I do not want

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to coarsen the debate, but I do have white colleagues who have used that and other words on this floor which I will never use. How many of you all have ever heard of the Indian Child Welfare Act or even care? There's great pride taken when they talk about how Chief Standing Bear was proclaimed a human being, in essence, and there's great pride because that was all those years ago, and here we are today. That's why I say there's so much hypocrisy here. If somebody is dead and long gone, then you all can recognize them. But when we have living people facing living problems, all of a sudden you're going to say, well, some...we might have to spend some money, we might. And I look at all the money you all are spending and the billions that will be spent on white people's issues by this state and it won't turn a hair, it won't raise a whisker, and people won't even breathe hard. [LB34]

PRESIDENT SHEEHY: Time, Senator. [LB34]

SENATOR CHAMBERS: Thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Senator Wallman. [LB34]

SENATOR WALLMAN: Thank you, Mr. President. Is this the morning for singing, Senator Chambers? (Singing) I love you, you love me, we're a family. (Laughter) And have we ever included the Native Americans as family? No. I was reading about Jamestown, what they did to the Native Americans back there, way back there in the 1600s. We've never treated the Native Americans very well, and is this an issue to try to make us feel better about them? It should be. It should make us...make them feel better about us. We don't seem to care. They're our Native American peoples. They settled this land way before our ancestors ever got here. They were here first. They farmed, they taught us how to do things, they were educators, they helped us out. Without those Native Americans, folks, we wouldn't be here. It's plain and simple. They weren't...they didn't send bombs and airplanes and none of this stuff over here, like we try to do now. We try to control everybody, with what? Military might. Is it working? Is it working, folks? No. Where's diplomacy in our government? Where's it at? I'd like to know where diplomacy is at. Where are our diplomats? Are they sitting on their rears getting big checks from our government? I'm afraid so. And that bothers me. We send military all over heck--Bosnia, Serbia. I've got cousins with their kids all over, I've lost uncles, and we don't have any trouble with that. We try to bend people to our way of thinking, our way of government, our way of living. And we tried to do it with the Native Americans and it didn't work. We damned near killed them off--I'm sorry. We just about killed them off with smallpox, diphtheria--our diseases, not theirs. They had natural immunity to everything what was here. We've polluted our water, our streams, you name it. They didn't do that. They lived off the land, they were not money hungers, money mongers, and they were people, social people, who cared for their own. And I'm proud to support this bill. I'm glad she brought it forth, and it's an issue. I've studied about Native...in high school I had to study about Indians because--Native Americans, I'm sorry--because of

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what I did. So I had to speak on this issue. That's a long time ago. So from the languages to the tribes, this is a very interesting state, folks, and whatever we can learn about it, we should. And again, I urge that everybody support these bills and amendments. I think it's a good thing for Nebraska. Thank you, Chair, Mr. Chair. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Avery, followed by Senator Fulton, Senator Erdman, and others. Senator Avery. [LB34]

SENATOR AVERY: Thank you, Mr. President. The Ponca Tribe has a headquarters a mere four blocks from this very Legislative Chamber. How many of you know that? Four blocks, the Ponca Tribe. They're my neighbors--I live two blocks away. The Ponca Tribe held a breakfast a couple weeks ago, and only three senators showed up. Now I'm not going to criticize those who didn't show, but let me ask you this: Could the Ponca Tribe conclude that we don't care? I think they possibly could--maybe not--because many of us didn't show up at that breakfast. Senator Schimek was there. Senator Loudon was there. I was there. They had a nice breakfast prepared, spent a lot of money on it, I suspect, and had a lot left over. Perhaps the lack of attendance at one breakfast may not make much difference, but when we pile on and continue to demonstrate our indifference, we do so to the detriment of the cohesiveness of our own society. This legislation is asking very little from this body, very little indeed. And I'm surprised and disappointed at some of the arguments I am hearing against this bill. We lose nothing by doing this. We lose nothing, so let's do it. Thank you. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Fulton. Senator, this is your third time to speak. [LB34]

SENATOR FULTON: Thank you, Mr. President, members of the body. I may have spoken erroneously earlier. I said that there was no fiscal note to this, and after going through and actually paying attention when I read this time--I read it, just didn't pay attention--there is a fiscal note attached. There's no monetary value, but I believe there's a line in the fiscal note that does address the fact that there could be expenditures in the future. So I point that out because I am sorry that I spoke wrongly. The point I want to make here, I hope that we are not confusing the intention attached to this bill with what I think we were debating in the first place, which would be the consequences of the bill. I don't...I can speak for myself in saying that it is not my intention to frustrate the education process as it relates to Native Americans--completely not the case. My point is that we have a commission on Indian affairs already, which has as its objective something which is stated similarly--my contention is, duplicated--in this bill. I am saying that we are doing...using two things to accomplish X. I believe we should use one thing to accomplish X. I believe that's more effective. We're more effective in educating when we do such. Perhaps I'm wrong; perhaps we should have this committee. Perhaps if we...as Senator Avery said, what's the worse that could happen? Perhaps that's correct. But the contra of that, if we follow that line of reasoning,

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what's the worse that would happen if we introduce another...a committee which duplicates what an agency is doing? Why not introduce two committees or three committees or four committees? If we were to do that, I think most people would recognize that you are diluting the effectiveness of any one committee, and that's the argument that I'm posing here, is that we're duplicating something that already exists as an agency within state government. Again, I could be wrong. This is not something that can easily be determined in a beaker or a Petri dish or by numbers, but the argumentation that I utilize is taking the logic that has been put forward to support the bill and bringing it to a certain conclusion, I think we would all agree, we don't want to have 10 or 11 agencies trying to educate on the affairs of the Indian community in Nebraska. We don't want that, because it dilutes the message and it dilutes the effectiveness of any one agency. So I hope that we don't confuse the debate by looking at the intention of those for or against, because I can tell you it is not my intention to frustrate education on this matter. It is my intention to point out how we conduct that education, and I think that's my responsibility, it's our responsibility as senators. So I posit that to the floor. I thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Erdman. [LB34]

SENATOR ERDMAN: Question. [LB34]

