

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
January 17, 2014

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[LB174 LB399 LB446 LB913 LB972 LB973 LB974 LB975 LB976 LB977 LB978 LB979  
LB980 LB981 LB982 LB983 LB984 LB985 LR29CA LR413]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Senator Krist. Please rise.

SENATOR KRIST: (Prayer offered.)

SENATOR GLOOR: Thank you, Senator Krist. I call to order the eighth day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record.

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

SENATOR GLOOR: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: Mr. President, I have no corrections.

SENATOR GLOOR: Are there any messages, reports, or announcements?

CLERK: Your Committee on Transportation gives notice of hearing; that's signed by Senator Dubas as Chairperson. A communication from the Executive Board regarding the appointment of Senator Garrett to the Homeland Security Policy Group. A lobby report for this week to be inserted in the Journal as is required by statute. And acknowledgement of reports received by various agencies available for member review on the legislative Web site. That's all that I have, Mr. President. (Legislative Journal pages 267-269.)

SENATOR GLOOR: Thank you, Mr. Clerk. We'll now proceed to the first item on our agenda.

CLERK: Mr. President, LB399, a bill originally introduced by Senator Lautenbaugh. (Read title.) The bill was discussed yesterday. Several amendments were considered, some of which were adopted. The first amendment I have this morning, Mr. President, is an amendment by Senator Chambers, FA171 (sic). (Legislative Journal page 269.) [LB399]

SENATOR GLOOR: Senator Chambers, you're recognized to open on your amendment. [LB399]

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SENATOR CHAMBERS: Mr. President, the amendment probably was stated while I was engaged in discussions. Would it be too much to ask the Clerk to read it because I have some on my desk but I'm not sure that...which one I put up there? [LB399]

SENATOR GLOOR: Mr. Clerk. [LB399]

CLERK: Mr. President, FA172. I misspoke earlier. FA172 is, in line 4 after the word "attorney" add "with the approval of the county board". [LB399]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, we have gone round and round and round on this bill, and it's a foregone conclusion, I think, now in the mind of everybody who has paid attention that we're going to stay on this bill until a cloture motion is made. Pending that occurrence, there are some additional issues I want to raise. And before us, right now, is the main amendment that I'm trying to amend. Senator Lautenbaugh has presented us with a version of the amendment crafted by that crafty "Professor" Schumacher. And Senator Lautenbaugh removed some language, modified other language. And I'm not going to try while I'm speaking now to tell you what the original language was in Senator Schumacher's amendment and the difference between that and what Senator Lautenbaugh has. So I'll stick with what is here. Senator Lautenbaugh retains the involvement of the county attorney. But there is not the requirement that people who will be members of this organization have the approval or go through the county attorney or that the statute specify that more than 50 percent of the membership must approve of somebody before they can join these would-be police officers. What I am doing is adding after the word "county attorney" the following words, "with the approval of the county board". Since you are insistent, and I say you, meaning the Legislature, in making this a complex issue involving the county attorney, then I'm going to tighten it in the way that it ought to. The county attorney should not be the final word on an issue such as this which has turned into that which is preposterous. The only thing these organizations are, are groups of people who want to go through the neighborhood, whether on foot or in vehicles, to see if they observe anything that is amiss. They are carrying out that old puritanical notion that everybody's business is their business. And hell to a Puritan is to be in a place where they say and enforce it, every person must tend to his or her own business. A Puritan couldn't stand that. This is that puritanical notion of "busybodying." And I don't think in this case, based on what these groups are trying to do, it is necessarily a bad thing. But to put these lights up here on top of their vehicles and involving the office of the county attorney, the language would say, with my amendment, after the county attorney is going to set up the terms and conditions, designate the area where this kind of activity will be, I would add after this phraseology as determined by the county attorney, I would add, "with the approval of the county board". And then you'd take it up of the county where the use occurs. This that I'm offering goes along with what is before us in this amendment. I think the amendment itself is unreasonable. I think the bill is not worthy of our consideration. There's a senator from Washington County who didn't want

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to bring this bill. So somebody from Douglas County brings it. And when it was brought to us, it was so poorly drafted that it was an embarrassment to Senator Lautenbaugh, and he ought to have been embarrassed for having taken something like that and foisted it on the Legislature. Fortunately, because I would not sit like a knot on a log, that embarrassing language was made a matter of record and some effort was put forth to rectify it. The first step was when I offered an amendment which the body adopted. That did not make the bill better. It simply made it less embarrassing and humiliating. What we have now is nonsensical in my view. And I thought of some of the questions put to me yesterday and some of the comments made with which I could have taken issue, but I didn't because I had a different idea and plan in mind. I just wanted to show that the time necessary to be taken would be taken by me as I saw fit. But for anybody on this floor to suggest that I want to protect criminals is insane. Whoever asks a question like that is out of his or her mind. And when Senator Lautenbaugh talked about somebody pounding on the podium, about problems in his community, and I'm paraphrasing: And the problems in my community are severe and I've laid them out. The shootings, the obtaining of guns by young people, the inflow of guns into our community, and law enforcement making no effort to do anything about it. To suggest that I'm not serious about that is highly insulting. But when I consider the source, I will not be insulted by that. Is somebody who is irresponsible, somebody lacking in mental toughness, somebody lacking in moral rectitude and honesty. And I say it not like the Governor hiding in some office someplace and not saying it where the person to whom it's directed is not present to hear it. All of that nonsense about howitzers, and aircraft guns, after telling us that we need common sense brought into this Chamber shows you that these...a person like that, and it was Senator Lautenbaugh, speaks without thinking or thinks and decides to deliberately misrepresent what has been said. So we're going to stay on this until the eight hours have elapsed. Senator Scheer saw me coming up the stairs today and I was in one those expansive moods and one of those moods where honesty prevailed. And I admitted to Senator Scheer, and he can confirm it, that you all wore me down yesterday and I'm still feeling the effects of it this morning. Sometimes I take those stairs three at a time. Today, I could only take them two at a time. So I indeed am suffering the effects of that long period of discussion that we had. I don't know whether you will accept this amendment that I'm offering or not. Frankly, it doesn't make me any difference. [LB399]

SENATOR GLOOR: One minute. [LB399]

SENATOR CHAMBERS: What I would like to see the body do is use some common sense, understand what the purpose of these yellow lights, the amber lights are for, and not dilute that purpose, not so confusion, not have vehicles of whatever kind or description with these lights moving through the streets of various neighborhoods. Thank you, Mr. President. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers. Members, the donuts being

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passed around the Chamber today by the pages are in honor of Senator Schilz's 39th birthday. (Laughter) Happy Birthday, Senator Schilz. Members, you've heard the opening on FA172. We now move to floor debate. Senator Chambers, you're recognized. [LB399]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, when the Legislature sets up what you might call a system, it's for a purpose. And that purpose should not be diluted unless there is a strong reason to do so. This bill is not brought to us because these groups in Omaha have whatever problem it is. Senator Brasch has a sheriff out in Washington County and he didn't entrust her with the bill. So here's somebody from Omaha foisting something onto the citizens of Omaha. If you would pass a law that allowed people to wear uniforms that are exactly like those of police officers, or exactly like those of members of various branches of the military, there are people who would do that. So to argue as some people might, this is something that other counties and other neighborhoods will do argues only that when you give people the opportunity to do something that gives them the appearance of being cloaked in authority or officialdom, they will do that. This should not be done. If a person in a neighborhood sees orange--I always say orange--amber lights, those amber lights should attach to the types of things that those lights customarily signal. If you're going to have amber lights for this, you're going to reach the point similar to that in the Judiciary Committee where every particular profession wants a niche made in the criminal law saying that if a crime is committed against people of our profession, it should be a more severe crime. And then here comes the next one and the next one and the next one. And the legislators individually have to learn how to say no and we have to learn as a group to say no. I am not attacking anybody on that committee because they're a member of the committee. I have had exchanges with Senator Brasch because she wanted to initiate exchanges with me. This is not the kind of bill that people give a lot of thought to. But in that rhyme that I handed out, and some of you may not even read it which is alright, but there's a line that says people not on these streets don't know how hard and cold these streets are. So they operate from a theoretical or an academic position. There are maxims which are designed to give guidance to those who have not experienced something, but nevertheless want to be involved in it one way or the other. A song was written. Walk a mile in my shoes. I don't want everybody to see with their own eyes everything that I've seen. I don't want everybody to experience what I've experienced. [LB399]

SENATOR GLOOR: One minute. [LB399]

SENATOR CHAMBERS: All of us may be able to say that about certain things. But I have reasons for not wanting to dilute certain things that indicate a show of authority or a specific purpose such as safety or warnings or notice being given. I don't think it should be just because some people want to let everybody in the community or whoever sees them know that I'm out here as the eyes and ears of the police. Thank

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you, Mr. President. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers. Members in the queue: Carlson, Brasch, Chambers, and Lautenbaugh. Senator Carlson, you're recognized. [LB399]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. We've had a few days of rather serious discussion that I wouldn't necessarily classify as uplifting all the time. But today is Senator Schilz's birthday and I'd like to address Senator Schilz if he would yield. [LB399]

SENATOR GLOOR: Senator Schilz, would you yield? [LB399]

SENATOR SCHILZ: Yes. [LB399]

SENATOR CARLSON: Senator Schilz, President Gloor indicated you were 39 years old. Now he either did that because you told him that or he made it up. Would you tell me what the facts are? [LB399]

SENATOR SCHILZ: He's just a very kind man, Senator Carlson, to be honest. [LB399]

SENATOR CARLSON: So you didn't tell him that. [LB399]

SENATOR SCHILZ: I did not. [LB399]

SENATOR CARLSON: All right. Thank you, Senator Schilz. [LB399]

SENATOR SCHILZ: Maybe he just guessed. [LB399]

SENATOR CARLSON: And so we got to be careful about truth in here. Now Senator Chambers and I both know where liars end up. And so we need to think that as we go forward. But happy birthday, Senator Schilz, and thank you, President Gloor. [LB399]

SENATOR GLOOR: Thank you, Senator Carlson and Senator Schilz. Senator Brasch, you are recognized. [LB399]

SENATOR BRASCH: Thank you, Mr. President. And I, too, rise to wish a happy birthday to Senator Schilz. On a more serious note I would like to see if Senator Chambers would yield to a question. [LB399]

SENATOR GLOOR: Senator Chambers, would you yield? [LB399]