PRESIDENT SHEEHY: The question has been called. Do I see five hands demand the close of debate? I do see five hands. The question before the body is, shall debate now close on AM509? All those in favor vote yea; opposed, nay. Senator Erdman, for what do you rise? [LB34]

SENATOR ERDMAN: Mr. President, I'd request a call of the house, please. [LB34]

PRESIDENT SHEEHY: There's a request for a call of the house. The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB34]

CLERK: 40 ayes, 0 nays, Mr. President, to place the house under call. [LB34]

PRESIDENT SHEEHY: The house is placed under call. All unexcused senators please report to the Legislative Chamber. All unauthorized personnel please step from the floor. The house is under call. Senator Erdman, it's my understanding you wish to proceed and are willing to take call-ins? [LB34]

SENATOR ERDMAN: Yes. [LB34]

PRESIDENT SHEEHY: Mr. Clerk. [LB34]

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CLERK: Senator Burling voting yes. Senator Engel voting yes. Senator Ashford voting no. Senator McDonald voting yes. Senator Mines voting yes. Senator Raikes voting yes. [LB34]

PRESIDENT SHEEHY: Please record, Mr. Clerk. [LB34]

CLERK: 25 ayes, 12 nays, Mr. President, to cease debate. [LB34]

PRESIDENT SHEEHY: The motion passes. Senator Schimek, you're recognized to close on AM509. [LB34]

SENATOR SCHIMEK: Thank you, Mr. President and members. It's been so long since we discussed this amendment I'm having to try to bring it up again on my gadget, so bear with me a minute. [LB34]

CLERK: Senator, it's the amendment that reads, the appointment shall be based on interest and knowledge. [LB34]

SENATOR SCHIMEK: Oh. Thank you very much. Yes, this is the amendment to the Erdman amendment, which, if you recall, the Erdman amendment strikes the specificity that tells the Exec Board they have to appoint these members from certain committees, certain standing committees, one from each. This...and because that's struck, I wanted to add in that if we're going to do that, the appointments should at least be based on interest and knowledge regarding the subject matter of the committee. So that is the amendment; it's very simple. I urge your adoption of the amendment. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Schimek. You've heard the closing. The question before the body is, shall AM509 be adopted to AM205? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB34]

CLERK: 42 ayes, 0 nays, Mr. President, on the adoption of the amendment to the amendment. [LB34]

PRESIDENT SHEEHY: AM509 is adopted. The call is raised. Mr. Clerk, do you have announcements on your desk? [LB34]

CLERK: Mr. President, not at this time. I do have an amendment to Senator Erdman's amendment. Senator Chambers would move to amend with FA33. (Legislative Journal page 694.) [LB34]

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on FA33. [LB34]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, if you

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want to call this language up on your gadget, you will see that it will reinstate some of the specific language that Senator Erdman's amendment would have deleted from Senator Schimek's amendment. His goal was to give a broader field of interest to this committee, but in view of some of the questions raised by Senator Fulton and suggested by others, as to precisely what this committee would do, my feeling is that the specific language that Senator Schimek had in her original bill would be of great help in giving direction. But I added three words, which would say "among other things." Then we list the very items that Senator Schimek had in her original proposal. If we put that information in, it will nail down what the committee does. But now I'm going to tell my colleagues, I say, I'm going to tell my colleagues, what this bill does--I say, what this bill does...you know what I'm doing, what I'm doing? I am using a tactic, a tactic, which I encountered at Creighton University Law School, law school, in the class of Professor North, Professor North. The last two words, two words, of every sentence he uttered, he uttered, he would repeat, would repeat. And he had a class, a class, consisting of all white students, white students, with the exception of myself, of myself. He was teaching income tax, income tax. (Laughter) I think I made my point. This is the way he was teaching white students, and I missed more classes than all of them put together, and guess who did better in the class than all of them? I did--the black man, who didn't attend class, didn't attend class. And the students would come to me because they didn't understand the courses and would ask me for my explanation of what the teacher was presenting to them, presenting to them, and I would give it to them and they understood it better, it better. I'm doing that because I don't think you all pay attention, pay attention. And there was a big rooster in one of the cartoons, the cartoons, who would say, I say, boy, I say, boy, listen, listen! This committee is composed of you all. It's composed of senators. Senator Fulton is so worried about money. The senators comprise the committee. The senators are the ones who would ask for the money, if there is money asked for. This is not a bill consisting of ETs, extraterrestrials. It's consisting of you all. You all don't trust each other? When will the committee meet? When the senators on the committee say it shall meet. You all don't read this because you have in your mind, whether it's right out there in front or sub rosa, that this relates to Native Americans, and they don't count. So Senator Fulton wants to list a thousand things--that's an exaggeration, an exaggeration--that that Indian Commission is supposed to do, which it cannot do. It overburdens that committee. So here's what Senator Fulton would like to say: I went in a hospital and the purpose of the hospital is to heal, to restore people to health. So we shouldn't have a osteopathic department, we shouldn't have a department of neurology, pediatrics, surgery, gynecology, geriatrics, because they overlap. They're all doing the same thing--trying to make people well. Let's make one person do it all. But when it comes to white people's interests, that's not what he or anybody else on this floor says. It's only when it relates to us, and by "us" I mean those who are nonwhite and acknowledge it. There are others who are nonwhite but they want to be white so hard and so bad that they will be more racist in their conduct than the white people. Clarence Thomas on the U.S. Supreme Court is an example. He is the greatest detriment to black people to ever sit on that court. He's

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even worse than Roman Catholic Chief Justice Roger B. Taney, who said in the Dred Scott decision that a black man has no rights which any white man is bound to respect. That's a part of American history. We have so many things in American history that demean us, that abase us, that insult us, that degrade us, and we're supposed to go along, like white people, where the worst thing they might have to wonder about is what color should my clothes be when I go to a prom. Should I wear a peony or a rose? Should it be pink or white or blue? So when people who have genuine issues and genuine problems come up, a metal shield slides across your mind and you won't hear. So we have to talk loud, we have to be repetitive. But this is a methodology used by white people talking to other white people, when they want to be understood, because they know white people's attention span may not be long. Now I'm talking about what I've seen white people do when dealing with white people, dealing with white people. I've experienced...I've been around white people all my life. I know far more about you than you'll ever know about me. You've never been the only one in a community of black people, as I am here. And not one of you has experienced those others trying to change the rules to shut you up because they didn't like what you say, but I've faced it year after year, session after session, and they couldn't stop me. And I challenged them to stop me. I even helped them rewrite their rules because they didn't write it in a way to do what they said they wanted to do. So I helped them write the rule, and they would adopt my amendment, and then here's what I'd tell them: You're building a cage for me, right? Well, you don't realize that to build a cage you need bars. So my amendment was to give them the bars. But here's what I told them. If I know you're building a cage to hold me, am I going to tell you how to build a cage to hold me? I'm telling you how to build the cage you said you want. And they haven't been able to hold me, and they never will. You'll have as much chance of holding me as you have of holding water in a sieve. I cannot be stopped. I cannot be overcome, and I will not be degraded, demeaned, insulted to the point where I will dry up, shrivel up, and blow away. You're going to have me to deal with, and especially on these issues. We don't have a Native American on this floor. Maybe if I hadn't told you what happened with Standing Bear some people wouldn't even know who Standing Bear was. They might think he was a trained creature in a circus and say, well, maybe I'll see him in a Shrine circus, a bear that will stand up on his hind legs like a human being. They even degrade the animals, take away their little dignity, have an elephant rolling around on a ball, sitting with a dunce cap on his head, for white people's entertainment and amusement, and that's what they teach their children about the creation that they say God brought into being. This is what you do with the so-called lower creatures that you are supposed to take care of and be stewards over, and you degrade and debase even them. And now, we're talking about people that I consider to be human beings, whether others on this floor may not. And I hear these senators talking about there might be an A bill. The senators are the ones--seven senators--on this committee, on this committee--senators! You won't have a Native American; don't worry about that. They're not going to taint your deliberations as you feel that this black man taints your deliberations. But I'm your even change; I am on this floor, and I will speak, and I will not try to pretend that I'm anything

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other than a black man. My mother...my mother's maiden last name was Swift, and some people traced it back to a guy named Jonathan,... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR CHAMBERS: ...who lived on the other side of the ocean. You think I'm going to stand up here and say, I'm part Irish? Heavens, no! I'm what I am. You can look at me and see what I am, and I'm going to try to mitigate what you think of a black person by saying that there's some kind of white blood in me somewhere, some European blood that taints me? You feel that my blood would taint you; I feel yours would taint me. You can give it, but you can't take it. You think everybody aspires to be what you are. You think I want to aspire to looking at other human beings as though they're not human beings? Perish the thought! Thank you, Mr. President. [LB34]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Thank you, Senator Chambers. Senator Schimek, you're recognized. [LB34]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I tend to agree with Senator Chambers that perhaps, in light of the discussion, maybe we should reexamine the original language of the bill, but I have really made a commitment to Senator Erdman, and so I'll probably...I'll think this through a little bit more. I really got up to address a question particularly that Senator Louden had asked earlier, and that question was, how many states have both a legislative committee and a commission on Indian affairs? And, Senator Louden, I went to the NCSL web site, or my staff did, I should say, and in introducing this topic it says, the need for state forums on Indian affairs has increased in conjunction with the need for improved state-tribal relations. And incidentally, NCSL does have a State-Tribal Relations Committee itself. It says, traditionally these forums have been under the direction of the executive branches in the states. More legislatures, however, are recognizing the benefits of having dedicated committees on Indian affairs or state-tribal relations. And I have the whole long list of all of the states here, and I'm going to read you the states that do have both a commission and a legislative committee. The first one is Arizona; the second one is California; the third one is Hawaii; the fourth one is Idaho; the fifth one is Kansas; the sixth one is Maine; and I mentioned they have two tribal members on the floor of their legislature. The seventh one is Montana; the eighth one is New Mexico; the ninth one is North Carolina; tenth, North Dakota; eleventh, Oklahoma; twelfth, South Dakota; thirteenth, Texas; fourteenth, Utah; and fifteenth, Wisconsin. This is not an unusual kind of proposal to be making. Other states have recognized that it is important that both the executive and the legislative branches have some kind of a commission or committee dedicated to the whole idea of Indian affairs. I am hoping that we can move this bill along. I'm thinking back to yesterday, about 23 hours ago, less than 24 hours ago, when

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I said that I was hoping that we could move this bill with its amendments across, because I was totally, totally unaware of the opposition, because I thought that Senator Erdman, who had voted no to vote this bill out of committee, he was the only Exec Board member who voted no on voting this bill out of committee, and I thought if he and I could kind of come to an agreement that maybe we could eliminate some of the long discussion on this bill. I'm puzzled by the fact that Senator Engel said a while ago, and I don't see him on the floor now, but Senator Engel said a while ago he didn't think he could support this bill. Well, I think he's been on the Exec Board for the three times that the Exec Board has voted it out of committee. He voted it out of committee this year. I do not understand what's going on here today,... [LB34]

PRESIDENT SHEEHY PRESIDING [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR SCHIMEK: ...and I would certainly love to be enlightened, if anybody can tell me where this huge opposition to this bill came from. I think that the discussion has been good, and I'm not regretful that we're having the discussion. But in the whole scheme of things, I did not think that a bill on a special committee of the Legislature would take all the time that it's taken this morning. I think we have to keep things in perspective. I would just encourage you to examine the things that have been pointed out in the discussion. And, you know, I just had somebody ask me again about the cost of this, and there's not a cost... [LB34]

PRESIDENT SHEEHY: Time, Senator. [LB34]

SENATOR SCHIMEK: ...affiliated with this bill. Thank you. [LB34]

PRESIDENT SHEEHY: Thank you, Senator. Senator Aguilar, followed by Senator Carlson, Senator Howard. Senator Aguilar. [LB34]

SENATOR AGUILAR: Thank you, Mr. President and members. I rise in support of the amendment, as well as the underlying legislation. I want to thank Senator Schimek for bringing this forward. One point I wanted to make is I know personally the director of the Mexican-American Commission, as well as the Indian Commission, and I can, for one, tell you that they're operating on a shoestring budget. They have very little staff, and what they do have, you know, there's very important work that they do do and they have to accomplish. Taking on something else would be literally impossible for them doing, without having to support them with more funding, and I don't think anybody is ready to do that at this point in time, that's for sure, from the tone of this conversation. So I would encourage you to really consider this. This is important. I'm going to support it. And again, thank you to Senator Schimek for bringing it forward. And I would yield the rest of my time to Senator Chambers, if he desires. [LB34]