SENATOR CHAMBERS: Yes. [LB399]

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SENATOR BRASCH: Senator Chambers, off the floor you've discussed with me your theory about fishing and how you perhaps may like to fish. Is that correct? [LB399]

SENATOR CHAMBERS: I don't understand what you ask me. [LB399]

SENATOR BRASCH: You had said you throw out lines like fishing. You're throwing out a line to see who will...I'm curious if you're fishing and hoping that I will engage in a dialogue with you this morning. Is that correct? [LB399]

SENATOR CHAMBERS: Well, I didn't say I was fishing for you or anybody else this morning. But I'm willing to engage in a dialogue with anybody and I do enjoy dialoguing with you. [LB399]

SENATOR BRASCH: I appreciate that and I, too, enjoy our dialogues. I've learned many things from them in such a short time. I would like to ask you if you did visit with the Washington County Sheriff and if he told you or she told you--it's a him--the reason why they did not speak with me. And if not, what are your thoughts? [LB399]

SENATOR CHAMBERS: It doesn't make me any difference. He or she--but you said it's a him--it doesn't make me any difference why that person made the decision he made. I was stating a fact. [LB399]

SENATOR BRASCH: I became the senator for Washington County through redistricting. Could it be possible that because Senator Lautenbaugh had been the senator for Washington County at that time that that conversation took place possibly? [LB399]

SENATOR CHAMBERS: All things are possible. I wouldn't know what the answer to that question is. All I know is that the senator from Washington County did not bring the bill; a senator from Omaha did. [LB399]

SENATOR BRASCH: And Douglas County and Washington County are adjacent counties, so we do exchange conversations, we do have some shared interests, especially on many things where with Fort Calhoun interests cross. So regardless if it was the sheriff having a preference to speak with Lautenbaugh or a longer familiarity, I do respect that. However, my position here is and has been that in the 20 years of experience with these brave men and women, good citizens, community spirited, that as they do their diligence in watching the neighborhoods that they would not ask for frivolous items, that they are of value and importance to them. Senator Chambers, I do appreciate the checks and balances that you bring into all bills and with this one as well, that I do see that maybe the county supervisors, a broader net of individuals need to know who specifically is being given the authority to put the yellow or amber flashing light there. So I did want to thank you on that. But I still believe that as we see more and

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more neighborhoods impacted by the threat of harm, known or unknown, it is important for citizens to... [LB399]

SENATOR GLOOR: One minute. [LB399]

SENATOR BRASCH: ...keep that watchful eye. Senator Chambers off the floor or whether it's on mike, thank you for your input on this legislation and other legislation. I enjoy it and appreciate it. I have no other questions. Thank you, Chairman, and thank you, colleagues. [LB399]

SENATOR GLOOR: Thank you, Senator Brasch and Senator Chambers. Senator Chambers, you are next in the queue. [LB399]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, to make one thing clear, we all bear the title state senator. So people from an area other than the district we represent may ask us to bring a bill and we may do it. I'm merely facting this morning about this bill and how it came to us. This amendment is being offered...let me ask a question of Senator Lautenbaugh. [LB399]

SENATOR GLOOR: Senator Lautenbaugh, would you yield? [LB399]

SENATOR LAUTENBAUGH: Yes, I will. [LB399]

SENATOR CHAMBERS: Senator Lautenbaugh, do you think this amendment is an improvement over the green copy of the bill? [LB399]

SENATOR LAUTENBAUGH: No. [LB399]

SENATOR CHAMBERS: Then why are you offering the amendment? [LB399]

SENATOR LAUTENBAUGH: I believe it's your amendment we're talking about. [LB399]

SENATOR CHAMBERS: Well, the one that I'm amending. I'm talking about your amendment. So that it's clear, I don't mean the amendment that I'm offering to it. The amendment that you have offered to replace the language in the green copy. Do you think that amendment is better than the language in the green copy of the bill that you brought? [LB399]

SENATOR LAUTENBAUGH: Yes. [LB399]

SENATOR CHAMBERS: Thank you. Members of the Legislature, Senator Lautenbaugh is offering an amendment that he feels is better than what he brought. Suppose I had not engaged us in this discussion. He was defending what's in the green copy. Those

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are the kind of things I can't get you all to pay attention to. Now if everything I'm doing is frivolous, if it's a waste of time, then you're saying that my frivolity has more legitimacy than you all's most serious arguments. I do what I do for a purpose. My extended debate has resulted in your being presented with an amendment from the introducer of the bill, which that introducer says is better than the language in that bill that he brought and that he said he was willing to fight for, for eight hours, if necessary. We haven't gone eight hours. He wants to abandon the language in the green copy. Am I condemning him for that? Absolutely not. Our discussions have the purpose ultimately whether we know it or not. In a legislative context, our debate has the purpose of trying to improve and make the best that we can the proposals brought before us that are to go into law. I just happen to not agree with the underlying purpose of the green version of the bill or the version that Senator Lautenbaugh is presenting now. But he knew that that green copy was not good. And I didn't ask him did he draft it himself. I stated, as my opinion, that he didn't draft that green copy. He knows better. But it's such an apparently innocuous to use his term, and I had used it on another bill so everybody is familiar with that now, it's such an innocuous issue that any form of language which goes into the statute won't make much difference. So a poorly drafted bill could enter the statute and become a law. My view is different about how we ought to legislate. And I believed, that if I repeated and repeated and hammered and hammered, eventually a change would come. [LB399]

SENATOR GLOOR: One minute. [LB399]

SENATOR CHAMBERS: But the one who fashioned the foundation and then built the superstructure on that foundation was "Professor" Schumacher. Senator Lautenbaugh added a few cosmetic changes, garnishments, gewgaws, but substantively speaking this could be called a work that results from all that has gone on during all of those hours, and I'm setting a tone of how I intend to deal with the legislation. And I'm still opposed to what Senator Lautenbaugh is presenting to us. But I think that my amendment, if you're going to do what he's talking about, ought to be adopted. Thank you, Mr. President. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers. The Chair recognizes Senator Lautenbaugh. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. This will be probably the one time I speak on this this morning. I think there was a little confusion. We did pass my amendment yesterday. We are on Senator Chambers' floor amendment. I rise in opposition to this amendment. I don't really see the point in involving the county board. I think if we can trust the county attorney to make decisions in capital cases we can probably trust the county attorney to authorize groups to have amber lights, which is what this bill does. The debate this morning is not going to be informative. This red herring about the Washington County Sheriff, it was the witness in



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committee who mentioned the Washington County Sheriff. She said he came to them about forming a neighborhood watch group. Had nothing to do with who he brought the bill to. He was uninvolved in this. I don't know why we're talking about it. He did not go to Senator Brasch and then go to me. The witness was the one who brought the bill to me. These are the kinds of things we're going to talk about all morning that have nothing to do with anything. So I'm not going to, again, participate in that. I'm going to be mocked for not participating in that I'm sure, but that's fine. If you have questions, I'm happy to answer them, but that's as far as it goes. We'll probably do a cloture vote a little after 11:00. I'd appreciate your support on that. But I do rise in opposition to this amendment and probably the amendments to come until such time as we do cloture. Thank you, Mr. President. [LB399]

SENATOR GLOOR: Thank you, Senator Lautenbaugh. Seeing no senators remaining in the queue, Senator Chambers, you're recognized to close on your amendment. [LB399]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, in view of Senator Lautenbaugh's comments I have a question I'm going to put to him now. [LB399]

SENATOR GLOOR: Senator Lautenbaugh, would you yield? [LB399]

SENATOR LAUTENBAUGH: Yes, I will. [LB399]

SENATOR CHAMBERS: Senator Lautenbaugh, did you draft the language in the green copy of the bill? [LB399]

SENATOR LAUTENBAUGH: Honestly, it was last year and I don't even recall who drafted that. I mean, I just don't know. It was not something that we marked on our calendars and wrote about in our diaries that night. It was just not that big a deal to us. [LB399]

SENATOR CHAMBERS: You're talking about nothing now and I'm talking about something. [LB399]

SENATOR LAUTENBAUGH: Well, I guess we can decide that. [LB399]

SENATOR CHAMBERS: When you offer bills, you don't remember whether you drafted them or not? [LB399]

SENATOR LAUTENBAUGH: I have no...well, lots of people draft them, lots of people work on them. I don't remember where this language in the original green copy came from. It was not a big deal at the time. [LB399]

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SENATOR CHAMBERS: Well, you would remember if you fashioned it. If you look at it, you will remember whether that originated with you or not it seems to me. But... [LB399]

SENATOR LAUTENBAUGH: I've probably introduced 20 bills last year. This was not my priority bill, to say the least, last year. I just don't recall. I mean, I can't do better than that. [LB399]

SENATOR CHAMBERS: Thank you. Members of the Legislature, ignorance of the law is no excuse. That is not to say that every man knows that law, but it is a plea that can be made which no man can successfully counteract. When I offer a bill, I know whether I'm the one who put the language into that bill. Maybe I'm crediting people with being as careful and mindful of what they do as I am careful and mindful of what I do. So I overestimated Senator Lautenbaugh. And when I said he didn't draft this, he doesn't know whether he drafted it or not. So I will not say he didn't draft it. I will give him credit that every senator should be accorded. I assume that a bill which Senator Lautenbaugh brings is a bill with language crafted by Senator Lautenbaugh. And he cannot deny that because he doesn't know. So I'm filling in a gap that exists. And everything that I say on this floor is talking about something. I said the other day that Senator Lautenbaugh does not see things as they are. He sees them as he is. So he often on this floor talks about nothing. He reminds me of a statement in Shakespeare. And by me using the feminine it's because Shakespeare did. She speaketh though she sayeth nothing. That's him. So when he gets up here and he confuses the word firearm with howitzer or antiaircraft gun, he's the one talking about nothing. He didn't hear very well. He's like a person in a position that sometimes I'm in when a call is made to me by somebody on a cell phone. You hear a word, then you hear a clump of words, space, another word, things are broken up. So there are certain words which he will pick up that make an impression on his mind and he thinks that because that word had such a profound impact on his mind that it was the subject of much debate and discussion. There was not any significant debate or discussion about the Washington County Sheriff. There were comments made. And if Senator Lautenbaugh had paid attention, which he often does not do as evidenced by the comments he makes when he stands up on the floor on many occasions, he would not have made... [LB399]

SENATOR GLOOR: One minute. [LB399]