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PRESIDENT SHEEHY: Senator Chambers, you have about 4 minutes. [LB34]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Aguilar. Members of the Legislature, I'm going to continue throughout this session to let you know some of the historical insults that have been paid to people of my complexion. You all lionize Thomas Jefferson, who produced babies on black women. He enslaved them. He thought we were intellectually inferior, but when it came to mixing bodily juices through the sex act, he was not above that. And he referred, in the only book he wrote, Notes on the State of Virginia, to people of my complexion, talking about how inferior we are, our memory is okay, because all you're doing is repeating something that was put in your head by somebody else. But when it came to thinking, engaging in rational processing of information, we cannot do that. And he also felt that there could not be too much in the way of mingling of the races, because of what he referred to as my unfortunate color. But he was certainly mingling with the race when it came to those young black women that he wanted sex with while he was married to a white woman. And that's not discussed in the classrooms, is it? You've got a man who committed adultery, held slaves while talking about God created all men equal, but he didn't consider black people to be men or human beings. You know what? Look at this unfortunate color of mine. You know what my unfortunate color, as he calls it, helps me in? It gives me a greater protection against skin cancer from the sun, which your fortunate white color does not afford you! Now let's see whose color is unfortunate, and Thomas Jefferson, whom you all praise, brought it up. The sun gives life, doesn't it? Well, if that which gives life to everything else will give death to those who are of your complexion, what is nature telling us about your role? That you probably should not be here, and nature is trying to purge itself of those with pale complexion. Don't tell me you don't like this; you're all grown people. But when we're little kids in school, they use insulting racial slurs against us when we're children, and we cannot talk back. I'm dealing with the ones you all present to us as your heroes, as the examples. And he was a slaveholder, and I'm supposed to respect him and tell my children to respect him? And he treated us like cows, pigs, and chickens, and insurance companies insured my people as property. The white man could say, I've got an old slave named Ernie... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR CHAMBERS: ...and I want to insure him, along with my tables, my chairs, my pigs, my chickens, my silo, my barn, because he's property just like they are. And I'm supposed to forget it? And now that I'm in the Legislature, I'm supposed to sit quietly while another group of people are cast as members of the kingdom of "thingdom"? I won't do it. I support this bill, and I ask that you support my amendment. Thank you, Mr. President. [LB34]

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PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Carlson. [LB34]

SENATOR CARLSON: Thank you, Mr. President, members of the body. I'm sitting here this morning and experiencing what many of you do everyday. I've got other things on my mind today, things that are important to me, and I know that you all have that. But this discussion this morning has captured me. I have a good book that I read, and that book says as you love me, love one another. Book says love your neighbor as yourself. That book says love your enemies. Book says love those who persecute you. We've heard "passioned" debate this morning, and I applaud Senator Schimek and Senator Ashford, Senator Wallman, Senator Chambers, Senator Avery and others. I've been influenced by the legislative process today and appreciate it. The passion expressed got my attention. But in this debate it brings to mind that we can't legislate caring, we can't legislate morality, we can't legislate right behavior, we can't legislate fairness, we can't legislate color blindness. It must come from the heart, and I've got a long way to go. Thank you. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Howard, followed by Senator Dubas, Senator Chambers, and others. Senator Howard. [LB34]

SENATOR HOWARD: Thank you, Mr. President, members of the body. I would like to thank Senator Schimek for bringing in this bill. I was here a year ago when Senator Connealy passed a bill regarding Native Americans. It was a staffing issue and would have provided education for children in school, it would have done a great deal of outreach work. We did pass that bill, but it was later vetoed, and Senator Connealy was unsuccessful in overriding the veto on that agenda. But it reminds me of how we often tell ourselves that Native American issues really don't have the same importance of other issues that we bring to this floor, and indeed they do. Indeed, they do. Senator Chambers' amendment states the members would consider, study, monitor, and review legislation. I think those are all legitimate concerns, certainly things that we should be doing on an ongoing basis on every issue, but we don't have time to do that. This group of individuals would focus on that, would make recommendations regarding Native American issues and appropriate legislation, and be available to this body. I think that's very legitimate; there's no cost involved. I'm at a loss as to understand the reason for the hesitation to approve this. I am thankful for the amendment, as well as the bill, and certainly do support this. I offer the balance of my time to Senator Chambers, if he should want that. Thank you. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Chambers, Senator Howard has yielded about 3 minutes to you. [LB34]

SENATOR CHAMBERS: Thank you, Mr. President, and thank you, Senator Howard, and I was pleased to hear what Senator Carlson said. All of his comments that he made are true, as far as they go. I know that by legislation you cannot convert a thief into an

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honest person, but you can create consequences that that thief will face, which will modify conduct. I believe that before you can alter conduct, you have to alter thought patterns. Sometimes you can alter it by rational argument; other times you have to say, do it this way or else. If you're prepared to accept the consequences, do whatever you want to do. The word used in the realm of crime and punishment is "deterrence." You establish punishments for conduct which society disapproves of by saying, if you engage in that conduct, this is what's going to happen to you. If you fear this conduct sufficiently, this punishment, you will not engage in that conduct. You cannot legislate a fair-minded attitude in somebody who intends not to be fair-minded, but you can legislate what constitutes fair conduct and treatment of people before the law. And even then, Senator Carlson, we might have judges who are not going to apply the law properly, so I'm not disagreeing with what you say. It does have to come from...well, I don't have a heart, I take your word for it. It has to come from what he calls the heart. Since I don't have that but I respect his intelligence, I will accept that those who have hearts must have what he's talking about spring from the heart, whatever that is. What we're talking about here, though, is knowledge. We're not talking about the heart, we're not talking about sentimentality; we are talking about the acquisition of knowledge. It would seem to me that, as complex as our work is, the number of difficult issues we have to confront, it would be to our advantage to have sources of information that... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR CHAMBERS: ...would facilitate what it is we're doing. Now I wouldn't know how to operate on myself, I wouldn't know how to cure an ailment, but I am the only one who can tell the doctor where I hurt. I am the only one who can tell the doctor the nature of the pain. Is it sharp? Is it stabbing? Is it intermittent? Is it an ache? I'm the one who has to tell the doctor that and give direction. So there are people who, because they have such familiarity with an issue, can bring us that information and a point of view that will help us in reaching our ultimate decisions, which I hope would be fair and just and proper. Thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Dubas. [LB34]

SENATOR DUBAS: Thank you, Mr. President, members of the body. All I can say is, shame on us! How can we decimate and demean entire cultures of people, and merrily go on our way? And that's exactly what we've done to the Indian nation. How many broken promises, and how many more times will we not take the opportunity to make amends? This is a very small gesture. Vote your conscience. But I thank Senator Schimek for bringing this to floor and to our attention, and I support her bill with all my heart. Thank you. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Chambers, followed by

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Senator Fulton, Erdman, and Wallman. Senator Chambers. [LB34]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I do listen to what my colleagues say, and Senator Fulton did talk about something being duplicated. Now I'm not going to try to draw Senator White into this, but he could confirm and Senator Lathrop could confirm and Senator Flood, who is a lawyer, could confirm, as could Senator Ashford, that we have duplication throughout the judicial system. If we start at the trial court level in the state courts, you can appeal to the district court, you can appeal that to the appellate court, and if it's substantive enough you can appeal the appellate court's decision to the Supreme Court. You're chewing this cud four times. I fought against the creation of an appellate court, saying that we can let the Supreme Court handle it all, because this is a small state. But they wanted an additional layer of appeals. Now that is where you have a tremendous amount of money being spent, and the public voted for that additional layer, and there was not all this talk now about, we might have to spend 30 cents. Now that's not all that exists in the American judicial system. You have a federal system into which you can go. You have a trial court level, you have an appellate court in the middle, then you have the U.S. Supreme Court. So conceivably, something may go through seven layers of judicial consideration, and who is saying get rid of them because it's duplicative? When it comes to something like this which is not going to cost anything in the way of money--it's controlled by the Legislature itself--how can there be so much concern and worry? We can wrap our minds and give all of our time to something which, I think, should be self-evident. And what is it that I mean should be self-evident? That a source of information that we control is not something we ought to fear. We are afraid. Wisdom is the chief thing; therefore, get wisdom, Senator Carlson, but with all you're getting, get an understanding. That's from the same book he talked about earlier. Understanding. Understanding comes from knowledge. Knowledge comes from your mind winding up in contact with something that heretofore you were unfamiliar with. If I listen to Senator Carlson and he explains some things from his part of the state that I didn't know about, I gain knowledge. I'm improved by that without diminishing him. If I don't know that that wall is solid, and that stone is stronger than bone, I might go up there and bash my head against the wall. Well, that wall communicated with me and imparted knowledge that I didn't have before, that when I see stone, that stone is stronger than bone. And we learn by coming into contact with that about which we don't know anything or about which we don't know as much as we want to know or ought to know. We're talking about providing ourselves as a Legislature a source of information from a group of people who have unique issues and problems, which, when addressed by the Legislature, must be addressed in a unique manner. We do have to consider federal law, U.S. treaties, state law, and a host of other matters that interplay and interconnect. We are not, in every one of those cases,... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

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SENATOR CHAMBERS: ...going to be able to do our own legwork and research. We cannot rely on staff. It would be better, if I am going to be the treating physician, to have the patient tell me where he or she hurts and the nature of it, instead of somebody else telling me what his or her opinion is about where this person hurts. You can have the source of pain in your leg, and you can actually feel the sensation of pain someplace else. You can have a cancer around one of your organs and you can feel pain in your neck, you can feel it in your back, you can feel it in your arm, not having experienced this myself, but I know from having been with people who were very close to me and that had happened. I had even helped a doctor diagnose, by pointing out to him that the source may not be where the person identifies the pain so look someplace else, and they found a tumor. And this was with reference to a person with whom... [LB34]

PRESIDENT SHEEHY: Time, Senator. [LB34]

SENATOR CHAMBERS: ...I couldn't be closer to anybody than I was to that person. [LB34]

PRESIDENT SHEEHY: Senator Fulton. [LB34]

SENATOR FULTON: Thank you, Mr. President, members of the body. I want to start by saying, just because a committee has the ability to spend money shouldn't, in and of itself, disqualify it from our consideration. I think you probably agree, but I think it's important to point that out. That's a legitimate argument, and that is not the basis for my argument. I simply want to make clear that through my experiences, my limited experiences, that there are other ways of spending money than just the fiscal note that's attached. So I recognize that it's a legitimate argument. Just because this committee can spend money, that's not reason to disqualify it. Something that was mentioned earlier I wanted to address because it remains illustrative of my position on this bill, and I'm going to give Senator Chambers some time to respond to it. Senator Chambers mentioned earlier that one wouldn't consider pediatrics and osteopathology and urology and some other "ologies" in there in a hospital, we wouldn't consider that duplicative, even though they are all trying to cure a disease or cure a sickness. I don't remember the exact language. I feel, though, that that example elucidates my position. These different levels of medicine demonstrate my point, I believe. They are elements of specificity, not duplication. And so my concern remains duplication. I'm...again, I'm new. There are a lot of people that are new here, but what I have seen is that there are...there's duplication in state government. And so part of what compelled me to go after this seat, to seek an appointment to this seat, was that I want to put a stop to that. Now maybe I'm not going to go back and fix things that have already been duplicated. I'm not so naive as to believe I can go back and do that, but that which I can address I will, and I believe this is duplicative, that we have a commission whose charge is the same as what this bill proposes to do. And so recognizing that the very good argument that was posited by Senator Chambers about the different levels of...different types of

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healthcare, I maintain that those are elements of specificity to address a goal. So is this bill duplicative, or is it more specific, I guess would be at the crux of this argument? So I talked with Senator Chambers earlier. I'd like to yield the remainder of my time to hear if he could address that argument. [LB34]