SENATOR CHAMBERS: ...a statement which was not apropos of the situation. This amendment was correctly characterized by Senator Lautenbaugh. It involves the Douglas County board. He is the one who wants to raise this stuff to the level of a state statute, get the states imprimatur, and he feels that there are enough people in the Legislature for whatever reason to do that. I don't think that imprimatur should be given because you like somebody or you dislike somebody. You should try to rise above all of that and consider what it is we do when we legislate, what happens when we legislate,

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and we should be mindful of the types of things that we put into the statute books. Mr. President, I will ask for a call of the house. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers. Members, there has been a request to put the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB399]

CLERK: 26 ayes, 0 nays, Mr. President, to place the house under call. [LB399]

SENATOR GLOOR: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Janssen, Murante, Coash, and Schilz, please return to the Chambers and record your presence. Senator Chambers, all members are accounted for. How would you like to proceed? [LB399]

SENATOR CHAMBERS: I'd like a roll call vote. [LB399]

SENATOR GLOOR: Members, the question before us is the adoption of the amendment to LB399. Mr. Clerk, roll call vote, regular order. [LB399]

CLERK: (Roll call vote taken, Legislative Journal page 269.) 7 ayes, 32 nays, Mr. President, on the amendment. [LB399]

SENATOR GLOOR: The amendment fails. Mr. Clerk for an amendment. Raise the call. [LB399]

CLERK: Mr. President, Senator Chambers would move to amend with FA173. (Legislative Journal page 270.) [LB399]

SENATOR GLOOR: Senator Chambers, you're recognized to open on your amendment. [LB399]

SENATOR CHAMBERS: Thank you. Mr. President, for the sake of the record, two lines down from that amendment you see the words county attorney again, and after the word "attorney" I offer the same words again "with the approval of the county board". If this bad bill is not put into law, these groups and these people can do everything they're doing right now. Everything. With this bill there is nothing more they can do than they're doing right now. That sounds like a true statement, doesn't it? It sounds like a factual statement, doesn't it? But as Gershwin wrote, the things that you're liable to find in the Bible, they ain't necessarily so. What I just said ain't necessarily so. What these groups can do right now is not all that they can do. We don't have anything to say about what they can do. I'd like to ask Senator Dubas a question. [LB399]

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SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: Senator Dubas, would you answer a question? [LB399]

SENATOR DUBAS: Yes, I will. [LB399]

SENATOR CHAMBERS: Senator Dubas, would you agree that if this bill, which has now been changed by Senator Lautenbaugh's amendment, if it is passed it doesn't give us the authority to say anything about what these groups do, does it? [LB399]

SENATOR DUBAS: No, it doesn't. [LB399]

SENATOR CHAMBERS: The one who sets the terms and conditions will determine that. Isn't that true? [LB399]

SENATOR DUBAS: Yes. [LB399]

SENATOR CHAMBERS: And we haven't given any guidance whatsoever as to what those terms or conditions should be with this language. Isn't that true? [LB399]

SENATOR DUBAS: No. I believe these neighborhood organizations have been operating in conjunction with local law enforcement. But, no, we don't have anything. [LB399]

SENATOR CHAMBERS: And a sheriff could decide to allow these people to be armed while they're on their patrols. Isn't that true? [LB399]

SENATOR DUBAS: Would you repeat your question? I don't think I followed you. [LB399]

SENATOR CHAMBERS: The sheriff, in laying down terms and conditions under which these yellow lights can be used, could say that when you have these yellow lights you may be armed. The sheriff could do that, couldn't he? [LB399]

SENATOR DUBAS: I guess if that's something that local law enforcement wanted to go that direction they could. I guess I'm not exactly sure what the protocol would be there, Senator Chambers. [LB399]

SENATOR CHAMBERS: There's nothing in this statute that would prevent it. [LB399]

SENATOR DUBAS: No, no, there's not. [LB399]

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SENATOR CHAMBERS: And to get ridiculous with Senator Lautenbaugh, a sheriff could say that when you have amber lights you can put a howitzer on top of your car. A sheriff could put that in the terms and conditions, couldn't he or she? [LB399]

SENATOR DUBAS: I guess if we wanted to take it to those extremes, yes, they could. [LB399]

SENATOR CHAMBERS: And if the sheriff wanted to say you can put an antiaircraft gun on the top of the car, that could be done and it would not be prohibited by what we're putting here in the statute. Isn't that true? [LB399]

SENATOR DUBAS: That's correct. [LB399]

SENATOR CHAMBERS: What guidance of any kind are we giving with the language that would be in the law as to what those terms and conditions ought to be? [LB399]

SENATOR DUBAS: We're simply saying with the bill as it is amended that the county attorney would set up some criteria and that permission would have to be granted for anyone who requests to put these lights on their car would have to go through that process. [LB399]

SENATOR CHAMBERS: And the only thing that was said was that you trust the county attorney to handle capital cases so you can trust the county attorney to do this. [LB399]

SENATOR DUBAS: I guess that's an assumption in the law. [LB399]

SENATOR CHAMBERS: Thank you, Senator Dubas. Members of the Legislature, you're not giving any direction. That's why what I said about they can't do any more than what they're doing now other than have the yellow lights, the amber lights. If the county attorney decides they can do more, they can do more. There is no direction whatsoever given, no restriction whatsoever, no limitation whatsoever. And to the argument that might be formulating in some people's minds, it's not enough to say, well, a county attorney wouldn't do that. That's why the law says that a county attorney must believe that it's possible to have--and I'm putting a little more into it--enough admissible evidence to procure a conviction before filing a charge. Just not willy-nilly say I don't like Senator Bloomfield, I'm going to charge him with a felony and he can go to court and win if he wants to. There are restrictions. There are guidelines. There are limitations. There are no guidelines, no limitations whatsoever in this language that you're putting here. I think most people have thrown in the towel and said, well, whatever it is that's fine. If there's a problem, it can be worked out later. I would like to ask Senator Bloomfield a question. [LB399]

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SENATOR GLOOR: Senator Bloomfield, would you yield?

SENATOR BLOOMFIELD: Yes, I would. [LB399]

SENATOR CHAMBERS: Senator Bloomfield, you've been here long enough and generally you're on the floor when these debates occur. Would you like me to adopt the attitude that it doesn't really matter what we put into legislation it can be worked out later, and we trust the people who are going to be administering it to do what they should do? Would you like me to adopt that attitude? [LB399]

SENATOR BLOOMFIELD: I don't believe any of us, including you, should adopt that attitude. I get nervous enough when we say we're going to fix it between General and Select without putting it in the hands of people outside of this body. [LB399]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Schumacher a question. [LB399]

SENATOR GLOOR: Senator Schumacher, would you yield? [LB399]

SENATOR SCHUMACHER: Yes. [LB399]

SENATOR CHAMBERS: Senator Schumacher,...how much time do I have, Mr. President? [LB399]

SENATOR GLOOR: Two minutes forty-five seconds. [LB399]

SENATOR CHAMBERS: And in case we don't finish, maybe you...if you're interested you can give us a way to continue. Do you think it would be wise to adopt as a legislative policy that--and forgetting unconstitutional delegation of authority--we should say we presume that all the people who work for these agencies are honest and upstanding so we will trust them to do what it is we say we want them to accomplish and not put any guidelines, restrictions, or whatever and just trust them because they're good people? [LB399]

SENATOR SCHUMACHER: That would be an abrogation of our responsibilities. [LB399]

SENATOR CHAMBERS: Thank you. And this is where I again will invoke what former-President Reagan said: trust but verify. We are working on this legislation now. I am taking this time because I want to put into the record what I am saying. And I wanted to be clear what was before the senators when they put something like this into the statute books. And if I decide that as we move through the system to resist and move to

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strike language from your bills because they attempt to put restrictions or limitations on anybody, even if I ultimately withdraw the amendment, I'm going to show you the consequences of what you are putting in play here and what you are adopting as a guideline. Trust the county attorney. I like Don Kleine, but I don't trust him in the sense of saying that I'll let him substitute his judgment for mine. [LB399]

SENATOR GLOOR: One minute. [LB399]

SENATOR CHAMBERS: Did you say time? [LB399]

SENATOR GLOOR: One minute, Senator. [LB399]

SENATOR CHAMBERS: Oh. I have a brain of my own and I'll use it. We are the Legislature. We are the ones who are to craft this legislation. And if the way I present my arguments can close your mind to what it is we're supposed to do and you will act against your best judgment, that's on you, not me. But I'm going to keep hammering on those issues. And if anybody can stand up and show me in this language where I'm going in a direction not justified by what's in this language, that should be made a part of the record. Thank you, Mr. President. [LB399]

SENATOR GLOOR: And thank you, Senator Chambers. The Chair recognizes Senator Wightman. [LB399]

SENATOR WIGHTMAN: Mr. President, I move that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering State of the Judiciary Address.

SENATOR GLOOR: Thank you. The motion before you is to select a committee of five to escort the Chief Justice. All those in favor say aye. Those opposed say nay. The motion is adopted. The Chair appoints the following committee: Senators Ashford, Lathrop, Lautenbaugh, Pirsch, and Nelson. Will the Escort Committee please retire to the rear of the Chamber? Senator Seiler, would you report to the rear of the Chamber to help with the escort of the Chief Justice? Thank you. The Chair recognizes the Sergeant at Arms.

SERGEANT AT ARMS: Mr. President, your committee now escorting Nebraska Supreme Court Chief Justice Mike Heavican and members of the Supreme Court.

SENATOR GLOOR: The Chair recognizes Chief Justice Michael Heavican.