PRESIDENT SHEEHY: Senator Chambers, you have about 2 minutes, 10 seconds. [LB34]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Fulton. This bill would create a committee which is not duplicative. There might be some overlap, but it is not duplicative. If we were able to draw an image and put this committee as a transparent overlay, place it on top of what the Indian Commission does, there would not be a congruence of their outlines, nor what is found within their interiors. There could be some overlap, as there is in various areas of medicine. But what I had said was that they all are involved in healing; they're all involved in trying to restore health. So our point of view determines whether we say something is dealing with specifics or different departments. Now I'm going to say, as Senator Fulton said, however he expressed that, you're trying to restore this sick person to health. And there are overlapping practices in these different areas of medicine. There are not sharp lines of demarcation. So when we're dealing with human conduct,... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR CHAMBERS: ...when we're dealing with information and knowledge, Senator Fulton, as an engineer, knows that knowledge is like a seamless web. Sometimes a teacher will compartmentalize it and give you little bites so that you can understand the individual parts. That's analysis when you break it apart. But then Senator Fulton understands that there must come synthesis, where you put it all back together. So the methodology by which you learn may be in pieces, but what you have to have in order to do something that is of practical value is the synthesis of bringing it all together. So what we're doing with Senator Schimek's bill is to address a very real problem that is not being dealt with in any other form. Thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Erdman. [LB34]

SENATOR ERDMAN: Mr. President, members of the Legislature, I rise in...after visiting with Senator Chambers in his desire to further clarify the language, I recognize that the amendment before us restores some of Senator Schimek's original language. My ultimate intent was to make sure that the committee makeup was broad enough to reflect the interests. One of the things that tends to get overlooked, and actually was overlooked by Senator Schimek in the drafting of LB34, was the role that the Department of Ag and the Ag Committee plays with a lot of these tribes in the application of both state and federal law: Pesticide Act, animal identification. We can go

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through a number of lists. And we have documented in the committee a number of times in which we as a committee have worked directly with the Department of Ag and with the tribes in implementing, whether they're state or federal laws. And so the ultimate goal on AM205 was to simply make sure the membership was reflective of the potential needs, and that they would be represented during these discussions, whatever they may be. Senator Chambers' amendment simply clarifies or provides some specificity for those that may not understand the intent of this special committee. I have shared with Senator Schimek, I see no problem with Senator Chambers' amendment, and based on any agreement, perceived or real, that we may have had, that she is free to proceed accordingly. If she feels that this amendment helps her underlying intent, she's more than willing to do that, as well. Let me also address an issue that's been brought up. I always prefer the responsibility to be reflected as such, and when you're a member of a committee, if you vote for a bill, I expect that you're simply okay with the bill. Maybe you vote for the bill so that the full Legislature can discuss it, or whatever it is. I'll take you back to the day that we had the hearing on this bill and the next bill. We had it over a lunch hour, as the Executive Board meets. There was some discussion on the bill, and the decision was made by a majority of the members of the Executive Board to advance both LB34 and LB402. I voted against advancement on both of them, and there's a fundamental philosophical disagreement that I have with LB402, and there's a practical disagreement with the way that LB34 was written. My reflection of my vote is that until I'm comfortable with the way the bill is written, I'm not going to vote for it out of committee. Now if other members choose to proceed differently, that's their prerogative. But I do think that the decisions that we make at the beginning of this process, and which I think is so important and that we have upheld on the floor of this Legislature, in spite of other attempts, are valid, as they may have been by others to bring bills out of committee, notwithstanding their response, I think we have a responsibility to those members to state, are you okay with the bill? And if you are, vote to advance it. But if you're not okay, don't vote to advance a bill just because you want to do somebody a favor, or you think we'll sort it out on the floor. If that's the case, why do we have committees? So I do take seriously, as Senator Schimek and others that have been here and say, I look at a committee statement. If somebody votes no, I'm going to go ask them what the problems are. I'm going to go find out their rationale for why they did what they did, and if those that voted yes would choose now to state that they received additional information, they have every right to change their mind. But I'm not a big fan of voting yes to get it to the floor and then deciding all of a sudden that you're going to change your mind, when you never intended to support the bill in the first place. So I can see some of Senator Schimek's frustration. I understand that we all have different motives on how things get accomplished around here or how we perceive to conduct our own business. But I do think that that's an important part of our process, is how the committees do their work, the effort that they take to make sure that the members are appointed to those committees are of value, and that their opinions are reflected to the full body under the jurisdiction that you've been given. So don't just view the opportunity to advance a bill as, oh well, we'll sort it out on the floor. We spent all

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morning sorting this bill out on the floor. There are limitations on the Executive Board having some of these discussions, but notwithstanding that, I do believe strongly in the committee process and believe that we should be consistent, if nothing else, in how we choose to promote or oppose or to try to fix legislation that we may or may not agree with. [LB34 LB402]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR ERDMAN: I would yield any time to Senator Schimek, in light of my comments on my position on Senator Chambers' amendment, if she would care to further her position. Thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Senator Schimek, you have about 50 seconds. [LB34]

SENATOR SCHIMEK: Thank you, and I don't need any more time than that. I just wanted to thank Senator Erdman for putting that into the record, and I want to thank him for telling me that I'm not hidebound to do what the Erdman amendment said completely. I gather from his remarks that his main focus was on the committee membership, and this other part of his amendment was simply a way to maybe make it simpler and more understandable. But as I've heard the discussion here this morning, I think that probably the Chambers amendment is a good amendment, will help clarify what the committee can and can't do. Thank you. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Schimek. Senator Wallman, followed by Senator Gay. Senator Wallman. [LB34]

SENATOR WALLMAN: Thank you, Mr. President and members of the body. I do appreciate Senator Schimek and Senator Chambers' comments on this issue, and I would wish that we would get this passed on. And isn't it ironic that we're dealing with Native Americans here, who lived here before we did? And what did we used to call bills? We used to call them...I think it started with a T, didn't it? Treaties? Did we keep our treaties to them? So I think, if nothing else, this should show that we want to make a little amends to them. And so, with that, thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Gay. [LB34]

SENATOR GAY: Thank you, Mr. President. I wanted to...I've been listening to the debate today, and I did want to rise and speak, and out of respect for Senator Schimek is what I wanted...I'm going to vote against this bill. And I've heard some of the arguments, but I wanted to give her the reasons why, and give some other people. Right now, Native Americans are represented in this body, and they have, I think,...I'm going to...Senator Rogert, Engel, Loudon, Fischer, Dierks all...they all represent Native Americans right now. That's five. I understand the way the committees would be set up,

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but there's a certain point here. I respect Senator Fulton talking about duplication and cost. You know, the cost is not substantial. Let's face it. But I guess the point I wanted to make is on something like this, this has been introduced before, it sounds like, a couple years ago and didn't go anywhere. I looked on my statement of intent, and no one even showed up at the committee hearing. So I didn't see anybody showing up wanting this. But I understand the senator's passion on this, but when I heard Senator Erdman speaking, saying, you know, if you don't know, don't vote, you know, or vote no. I just wanted to put it out there. I don't want to be looked at as some kind of racist or whatever it is, if I'm going to vote against something on this floor. We're hearing a lot of passionate talk, and I don't think...it's a philosophical argument, and we have different philosophies here, I guess, or different opinions. But I think it's important that it be said what I wanted to do, and I'm saying that. Like I say, I could just not vote, or I could vote yes just to be a good guy, I guess, but on this one I've been thinking it through, and that's what this debate is for. So as it does come to the floor and the rest of us get a chance to hear this, I think it's very important to get up and speak your mind, and that's what I wanted to do. So thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Gay. Further discussion on the Chambers amendment, FA33? Seeing none, Senator Chambers, you're recognized to close. [LB34]

SENATOR CHAMBERS: Thank you, Mr. President. When Senator Gay was speaking, he said he wanted Senator Schimek and others to know why he was doing as he is doing. I'd like to ask Senator Gay a question or two. [LB34]

SENATOR GAY: Certainly. [LB34]

SENATOR CHAMBERS: Senator Gay, if I misheard, then correct me. When you made reference to Senator Erdman's remarks, did you say he said, if you don't know then don't vote for it, or words to that effect? Did you use the term, "if you don't know"? [LB34]

SENATOR GAY: Well, I may have, Senator, and maybe I should rephrase that, but I believe I did,... [LB34]

SENATOR CHAMBERS: Okay. [LB34]

SENATOR GAY: ...the point being, if I could finish, would be sometimes if you're unsure, I'm not so sure that we should go ahead and do something just to...what he discussed is, don't just do something to be friendly or, you know, you should have some kind of commitment to this. [LB34]

SENATOR CHAMBERS: Okay, you're on my time, and this is my closing. [LB34]

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SENATOR GAY: I'm sorry. Thank you. [LB34]

SENATOR CHAMBERS: Do you know what this is that I have in my hand, Senator Gay? [LB34]

SENATOR GAY: I can't see. [LB34]

SENATOR CHAMBERS: This is an amendment to one bill, LB296, that is the reorganization of HHSS. Have you read everything in this amendment? [LB34 LB296]

SENATOR GAY: (Microphone malfunction)...read everything, Senator. [LB34]

SENATOR CHAMBERS: You've read it all? [LB34]

SENATOR GAY: I have not, no. [LB34]

SENATOR CHAMBERS: So then you couldn't say that you understand everything in it, could you? [LB34]

SENATOR GAY: But, yes, I can say I don't understand everything in that yet. [LB34]

SENATOR CHAMBERS: But you voted... [LB34]

SENATOR GAY: But I am reading it, Senator. [LB34]

SENATOR CHAMBERS: But you've voted to advance this bill, haven't you? [LB34]

SENATOR GAY: Yes. [LB34]

SENATOR CHAMBERS: Okay. That's all I would ask. Senator Erdman mentioned the word "consistency" also. Sometimes people say things without thinking of the ramifications, and what he said confirms what I had said earlier. If certain entities and groups are involved, then it's all right to go along. But when other groups are involved, well, I don't know so I'm going to vote...I'm not going to vote for it. There's more mischief in that amendment that I just held up for you than will ever develop in what we're talking about here, because I say again this committee will first of all be appointed by the Executive Board. It will consist of seven senators. Now if you don't trust your colleagues, that's something I can't even address, because you'd have your reasons for not trusting your colleagues. But those people on that committee are not only accountable to us, they sit here with us. There is nothing to fear from this bill. It does not deal with Indian gaming. It does not deal with retrocession. It does not deal with burial goods and Indian remains. It doesn't deal with any of that. It deals with our trying to

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make available a source of information, and whoever is on that committee will determine when they will convene themselves and seek this information. The Native Americans don't control it. I can understand why some people might be worried about that. I'm not one of them, because I think Native Americans have as much intelligence as we have. I don't think they are of a lesser creation. I don't think they have lesser ability. Senator Gay may not know this, but there are a number of committees and commissions that advise and that plan and do these kind of things, but they do them for white people. There was even some rural commission, and all they did was sat around and talked and worked out plans and made recommendations and suggestions, but I didn't hear anybody standing up saying that's duplicative and, therefore, we should not have it, or they're just sitting around wasting time, and I don't know... [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR CHAMBERS: ...what they're going to do. I hope that we will vote to adopt this amendment. Then I hope we will vote to advance the bill. Thank you, Mr. President. But in the interest of saving time, I will ask for a call of the house and accept a machine vote. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You've heard the closing to FA33. There is a motion to place the house under call. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB34]

CLERK: 32 ayes, 0 nays, Mr. President, to place the house under call. [LB34]

PRESIDENT SHEEHY: The house is placed under call. All unauthorized (sic) senators please report to the Legislative Chamber. All unauthorized personnel please step from the floor. The house is under call. Senator Johnson, Senator Hudkins, Senator Pirsch, Senator Harms, Senator Kruse, Senator White, Senator Mines, Senator McDonald, the house is under call. (Visitors introduced.) Senator Kruse, the house is under call. You would like to proceed, Senator Chambers? Senator Chambers advises that we can proceed, and he would also proceed with a machine vote. The question before the body is, shall FA33 be amended to AM205? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB34]

CLERK: 42 ayes, 0 nays, Mr. President, on adoption of Senator Chambers' amendment to the Erdman amendment. [LB34]