CHIEF JUSTICE HEAVICAN: Thank you. Mr. President, Mr. Speaker, members of the Legislature, and fellow Justices of the Nebraska Supreme Court, I would like to thank the members of this legislative body, and especially thank Speaker Greg Adams for

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once again inviting me to address you. As always, it is an honor for me to report on the court's accomplishments during the last year and to discuss the court's future. First, let me introduce my fellow Justices. To my immediate right is Justice John Wright of Scottsbluff. Next to Justice Wright is Justice Kenneth Stephan of Lincoln. And to the right of Justice Stephan is Justice Lindsey Miller-Lerman of Omaha. To my immediate left is Justice Michael McCormack also of Omaha. And to Justice McCormack's left is Justice William Cassel of O'Neill. Justice William Connolly of Hastings is unable to be with us today. The core mission of our judicial branch is to do justice, resolve disputes, provide equal protection to all citizens, and ensure due process of law. That mission has not changed since Nebraska became a state in 1867, but how we carry out that mission has changed over the years. In 2013 was a year of especially significant change for Nebraska's courts. Today, I will speak to you about the change in the judicial branch's service to juveniles; sentencing alternatives in adult courts; guardianship reform; evaluation of Nebraska's Parenting Act; judicial branch technology; and the ongoing challenge of providing language access in our courts. First, as you are aware, the judicial branch has embarked on one of its biggest challenges in recent years: The statewide expansion of juvenile justice within our probation system, which began with the passage of LB561 in May 2013. Many people have been involved in this project. I would especially like to extend my gratitude to Senators Brad Ashford, Kathy Campbell, and Bob Krist for their considerable leadership efforts in seeing this reform materialize. I would also like to thank our probation staff. Upon passage of LB561, they immediately began working toward implementation of this important legislation. To quote a longtime leader in juvenile justice in Nebraska, "LB561 is one of the most influential and forward-looking pieces of legislation to be passed by our state Legislature and will be recognized as a 'game changer' in helping our youth." To implement LB561, the Office of Probation Administration is focused on four core objectives in the supervision of juveniles: First, fewer kids will be in detention or in foster care; second, there will be earlier identification of the rehabilitative services needed for children and families; third, probation officers will proactively provide meaningful supervision for children and families to ensure access to appropriate services; and finally, if out-of-home child placement is necessary, successful transition back into the family home and community will be a priority. The implementation of LB561 has required skillful planning, scheduling, and cooperation with many of our local community and state partners. In addition to hiring and training 171 new probation staff across the state, we've encouraged local communities to provide additional services for juveniles and their families. We constantly seek updates from our judges, our Through the Eyes of the Child teams, and the Department of Health and Human Services. We have also taken advantage of community justice forums such as the one held in North Platte by Voices for Children and have participated in meetings of the Nebraska Association of County Officials and of the state's Regional Behavioral Health Administrators. We have found this community input to be a vital part of the system reform effort. Likewise, I invite members of this Legislature, and all parties interested in assisting with the successful implementation of LB561, to contact our probation administration or local probation



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officers with comments, questions, or concerns. The first year of the implementation process of LB561 is on schedule and will be completed by June. Now I will speak to you about adult sentencing alternatives. In Nebraska, adult community corrections programs are staffed by probation officers. These officers are employed by the Supreme Court using state tax dollars, but they are stationed in our local county courthouses. Community corrections alternatives to incarceration include drug and specialty courts and Probation's Specialized Substance Abuse Supervision programs, otherwise known as "SSAS." Let me first call your attention to the Young Adult Court in Douglas County. Since 2004, the Young Adult Court has offered first-time, nonviolent felons, who are between the ages of 16 and 22, a chance to avoid prison and work toward becoming productive citizens. The program provides accountability through extensive supervision and frequent judicial oversight, while also offering a host of services such as employment, education, life-skills training, and adult mentors. The program's capacity was approximately 30 young adults, but because it was oversubscribed we have enlarged it to serve an additional 25 participants. We are also working on improvements to Nebraska's drug courts. Since 1997, adult, juvenile, and family drug courts in Nebraska have served approximately 6,300 participants. At any given time, an average of 650 individuals and families are being supervised in drug courts across the state. A recently completed statewide evaluation concluded that Nebraska's drug courts are cost-effective and are reducing crime and addiction. Additional information regarding problem-solving courts and our five-year strategic plan for drug courts can be found on our judicial branch Web site. There have also been expansions and successes with other types of sentencing alternatives. As you may recall SSAS, a program I just mentioned, was initiated by our Probation staff. This program provides our courts with sentencing alternatives that combine intensive supervision with substance abuse treatment for felony probationers and parolees, but with less judicial involvement than drug courts. A review of Probation's SSAS program in 2012 found that 91 percent of the individuals who successfully completed the program remained crime-free one year later. In 2013, 82 percent of SSAS probationers were gainfully employed upon successful completion of the program, up from a 78 percent rate in 2012. SSAS programs utilize reporting centers in communities around the state. As of June 2013, reporting centers collectively offered 143 different rehabilitative and support services intended to promote behavior change and improve accountability. In the reporting centers alone, 65,925 drug tests were administered in 2013. Last year, this Legislature supported offering a "limited services" reporting center in Scotts Bluff County. You also supported adding a SSAS officer for the first time in Hall County--and that officer's caseload reached capacity within 60 days. SSAS currently has a capacity of 336 probationers statewide. Due to the demand in the program, we are now 20 percent over that capacity and without further resources will not be able to accept more participants. Now I will speak to you about guardianship reform. A little over a year ago the Supreme Court established a Commission on Guardianships and Conservatorships. In spite of efforts by the Commission, our courts, and this Legislature, ensuring the protection of incapacitated adults continues to be a challenge. In November the State Auditor released a report that

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included allegations of criminal activity by a person serving as guardian in a number of county courts across the state. These appointments were initiated by the state's Department of Health and Human Services, the federal Veteran's Administration, family members, medical professionals, and nursing homes. The accused has since resigned or been removed from the over 200 active cases for which she had been appointed to serve as guardian. I would like to thank our county court judges and staff for their responsiveness following the audit. I would also like to thank the many volunteer lawyers and community members across the state who stepped forward to meet the needs of the protected individuals by accepting appointments as guardians ad litem and temporary guardians. The judicial branch has identified these further reform actions: An internal alert system is being developed to notify all county courts when a guardian or a conservator has been removed for cause in any of one our counties; county court staff will participate in further targeted judicial branch education on the implementation of these additional safeguards; government payors will be added as interested parties to receive copies of all reports filed by guardians and conservators in cases in which those payors requested appointments; and prospective guardians and conservators will be required to submit to the court, prior to appointment, a list of their other active guardian or conservatorship cases. The lawyers, senators, judges, service providers, and accountants on our Supreme Court's Commission on Guardianships and Conservatorships have already begun to further review the issues that came to light during this most recent incident. It is crucial that we all continue to work together to create improved safeguards to protect those who might easily be harmed. We all have a responsibility to keep these individuals and their assets safe. Finally, it is important to note that due to a rapidly aging population and smaller, geographically dispersed families, there are often no family members or interested individuals available to serve as guardians for our elderly, mentally ill, or developmentally challenged Nebraskans. Persons willing and able to serve as guardians are in very short supply. The courts, however, look forward to working with this legislative body and other interested parties to alleviate that shortage. I now turn to matters involving the court's service to children and families each year in divorce and child support cases. Nebraska's Parenting Act, which governs divorce, underwent a significant legislative revision in 2007. Last year, a planned two-part evaluation of the act was initiated to provide the Legislature, judicial branch, and the public with facts to determine whether the provisions of the Parenting Act are resulting in positive outcomes for children. The first part of the evaluation began last May at the request of this Legislature. The judicial branch conducted a rigorous study of nearly 400 closed divorce and custody cases filed during the ten-year period from 2002 through 2012. The study examined: rates of maternal and paternal custody and parenting time; whether mothers and fathers had lawyers; how many children were involved; rates of parental conflict; family income; court procedures; and the differences in custody before and after the 2007 Parenting Act revisions. This baseline study was released to the public on January 9 and is available on the judicial branch Web site. This past October, the second and more in-depth part of the evaluation began. The results of this portion of the evaluation will provide us with an even more comprehensive

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analysis of program implementation, outcome results, and a cost-benefit study. Evaluators will seek input from legislators, family lawyers, parents, judges, and others as part of this intensive review. As I do each year, I will now give you a brief update on technology in the courts. I'm pleased to report that there were significant improvements to judicial branch technology during the past year. Bandwidth increases to enhance speeds at which courts can send and receive Internet data continue to be a focus. This year, the cost of improving bandwidth to rural Nebraska courts was shared by the Supreme Court and the Department of Motor Vehicles, the Department of Health and Human Services, and the Secretary of State. Most recently, courts in Cherry and Cheyenne Counties received a bandwidth upgrade which increased Internet speeds by nearly 60 percent. The use of increased bandwidth is important because courts are able to use videoconferencing in more locations. Among other things, videoconferencing allows us to provide remote interpreters and allows incarcerated individuals to participate in hearings without leaving correctional facilities. This saves money, increases access to justice, and lowers the risks inherent in transporting inmates and juveniles. Adequate bandwidth is also necessary as we continue to expand our electronic filing system. Last year I reported that almost 65 percent of our 2012 county court civil filings were made electronically. By the end of 2013, that number was up to 70 percent of nearly 91,000 civil cases filed. Finally, over \$15 million in filing fees, fines, court costs, and other funds were electronically deposited in the courts last year. That represents over 195,000 financial transactions processed instantly, saving both time and money for the courts and our citizens. I also annually report on language access issues in the courts. Ensuring justice to people with limited English language proficiency continues to be a challenge for Nebraska's courts. In 2013, the judicial branch provided interpreters in 38 languages for 21,000 persons in courts and probation offices across the state. We have hired two new interpreter coordinators to assist the courts and probation officers in identifying, educating, and scheduling interpreters in hard to find languages. Through videoconferencing, we provided Spanish interpreters for over 450 hearings, saving Nebraska taxpayers more than \$63,000 in travel and other expenses. In conclusion, Nebraska's judicial branch is growing, it's dynamic, and it's busy. Our dedicated judges, support staff, and probation employees are carrying out the court's long-term mission to do justice, resolve disputes, provide equal protection to all citizens, and ensure due process of the law in all 93 of Nebraska's counties. The Supreme Court is very proud of the many accomplishments of our court family in the last year. We truly appreciate the support the Legislature has provided to the judiciary and we look forward to working with you in serving Nebraska's citizens in the coming year. Again, thank you for the opportunity to speak with you today. Thank you.

SENATOR GLOOR: Would the Escort Committee please approach the front and escort the Chief Justice and members of the Supreme Court from the Chamber? Mr. Clerk, items for the record?