PRESIDENT SHEEHY: FA33 is adopted. The call is raised. We will now return to discussion on AM205. Anyone wishing to speak on AM205? Seeing none, Senator Erdman, you're recognized to close. [LB34]

SENATOR ERDMAN: Mr. President, members of the Legislature, AM205 has been

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amended twice. The intent of the amendment, as I understand it and read the language, it does three things: It adds...or it takes away the specific committee representation for the new special committee that Senator Schimek is creating on tribal issues; it clarifies that the individuals that would be appointed to that task force are based on their interest and knowledge of the subject at hand; and it also puts back into language some of the original jurisdiction that they had, but it also broadens that under the Chambers amendment to state that, in addition to the issues outlined, that they can have the opportunity to discuss any other issues that would also be related to their interests. So AM205 is a result of three amendments--mine, Senator Chambers', Senator Schimek's. I would encourage your adoption of AM205 to LB34. Thank you, Mr. President. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You've heard the closing. The question before the body is, shall AM205 be adopted to LB34? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB34]

CLERK: 43 ayes, 0 nays, Mr. President, to adopt Senator Erdman's amendment. [LB34]

PRESIDENT SHEEHY: AM205 is adopted. We will now move to discussion on LB34. Anyone wishing to speak on this item? Seeing none, Senator Schimek, you're recognized to close on LB34. [LB34]

SENATOR SCHIMEK: Thank you, Mr. President and members. I have to say that even when you've been here as long as I have, sometimes you get really surprised, and this was one of those real surprises this morning. I did not anticipate this kind of a lengthy debate, but you know what? It wasn't all bad. You all really talked about some important thoughts that you had, and there's a couple of them I'd like to address. The first one was Senator Carlson. And, Senator Carlson, I appreciated what you had to say. I do think that you can't legislate what's in people's hearts. I agree with that 100 percent. But the more you can educate people, the more knowledge that people get about issues, the better chance you have of changing what's in their hearts. And we can, we can legislate fairness. You're aware, and I'm sure every member of this body is aware, that we've had fair housing acts passed, we've had employment discrimination bills passed--not to discriminate, we've had civil rights acts passed, and those in themselves don't change what's in people's hearts. But they do start to change behavior, and gradually, over the long run, I think they do change what's in people's hearts. They find out that they may not have been as harmed by the passage of some of those bills as originally they may have thought. So I appreciated your comments. They're very true. Senator Fulton, I just have to repeat to you that this is not duplicative. It is legislative business, and no committee in this Legislature can spend money without coming back to this body. So it would be no different from any other committee, and I want to put that issue of money to bed, because it doesn't have anything to do with this bill. And thirdly, Senator Gay, I appreciated your getting up and telling me, and those of us who are working on this, that you had some reservations about it. But I did want to clarify for you, yes, there were

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no testifiers at this particular hearing, but that's not because of lack of interest. For one thing, some of those tribes have to travel a very long ways to get here. If you live up in northern Knox County, you have to come a ways. They have been here before. They have testified. They have let us know that they're supportive. And I have to say that the way the bill came out of committee three different times never indicated to me that there were any problems with the bill. There's never been an amendment, a committee amendment to the bill. The bill has always come out just as written. And I think that this is something that is probably overdue in our Legislature. As I mentioned in response to Senator Louden's questions, there are 15 other states that have both legislative and executive examples of committees and commissions, and it seems to be the trend. So I don't want us to do this because it's trendy, however. [LB34]

PRESIDENT SHEEHY: One minute. [LB34]

SENATOR SCHIMEK: I want us to do this because it is the right thing to do. And my only regret, my only regret is if we pass this bill I won't be able to be on the committee because I'll be long gone. But nevertheless, I think it's important to put into statute...and incidentally, we have to do it in statute before we can do it in our rules. So I would ask for your yes vote on advancing this to E&R Initial. Thank you. [LB34]

PRESIDENT SHEEHY: Thank you, Senator Chambers (sic). You've heard the closing. The question before the body is, shall LB34 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB34]

CLERK: 32 ayes, 6 nays, Mr. President, on the advancement of LB34. [LB34]

PRESIDENT SHEEHY: LB34 does advance. Speaker Flood, do you have announcements? [LB34]

SPEAKER FLOOD: Thank you, Mr. President. As you note on your agenda, the next bill in order is LB402, which is the Redistricting Act. I think we all know that's going to have a significant amount of discussion connected to it. And we will be on Final Reading tomorrow morning, so rather than begin with a ten-minute open and not get back to it in the next business day, my interest today is to adjourn a little bit early and start tomorrow with Final Reading, instead of getting into something just ten minutes and not coming back to it. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Speaker Flood. Mr. Clerk, do you have reports or announcements for the record? []

CLERK: Mr. President, your Committee on Education, chaired by Senator Raikes, reports LB30, LB234, LB357 indefinitely postponed. Your Committee on Government, chaired by Senator Aguilar, reports LB196, LB208, LB497 to General File with

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committee amendments; and LB100 and LB172 as indefinitely postponed. Agriculture Committee, chaired by Senator Erdman, reports LB632 to General File with amendments. Transportation, chaired by Senator Fischer, reports LR28 back to the Legislature for further consideration, LB253 to General File, LB486 indefinitely postponed. Banking Committee, chaired by Senator Pahls, reports LB425 to General File with amendments. I have confirmation reports from the Government, Military and Veterans Affairs Committee, the Agriculture Committee, and the Transportation Committee. I have an amendment to be printed by Senator Heidemann to LB470A. An announcement: Revenue Committee will meet in Executive Session at 1:15; that's Revenue at 1:15 in Room 1524. Senator Pirsch would like to add his name to LB296, as cointroducer. (Legislative Journal pages 695-699.) [LB30 LB100 LB172 LB196 LB208 LB234 LB253 LB296 LB357 LB425 LB470A LB486 LB497 LB632 LR28]

And, Mr. President, Senator Flood would move to adjourn until Thursday morning, March 1, at 9:00 a.m. []

PRESIDENT SHEEHY: You've heard a motion by Senator Flood to adjourn until Thursday, March 1, 2007, at 9:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned. []