CLERK: I do, Mr. President, thank you. I have a hearing notice from the Business and

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Labor Committee signed by Senator Lathrop, as Chair. Also, I have two new bills. (Read LB972-973 by title for the first time, Legislative Journal pages 275-276.) [LB972 LB973]

Mr. President, pending with respect to LB399, Senator Chambers has pending his floor amendment, FA173. [LB399]

SENATOR GLOOR: Thank you, Mr. Clerk. We'll return to debate. Senator Lautenbaugh, you are next in the queue. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I do rise in opposition to this amendment. It does again insinuate the county board into the process, and I'd urge you to vote no. Thank you, Mr. President. [LB399]

SENATOR GLOOR: Thank you, Senator Lautenbaugh. Senator Chambers, you are recognized. [LB399]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, you just have to take my word for this. When I say you have to, I don't mean it's mandatory that you accept it but I don't have anything to give you other than what I'm saying. I've gotten three calls this morning from people who are watching what we're doing. They have no idea why we're talking about putting lights on these cars because these are ordinary people, I presume, and they're familiar with this Neighborhood Watch operation. All of them--maybe that's why they call me, because they agree with my position--don't think that these lights need to be there. Two of them felt that this activity is too intrusive anyway. They didn't use the word "intrusive," but it's too much like watching what other people are doing for the purpose of telling the police. And they do refer to themselves as the eyes and ears of the police, which they're free to do if they want to. They can do all of that without this bill. They can carry telescopes. They can carry binoculars. They can do anything. But I think you're doing a disservice to the county attorneys to put them into this bill. I cannot speak for any county attorney, but Senator Lautenbaugh continues to say we trust them to handle capital cases so we can trust them to do this. That's not even what we're talking about. And I don't know if Senator Lautenbaugh has any idea about the workload of the Douglas County Attorney's Office. When this Legislature, with Senator Lautenbaugh in it, passed a truancy bill, there were duties placed on the county attorney's office and no funding to go along with it. So over my objection, while I was a member of the Learning Community, the county attorney came to get \$250,000 and in that increment to do this program that you all put on the county attorney's office. So I'm sure that he's not going to welcome with open arms some silliness like this that Senator Lautenbaugh is bringing, having to take time, he or his staff, to lay out the terms and conditions of how these things are going to operate. Senator Nelson is a lawyer. He knows or should know what the workload of the county attorney's office is. He's probably one of those who wouldn't want me to put additional duties and burdens on the county attorney's

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office, especially not giving money to carry it out. But he is agreeing that the county attorney should have the responsibility of laying out terms and conditions and selecting areas in a county where this kind of silliness is going to be going on--yellow lights, just to let them have yellow lights. Senator Nelson, there he sits behind me to my right, in case anybody is watching, that distinguished-looking gentleman with the eyeglasses is the one who wants to put this silly burden on the county attorney in Douglas County to take time to figure out what these groups of people are in the first place and then tell how they are to operate. He is to review the reliability... [LB399]

SENATOR GLOOR: One minute. [LB399]

SENATOR CHAMBERS: ...of all of these people and then lay out terms and conditions, which Senator Nelson wouldn't want to do. You all in the Legislature don't want to do it. Why don't you lay out the terms and conditions of what they're doing? Why doesn't Senator Lautenbaugh do it? Why doesn't Senator Brasch do it? Why doesn't the sheriff of Washington County do it and let the Legislature see if you approve? Then I guess...well, I'm not going to say how the county attorney would go about selecting the areas in the county. We're not talking about a city now. The county attorney is the lawyer for the whole county and he is not going to deal just with Omaha. He's going to deal with everything in the county. And I think there are other cities, maybe I'm wrong, but... [LB399]

SENATOR GLOOR: Time, Senator. [LB399]

SENATOR CHAMBERS: ...I think there are other cities in Douglas County besides Omaha. [LB399]

SENATOR GLOOR: Time, Senator. [LB399]

SENATOR CHAMBERS: Oh, thank you, Mr. President. [LB399]

SENATOR GLOOR: Senator Chambers, you are recognized. [LB399]

SENATOR CHAMBERS: Thank you. You are going to make a cloture vote soon, and I know how you're going to vote. But I'm making the record that I can. You are creating work for the county attorney. Now some people believe the county attorney probably wouldn't do this; would just wash his hands of it and say, I don't want to be involved. And he won't be as blunt as I am and say: Those nitwits down in the Legislature, if they want this why don't they just do it? Why doesn't Senator Lautenbaugh assume the responsibility of setting forth the terms and conditions? Because he has no idea what they ought to be because he doesn't know what they do. And that's why they put the two vague, undefined terms "public safety or crime prevention" groups. He doesn't know what that means. He didn't know what the other words meant in the green copy. He

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doesn't even know if he put those words in the green copy. I don't know what else he does and doesn't know whether he did it or not. There are some people who do things, they're awake but they're asleep. And they walk around. They can even drive cars. And we're all adults. They can engage in sex. But they don't remember. Genuinely, they don't remember. They're not aware of what they're doing while they're doing it. They go into the icebox and somebody watching them would think that they know what they're doing and they're awake, but it's an actual condition that doctors are aware of. I didn't believe it when I first heard it. So let Senator Lautenbaugh, while he's awake now, and I hope he is, assume his responsibility and lay out the terms and conditions himself. Why buck it to the county attorney because he's too lazy to do it? He brought it. If he's for it, let him do it. Don't put it on the county attorney. And he shouldn't have brought it to the Legislature like this. If he's going to get you all to swallow the bait and be suckers, at least be suckers with something that makes some kind of plausible sense when you try to explain why you put it into the law. You know how we lay out programs in legislation. Those of you who are concerned about not engaging in unconstitutional delegation of legislative authority are aware of the guidelines, the directives we have to give so that what is being done is merely carrying out the will of the Legislature and not usurping the legislative function itself. And you're going to put this on the county attorney to lay out these terms and conditions. I know some county attorneys who have referred to these groups as nutty, as being fringe. But I'll tell you what. Since Senator Lautenbaugh has assured us from his conversation with whoever this person is--he didn't know his name, I think--who is not a lawyer and not a county attorney but who represents the county attorney, they'll have a chance to have a meeting probably, if you advance this piece of nonsense, and then we can find out do the county attorneys really like it. Are they even, in fact, aware of it? You all live in counties. Ask your county attorney when you go home this weekend, are they even aware of this and do they want to lay out the terms and conditions. Take the amendment and read it to them. You're going to entrust it to the county attorneys. [LB399]

SENATOR GLOOR: One minute. [LB399]

SENATOR CHAMBERS: Shouldn't they know what the Legislature is putting on them? Do you care what the terms and conditions are? I'll bet there's not a county attorney in this state who would just turn these people loose and say, okay, put the yellow lights up there and have at it, away you go. And then, when you show him or her that the terms and conditions, when you want to use these things, are on you, then we're going to see if Senator Lautenbaugh correctly relayed to us, without having talked to a one of them, how the county attorneys, plural, feel about this, whether they are okay with it. And we can get the transcript, because he probably won't remember whether he said that or not. And they don't see any issue of liability. [LB399]

SENATOR GLOOR: Time, Senator. [LB399]

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SENATOR CHAMBERS: Thank you, Mr. President. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers. The Chair recognizes Senator Ken Haar. [LB399]

SENATOR HAAR: Mr. President, members of the body, I find it necessary to get up and talk at least once on this issue and I will vote against LB399, in whatever form. I'm old enough to have a lot of stories, life stories, and during the 1980s I worked across the street for a little while on the database for the Nebraska Democratic Party, and there was an old house there which was party headquarters. And one day the police showed up at the front door because there was a report that someone with a gun was in the apartment building to the west. So some police came in and they went to the windows and they had their guns drawn, and I saw the adrenaline that those trained police officers were facing as they faced this situation of a potential armed person in the apartment next-door. But they had lots of training--these were Lincoln police officers--lots of training, lots of experience. And so what I took away from that is that there's a reason that police officers and State Patrolmen and county sheriffs get all the training they have, and that's to be able to react in those high-adrenaline, high-risk, anxious situations that they face when they face potential danger for themselves and for others. And so I'm concerned about this thing of lights on cars for volunteers. And I don't care how much these volunteers have been trained, they're volunteers. They haven't had the experience. They haven't had the role playing that I'm sure goes on to train police officers, whatever the kind, to react in the situations they do. And so I'm concerned about...now, in most cases I'm sure these volunteers with flashing lights would be just fine, but there are going to be some people who look at this as more authority to act than they have as ordinary citizens, because they have a blinking...or maybe not even blinking but an amber light on their cars, they're cruising the neighborhoods. It is a sort of semi-vigilanteism and I'm concerned about that. I don't want my approval on that kind of issue. If we need better crime enforcement and we need to invest more in fully trained law enforcement officers, we need to invest more, not put...not try to save money and protect neighborhoods by putting volunteers on the streets. If you see a crime happening or you have a concern, call 911. Then you'll get a professional at your door, in your street. And if you don't, then we need to invest more money in that. So I plan to vote against LB399. Thank you so much. [LB399]

SENATOR GLOOR: Thank you, Senator Haar. Senator Lautenbaugh, you are recognized. [LB399]

SENATOR LAUTENBAUGH: Question. [LB399]

SENATOR GLOOR: Do I see five hands? I do. The question is, shall debate on the amendment cease? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB399]

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CLERK: 26 ayes, 1 nay to cease debate, Mr. President. [LB399]

SENATOR GLOOR: Debate does cease. Senator Chambers, you're recognized to close on your amendment to LB399. [LB399]

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Lautenbaugh is like the dog in the manger: He can't eat the straw so he doesn't want anybody else to eat it. He said he's not going to talk, so he doesn't want anybody else to talk, and that's fine. But I'm going to talk and I've got amendments drafted and I will talk. I don't vote to cease debate on people. That's what we're here for. And I don't care what the rest of you do, but we are setting a tone. And Senator Lautenbaugh is going to be in court a lot of these days when the issue comes and when the consequences fall, and he's going to be somewhere else. And even when he's on the premises, he'll be down in his office. You all know it. You have even come to me about it. It's his bill. Why isn't he up here? I say ask him. I'll smoke him out. He will talk. He will talk. I have made him absurd already. He pontificatingly said it is absurd to go eight hours on this. But I'll do it. I own him. I made him go eight hours. I'll make him absurd, based on his definition. I don't think it's absurd. I didn't think it was absurd when they filibustered my death penalty bill. While they were doing it, I said they have the right to do it. I didn't call the question. Oh, but that's right, I'm an adult. I am a mature adult, not a whiny, spoiled adolescent. But I'm going to stay on this and I'm going to make this record. You all want to impose responsibility on the county attorney. This was not in the green copy. The county attorneys don't know what mischief you all are working. This is why they mock the Legislature and refer to "those nitwits over there." And they're not the only ones. You didn't consult with them. Senator Schumacher didn't consult with them. But you know what Senator Schumacher had the good sense to do? Take you to the edge of the cliff and then pull back and took the nonsensical amendment away. But then Senator Lautenbaugh grabbed it. He didn't know how to draft an amendment like this, couldn't draft an amendment like this. He took the work of somebody else to improve on a piece of trash legislation that he brought. And he doesn't know whether he drafted it or not. Somebody just gave it to him and said, go, go do it, and he did it. But he doesn't know whether he drafted it or not. That's a fine thing to let the public know. This is not an issue where a bill is before us that you had nothing to do with. Your name is the only name on it and you don't know whether you drafted it. Maybe that's one of those examples of somebody actually being asleep but appearing to be awake. This is very serious, what we're doing. And some of you can try to trivialize it and say, well, it's just putting lights on a car. If it's just putting lights on a car, why are those who support it the very ones puffing and panting and loping and galloping and saying you've got to do this, these are good people, and they're taking an approach similar to that of the Governor? If you're against this then you're against people defending their community--rubbish. If you're against this, you're against fighting... [LB399]



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SENATOR GLOOR: One minute. [LB399]

SENATOR CHAMBERS: ...crime--stupidity. Anybody who sees the world in those terms should be on medication. You all are the ones who talk about unfunded mandates. And if the argument is made, well, this is what the county attorney can do or choose not to do, then don't put it on the county attorney. Do it yourself. You just authorize the yellow lights. Why don't you do that as a Legislature? You don't have the confidence in these people so you don't want to do it yourself. Just say that these Neighborhood Watch groups are authorized to have the amber lights, like you say it for all these others that have the amber lights. You don't say, they've got to go to the head of the State Patrol, to the sheriff, to the police department. You just state it as a legislative enactment. [LB399]

SENATOR GLOOR: Time, Senator. [LB399]

SENATOR CHAMBERS: Thank you, Mr. President. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers. Members, there's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB399]

CLERK: 29 ayes, 0 nays, Mr. President, to place the house under call. [LB399]

SENATOR GLOOR: Thank you. The house is under call. Senators, please record your presence. Senators outside the Chamber please return to the Chamber and record your presence. The house...unauthorized personnel please the floor. The house is under call. Senators Smith and Pirsch, please check in. Senators Kintner and Coash, please return to the Chamber and record your presence. Senator Kintner, please return to the Chamber and record your presence. Senator Chambers, all members are present and accounted for. How would you like to proceed? [LB399]

SENATOR CHAMBERS: Roll call vote. [LB399]

SENATOR GLOOR: Members, the question is, shall the amendment to LB399 be adopted? Mr. Clerk, read the roll, regular order, please. [LB399]

CLERK: (Roll call vote taken, Legislative Journal page 277.) 8 ayes, 26 nays, Mr. President, on the amendment. [LB399]

SENATOR GLOOR: The motion fails. Raise the call. [LB399]

CLERK: Mr. President, Senator Chambers would move to reconsider the vote just taken with respect to FA173. [LB399]

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SENATOR GLOOR: Senator Chambers, you're recognized to open on your motion to reconsider. [LB399]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, we now are approaching that awful, awful hour. When a cloture motion is made, there is no debate of that motion. Senator Lautenbaugh had 26 people vote with him. It takes 33 votes to invoke cloture. You can put an end to this now without even having to take a vote on the bill itself, and a "not voting" is the same as a "no" vote. This should be brought to an end now. If you don't remember anything else that I said, which I know would be difficult, remember this: The form that this bill is in now puts the county attorney in the middle of something which I will bet the Douglas County Attorney doesn't want to be in the middle of. In fact, Senator Karpisek likes to gamble. I'd like to ask Senator Karpisek a question. Senator. [LB399]

SENATOR GLOOR: Would you yield? [LB399]

SENATOR KARPISEK: Yes, I will. [LB399]

SENATOR CHAMBERS: Senator Karpisek, you like gambling but I don't know if you like to gamble personally. Do you like to gamble? [LB399]

SENATOR KARPISEK: I'm not a very good gambler, Senator, so I don't do it very much. [LB399]

SENATOR CHAMBERS: Okay, then I'm not going to take advantage of you. Thank you. And I wouldn't make a wager on the floor, but after we're off the floor I'd make him a bet about what the Douglas County Attorney's Office is likely to say. I know Don Kleine. Don Kleine is not a fool. This is foolish legislation, foolish, with all of the issues he has. And there was just a story on the news in Omaha the other night about how expensive these murder cases are that that office is handling now, the amount of time that they spend on it. Then this man, meaning Senator Lautenbaugh in this body, is going to refer to this work that the county attorney does handling capital cases to show you why he should handle this also, trivializing the work of the county attorney's office. He wouldn't have even thought to do this. Senator Schumacher should not have done this. He didn't know that he was dealing with what he wound up dealing with. He didn't know anybody would be foolish and silly enough to push this as something the Legislature ought to do. He tried to save the Legislature from itself. He knew you all weren't listening. He knew you all would go for anything, and that's why it was out there for discussion. But I think as he began to see how serious you all are he pulled it. If I see what I think are ermines and there's a cliff up there and I'm running them toward the cliff, then I know when they see that there's danger they're going to go in different directions. And since I love animals, I don't want them to die. Then it comes to, oh, these are lemmings, these are not ermine, they don't have sense, so I'd run in front of them and scare them and make them not

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run over the cliff. Now if you vote for this, you know that you're free to do anything. You have a constitutional right to be foolish. You have a constitutional right to be silly. You have a constitutional right to be stupid. You have a constitutional right to create a duty for the county attorney without ever talking to a county attorney about it. You have a constitutional right to do that. But you have a duty and a responsibility as a legislator not to do it. That is our duty. He needs 32 of you to go on record involving the office of the county attorney in this nonsensical tilting at windmills, the county attorney, enmeshed in very high-profile, complex murder cases. So you're going to take this silliness that Senator Lautenbaugh got himself into a snit over and put it on the county attorney. And then, after he's getting the worst of it, he tells you, I'm not going to talk about it anymore. Well, he talked about it plenty before I brought that information forward to show that he didn't even know what he was talking about when he brought the green copy. He stopped talking then, after standing up here so pompously and arrogantly, and defiantly saying, I will go eight hours. But he didn't say where he would go. He certainly wasn't on the floor all of that time. And then he said, I will go quiet; I'm not going to talk about it anymore, so there; the rest of you talk about it because I can see now that I don't need to talk about it. This is on automatic pilot, and the Legislature is going to do it. Thirty-three votes, will there be thirty-two of you to do this? It matters not to me because I'll get another shot at it on Select File. And because I don't like the bill, it might be necessary for me to slow things down so we don't get to it on Select File too quickly to make sure the county attorneys have plenty of time to convene and have a meeting, whenever they have their meeting. Maybe it won't be till next month. Now, certainly you know I wouldn't try to delay for a month coming to a bill as important as this where you want to put a duty and responsibility on the county attorney. Why, we've got three people running for Governor here. They're willing to create an unfunded mandate on the county attorney. Senator Janssen will be there. Senator McCoy will be there. "Parson" Carlson will be there, Senator Schilz will be there--chairpersons of these committees, in whom you all repose such trust and confidence, creating an unfunded mandate for the county attorneys. Isn't that what you conservatives always yip and yap about? Isn't that what the Tea Partyers cry about? Are they going to be happy with you? Are they going to say, those are my kind of people? This is a thoughtful, deliberative body of philosopher/"statespersons." You know that's not what's in this Legislature. And I'll tell you one thing, among others: Nobody could provoke me into making myself look like a jackass. Nobody could provoke me into doing something stupid. And if there's somebody on the floor who has, what do they call it, a twist in your short pants in England? Whatever it is, if that person has that, he couldn't make me act as though that malady is affecting my brain. My brain is alert and...oh, and there we have Senator Pirsch running for Auditor and he, of all people, is going to agree to put an unfunded mandate on the Douglas County Attorney's Office. And he's going to watch to see that there's no waste in government? Why, you know what I feel like doing but I'm not going to do it--what happens on that V8 commercial. [LB399]

SENATOR GLOOR: One minute. [LB399]

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SENATOR CHAMBERS: And somebody says something, something, and then they get hit in the forehead, you could have had a V8. I bet these candidates for office now wish they were someplace having a V8. This is what they do, this is how they govern. Chambers pushed them over the edge. And we've got three candidates for Governor voting to put an unfunded mandate on the Douglas County Attorney, and not one of them has talked to the Douglas County Attorney. Isn't that something? This is why it's good to have people who are running for another office to be members of the Legislature. You get a chance to see them in action. And it takes somebody like me to do it and call people's attention to it right here, right now. Thank you, Mr. President. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers. Members, you've heard the opening on the amendment to LB399. We now move to floor discussion. Senator Chambers, you're recognized. [LB399]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, no person in the world should have as much fun as I'm having right now, and that irritates you. That's going to make you vote for cloture. But, see, I'm going to use that against you. I'm going to use it on you and I'm going to ask for a roll call vote. And when you all get on the campaign trail, not only am I going to make it available to your opponents; I'm going to get the transcript, if they want to read it all. I'm going to get a copy of what it was you voted for and I'm going to underline where you put this responsibility on the county attorney. And I'm going to present the law that you amended, where these amber lights are used, to show what the legislative intent was when this kind of legislation was first put on the books and how this particular Legislature corrupted it because a sheriff in Washington County got an Omaha senator to offer a bill, and show in the transcript where that Omaha senator didn't even know whether he wrote it or not. He doesn't even know whether he drafted it, and he's got you all following him. This is your leader. This is your guide, Senator McCoy. He doesn't even know if he wrote the bill that he signed. Where is "Parson" Carlson when you need him? "Parson" Carlson, I'd like to ask you a question or two. [LB399]

SENATOR GLOOR: Senator Carlson, would you yield? [LB399]

SENATOR CARLSON: With...in trepidation, yes. [LB399]

SENATOR CHAMBERS: "Parson" Carlson, do you know, when you offer a bill, whether or not you drafted it? [LB399]

SENATOR CARLSON: Do I know whether or not I drafted it? [LB399]

SENATOR CHAMBERS: Yes. [LB399]

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SENATOR CARLSON: Yes, I would know. [LB399]

SENATOR CHAMBERS: What would it take for you to draft a bill and not remember that you drafted it? [LB399]

SENATOR CARLSON: A short memory. [LB399]

SENATOR CHAMBERS: Do you think that will ever happen to you? [LB399]

SENATOR CARLSON: I would hope not. [LB399]

SENATOR CHAMBERS: Well, let's see if we can tighten it a little more. If, as a member of this Legislature, you presented a bill and it was being discussed for hour after hour after hour, would you remember whether or not you had drafted that particular bill? [LB399]

SENATOR CARLSON: I certainly hope so. [LB399]

SENATOR CHAMBERS: But you don't...you can't say for sure that you would. [LB399]

SENATOR CARLSON: I know what my intent is... [LB399]

SENATOR CHAMBERS: You wouldn't but... [LB399]

SENATOR CARLSON: ...and it would be that I remember. [LB399]

SENATOR CHAMBERS: Do you think a person of ordinary intelligence and attentiveness would remember something as important as doing something that is the essential part of his job? [LB399]

SENATOR CARLSON: I think generally so, although we're all capable of mistakes, I am and I believe you are as well. [LB399]

SENATOR CHAMBERS: I'll tell you this: There will never be a bill that I drafted and say I don't know whether I drafted it or not. Now I can say that. You're being coy, and if you want to be coy I'll let you. But I'll speak for him now. Senator Carlson would not draft a bill and not know whether he drafted it or not. If he doesn't know, I know. That's all I have, "Parson." Thank you very much. And I'm going to come back again and again. You are putting...let me ask Senator Pirsch a question,... [LB399]

SENATOR GLOOR: One minute. [LB399]

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SENATOR CHAMBERS: ...because I may have wronged him. Senator Pirsch, have you read this bill? [LB399]

SENATOR PIRSCH: Yes, at one point over the last...and some of the amendments. [LB399]

SENATOR CHAMBERS: Have you read the amendment that has become the bill where a duty is placed on the county attorney if any of this is to be done? [LB399]

SENATOR PIRSCH: I looked at it within the last hour and a half, yeah. [LB399]

SENATOR CHAMBERS: And do you agree with that? [LB399]

SENATOR PIRSCH: With respect to the county attorney, just for clarification, because there's been a number of amendments, the one that the gist of it was to put the burden...to place the responsibility on the county attorney for devising the location within the county and the nature and the extent of the... [LB399]

SENATOR CHAMBERS: And setting the terms and conditions governing these operations. [LB399]

SENATOR PIRSCH: Yeah, I... [LB399]

SENATOR CHAMBERS: You support that? [LB399]

SENATOR PIRSCH: I'm not sure if I could repeat the exact language of the sentences, but I do, I did get the general gist of it, yes. [LB399]

SENATOR CHAMBERS: You do support it. [LB399]

SENATOR PIRSCH: Oh, do I support it? [LB399]

SENATOR CHAMBERS: Yes. Don't answer me. I don't...I can't call you to account. That was a rhetorical question, that last part. [LB399]

SENATOR PIRSCH: Okay. [LB399]

SENATOR GLOOR: Time, Senator. [LB399]

SENATOR CHAMBERS: But you have established you're aware. Thank you, Mr. President. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers and Senator Pirsch. The Chair

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recognizes Senator Burke Harr. [LB399]

SENATOR HARR: Thank you, Mr. President. I've remained silent on this bill the whole time, and the amendments, but there's been a lot of talk about what goes on in Douglas County and what goes on with the Douglas County Attorney's Office. Well, I had the unique opportunity for over five years to serve in the Douglas County Attorney's Office and to prosecute in that office and to see how that office runs. I've watched it under two different administrations how it runs. This is not the purpose of our county attorneys. This...the purpose of our county attorneys is to be the attorney for the county and to prosecute criminal cases. We are wasting time on this bill. I understand there's a sheriff that wants to do this up in Washington County, and good for him. But that doesn't mean we have to do it. There's a lot of things our constituents want us to do that we don't do. And ask yourself if this is good policy. It isn't. And why are we giving the power to the county attorney? It doesn't make sense. If we're going to do it, let's hold it to the county board. That makes more sense. This does not fit within the duties of a county attorney; not sure it fits within the duties of a county board. But if we're going to do it, let's do it the right way. This is not the right way. And so with that, I...well, let me say something else. There was in the last year something...I am a lawyer, obviously. There was a complaint that the Bar Association makes decisions, their lobbyists make decisions, without contacting all the board members, without going through the whole process--there's a process to look at legislation--and that their lobbyists go willy-nilly and make decisions. We came back from lunch yesterday and a certain senator said, well, I talked to the County Attorneys Association and they said they're okay with it. Senator Chambers, to his credit, said, asked: Did you talk to the County Attorneys Association? Did they convene a meeting? What was the process? Did it follow the normal process? Well, it didn't. Well, I'm going to introduce it for the first time. What's good for the goose is good for the gander. If you have a problem in saying the bar can't talk for its members without going through the proper process, it's the same way with the County Attorneys Association. So whenever you hear the County Attorneys Association doesn't have a problem with this, look at it with a cautious eye, is what I would warn you. So thank you. And I would yield the remainder of my time to Senator Chambers. [LB399]

SENATOR GLOOR: Two minutes and twenty-eight seconds, Senator Chambers. [LB399]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Harr. One of the most important things Senator Harr pointed out--he worked in the county attorney's office; this is not what the county attorney does. What Senator Lautenbaugh is trying to do is find some way to avoid embarrassment and he's willing to corrupt and distort the county attorney's office to save himself from being embarrassed. He put himself into that situation. He's embarrassed already, from my questioning, to show he didn't know what he was talking about in his bill. And he embarrassed himself further when he said

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he didn't remember whether he wrote the bill or not. I don't know how many on this floor would be as nice as "Parson" Carlson in failing to say what we all know. And maybe I'm overestimating the seriousness with which my colleagues view the work they do here, but I believe all of you, except for Senator Lautenbaugh, would remember whether or not you drafted a piece of legislation. We have not been told the truth. We have not been dealt with... [LB399]

SENATOR GLOOR: One minute. [LB399]

SENATOR CHAMBERS: ...in a straightforward manner by Senator Lautenbaugh in the way the green copy was written, with his comments that he had talked to the County Attorneys Association. And had I not followed my practice of questioning him, you would have thought they had had a meeting and he had talked to them. The person he talked to wasn't even a lawyer, as far as he knew. But as Senator Harr pointed out...that's probably my time up, isn't it, Mr. President? [LB399]

SENATOR GLOOR: Thirty seconds, Senator. [LB399]

SENATOR CHAMBERS: Well, I will stop at this point. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers. And, Senator Chambers, you are next in the queue. [LB399]

SENATOR CHAMBERS: Thank you. We may as well lay this all out. Senator Lautenbaugh, with a lot of fanfare, as Senator Harr pointed out, and I'm going to put it in the record so it would be there for all these lawyers who took offense at the approach Senator Lautenbaugh took with the Bar Association, he said that their lobbyists take positions and will have the Bar Association take that position when he, as a member, had not been consulted and they're not in a position to speak for all the lawyers. But without even talking to a single county attorney, he came back here and falsely stated that the County Attorneys Association is all right with this. He didn't talk to a single county attorney. And keep in mind--and Senator Wightman knows this, every lawyer here knows it--this kind of triviality is not what the county attorney does. If you want to see what the county attorney is supposed to do, go to the statute, because it lays out the duties of the county attorney. And it's not to determine whether these Neighborhood Watch people are going to be able to put a yellow light on top of their car and take time from other duties that are reposed by the Legislature that go to the core of the work and purpose of the county attorney's office, take time from those things to write up rules and regulations and conditions for these outfits, determine which areas of the county are going to do this, and then obviously, having done that, assign somebody to monitor it. That's what you want the county attorney's office to do? I don't know what the county attorney in your county will do. Don Kleine and I disagree on issues, but when we disagree it's different from the way I disagree here because he understands the issues,



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first of all. And I'll say this as I've said it before: If I am ever prosecuted by the county attorney's office, I would want Don Kleine himself to do it, as good a lawyer as I think he is, and that's the very reason I would want him to do it. First of all, if there were not actual probable cause, he would not allow a charge to be filed. But if he believed that, he would not conceal exculpatory evidence from my defense lawyer. He would not manufacture evidence. He would not seek to use people he knows would speak falsely to help win the case in order to get a break for themselves, just to let you know the respect I have for Don Kleine, even though there are areas where I disagree with him and it's obvious I'll disagree. It ought to be obvious, and if it's not I'll say it, I have profound respect for Senator Schumacher. But it's clear we don't agree on everything. He is so far off the radarscope of rationality that he thinks the same thing can exist and not exist at the same time. Now how can I, an intelligent man, agree with something like that? But because a man is wrong in one regard doesn't mean he's wrong in every regard. But when, in a limited discussion like we have here, a man not only is wrong but misrepresentational more than once, then that's something that ought to be taken into consideration. And he's the one guiding you down this track, your guide, you're following. Are there 32 of you,... [LB399]

SENATOR GLOOR: One minute. [LB399]

SENATOR CHAMBERS: ...in view of what you've heard Senator Harr, an experienced member of the county attorney's staff, told you about this not being what the county attorney's office is to do, are there 32 of you who are going to keep this going as a favor to Senator Lautenbaugh and the sheriff of Washington County? Thank you, Mr. President. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers. Senator Lautenbaugh, you're recognized. [LB399]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And just to be clear, because now I've been accused of being dishonest, I said yesterday I heard from the County Attorneys Association. I never said they met. I don't know who would have inferred that they met over the lunch hour in emergency session over this bill. But to be clear, I've now heard back from their representative, who talked to the Sarpy County Attorney, who talked to the head of their legislative committee, Mr. Partsch, from Otoe County, and there were other county attorneys involved as well. And the word is there is no problem with this. So what you've been hearing all morning is just particularly low-grade nonsense, trying to goad me into participating in somebody else's filibuster, which I have refused to do. But if someone is going to stand up here and say that I've been dishonest in some way, I'm going to point out that that person is, in fact, well, being dishonest with you. The county attorneys are fine with this. County attorneys have anticrime programs. This is not outside the scope of what they do, and this requires them to do very little. And again, we have heard from actual county attorneys. I

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spoke to one yesterday. I just said I wouldn't drag him into this. At the time when I answered the question at the mike, I hadn't spoken to him. Now we know that the representative of the association--and they do have an association and they do have a representative who is here--spoke to the Sarpy County Attorney, the Otoe County Attorney, and other county attorneys and they're all fine with it. And to be clear again for the record, the sheriff of Washington County has absolutely nothing to do with this except that he was mentioned by a witness in committee who came as a proponent of this bill. He didn't request the bill. He did not request the bill. He probably has lights of his own on his own car because, again, he's the sheriff of Washington County and is uninvolved in this bill. But there is a point at which when someone stands up and questions your honesty and goes on and on with the name calling and says everybody is being childish and foolish and whatnot that maybe it's foolish to respond. I don't know. There's the old saying about what you do when you argue with someone being foolish, I guess. But the county...when I say the county attorneys are fine with this, I'm not in the business of putting extra burdens on county attorneys for no good reason and then coming here and saying, oh yeah, they don't care, when that's not the case. We've heard from the association; that representative talked to its members. Did they have an emergency meeting of all 93 county attorneys yesterday? Of course not because they, unlike some, recognize that while this is an important tool for some of these neighborhood associations, this is not a big deal to them. But I think they seem to recognize that it at least is a tool for these organizations. And understand these organizations exist now. And we keep hearing, well, they could go on with what they're doing without these lights. Well, they could probably do it without cars, too, but cars are tools. These lights are a tool. They've asked to be authorized to have them. That's all this is. So I would again ask in the waning hours of this filibuster to please vote for cloture, put an end to this nonsense, and let this go forward to give this group or these groups the tool they need, the tool they've requested. At their option they can use it or they can not use it. I don't really know what more to say about this, Mr. President, so I'll just let it go. Thank you, Mr. President. [LB399]

SENATOR GLOOR: Thank you, Senator Lautenbaugh. Are there other senators wishing to be recognized? Seeing none, Senator Chambers, you're recognized to close on your motion to reconsider. [LB399]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. I told you I'd make him talk. I told you I'd smoke him out. I'd like to ask him a question. Senator Lautenbaugh, did your informant talk to the Douglas County Attorney, the largest county in the state? [LB399]

SENATOR LAUTENBAUGH: I don't know. [LB399]

SENATOR CHAMBERS: You don't know? Well, you named off county attorneys that he talked to. [LB399]

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SENATOR LAUTENBAUGH: Those are the ones I know he talked to. [LB399]

SENATOR CHAMBERS: Did you ask him which ones he talked to? [LB399]

SENATOR LAUTENBAUGH: I didn't, no. No, I did not. [LB399]

SENATOR CHAMBERS: He just...why did he talk to you on this in the first place?  
[LB399]

SENATOR LAUTENBAUGH: Because I asked him if they had a problem with it. And he  
said (inaudible). [LB399]

SENATOR CHAMBERS: I'm not talking about yesterday. I meant after the exchange  
yesterday you had to have talked to him again. Correct? [LB399]

SENATOR LAUTENBAUGH: No, actually the information was just relayed in to me who  
he had spoken to. [LB399]

SENATOR CHAMBERS: And so somebody out in the Rotunda just told you this?  
[LB399]

SENATOR LAUTENBAUGH: Someone relayed it in to me from the Rotunda, yes.  
[LB399]

SENATOR CHAMBERS: And that person in relaying it mentioned the names of some  
counties where the county attorney agrees with this? [LB399]

SENATOR LAUTENBAUGH: Where the county attorneys were consulted and were fine  
with it. [LB399]

SENATOR CHAMBERS: Did he talk to the Douglas County Attorney? [LB399]

SENATOR LAUTENBAUGH: Again, I don't know the answer to that. [LB399]

SENATOR CHAMBERS: You have a note. [LB399]

SENATOR LAUTENBAUGH: The note I was handed says, yes, Don Kleine is okay with  
this. [LB399]

SENATOR CHAMBERS: Oh, now it's on the record. Who was the one who stated that,  
the one who gave you...? [LB399]

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SENATOR LAUTENBAUGH: This is a note from Senator Schilz and it was handed to me by one of my staffers, relayed to my staff from the County Attorneys Association. [LB399]

SENATOR CHAMBERS: I want to know who said that Don Kleine, the Douglas County Attorney, is okay with this. [LB399]

SENATOR LAUTENBAUGH: I'm assuming Don Kleine did to Mr. Jon Edwards from the County Attorneys Association (sic) and then I said it on the mike seconds ago. [LB399]

SENATOR CHAMBERS: So Mr. Edwards is the one who said that Don Kleine said he's okay with this. [LB399]

SENATOR LAUTENBAUGH: Yes. [LB399]

SENATOR CHAMBERS: Okay. That's all I have of Senator Lautenbaugh. Now I will have a reason to contact Don Kleine because his name has been brought into it on the floor as one who agrees with this. I don't think that that's accurate, but that's just my opinion. We still are confronted with a cloture vote. Are there 32 of you who are going to put in the county attorney's office something that does not belong there? We don't know whether Don Kleine said that or not. We don't know what was presented to Don Kleine. We don't know when it was presented to him. And we don't know what those words that Senator Lautenbaugh gave us, he's okay with this, okay with what? The whole thing? I'd like to ask Senator Lautenbaugh a question. I didn't think I'd need to but now I find that necessary. [LB399]

SENATOR GLOOR: Senator Lautenbaugh, would you yield? [LB399]

SENATOR LAUTENBAUGH: Yes, I will. [LB399]

SENATOR CHAMBERS: Senator Lautenbaugh, the only reason you gave us that information is because somebody gave it to you. You're not saying this of your own personal knowledge, for the record. [LB399]

SENATOR LAUTENBAUGH: I guess, Senator Chambers, at some point you have to trust people. So when my staff comes to me and says this is what the people in the lobby told me after talking to Don Kleine, I don't have any real reason to think they're trying to deceive me at this point in the process. [LB399]

SENATOR CHAMBERS: That's not the way I asked the question. Do you of your own personal knowledge know that to be true? As a lawyer, what does it mean if you're asked, do you of your own personal knowledge know something? What does that mean as a lawyer to you? [LB399]

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SENATOR LAUTENBAUGH: I believe I've answered your question, Senator. [LB399]

SENATOR CHAMBERS: Thank you. See, he can't answer it because he knows what the answer is. And if he doesn't know what it means when the question is asked, do you of your own personal knowledge know something, then he is not a good lawyer. [LB399]

SENATOR GLOOR: One minute. [LB399]

SENATOR CHAMBERS: Any competent attorney would know that. See how he tries to space things off? I'm very direct and forthright in what I say. People ask me questions and I answer them. He can't answer a question as to what a certain thing means to a lawyer when he introduced the subject to the floor of this Legislature. You all know what it means if somebody asks you of your own personal knowledge do you know something. I'm very interested in how this vote is going to come out. And to make sure that we go the full way before we take a cloture vote, I'm going to put another motion up there. I'm not going to yield anything. How much time do I have, Mr. President? [LB399]

SENATOR GLOOR: Thirteen seconds. [LB399]

SENATOR CHAMBERS: And I'm going to take every one of them. I am going to call everybody back into this Chamber so that they're going to have to vote on cloture one way or the other. Thank you, Mr. President, and I will ask for a call of the house. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers. There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB399]

CLERK: 27 ayes, 0 nays, Mr. President, to place the house under call. [LB399]

SENATOR GLOOR: Thank you, Mr. Clerk. The house is under call. Senators, please record your presence. Those senators not in the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the Chamber. The house is under call. Senators Ashford, Bolz, Murante, Carlson, please return to the Chamber and record your presence. Senator Murante, please return to the Chamber and record your presence. Senator Chambers, all members are present and accounted for. How would you like to proceed? [LB399]

SENATOR CHAMBERS: I'll take a machine vote. [LB399]

SENATOR GLOOR: Thank you, Senator Chambers. Members, the question is, shall the amendment to LB399...excuse me, shall the motion to reconsider be adopted? Those in

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favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB399]

CLERK: 5 ayes, 32 nays, Mr. President, on the motion to reconsider. [LB399]

SENATOR GLOOR: The motion fails. [LB399]

CLERK: Mr. President, I have a priority motion. Senator Lautenbaugh would move...may I read some items, Mr. President, before we proceed? [LB399]

SENATOR GLOOR: Please, Mr. Clerk. [LB399]

CLERK: Thank you. Hearing notice, Mr. President, from the General Affairs Committee, Natural Resources Committee, and the Education Committee, those signed by the respective Chairs. Your Committee on Enrollment and Review reports LB174, LB446 and LR29CA to Select File. I have an additional notice of hearing from the Revenue Committee, Mr. President. That's signed by Senator Hadley as Chair. New resolution: LR413 by Senator Davis; pursuant to its introduction, a communication from the Speaker directing that LR413 be referred to Reference. (Legislative Journal pages 278-280.) [LB174 LB446 LR29CA LR413]

Mr. President, with respect to LB399, I have a priority motion. That motion is to invoke cloture pursuant to Rule 7, Section 10. [LB399]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: It's the ruling of the Chair that there has been full and fair debate afforded to LB399. Senator Lautenbaugh, for what purpose do you rise? [LB399]

SENATOR LAUTENBAUGH: I'd like a roll call vote in reverse order. [LB399]

SPEAKER ADAMS: Members, the first vote is the motion to invoke cloture. Mr. Clerk. [LB399]

CLERK: (Roll call vote taken, Legislative Journal page 281.) 36 ayes, 7 nays, Mr. President, on the motion to invoke cloture. [LB399]

SPEAKER ADAMS: The motion to invoke cloture is adopted. Members, the next vote is the adoption of LB399. All those in favor vote aye...I'm sorry, members, it is the advancement of LB399 to E&R Initial. All those in favor vote aye; all those opposed, nay. [LB399]

SENATOR CHAMBERS: Roll call vote, Mr. President. [LB399]

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SPEAKER ADAMS: Mr. Clerk, there has been a request for a roll call vote. [LB399]

CLERK: (Roll call vote taken, Legislative Journal pages 281-282.) 25 ayes, 20 nays, Mr. President, on the advancement of the bill. [LB399]

SPEAKER ADAMS: The motion is adopted. LB399 advances. I raise the call. Mr. Clerk, are there bills to read across? [LB399]

CLERK: There are, Mr. President, thank you. New bills: (Read LB974-985 by title for the first time.) I have a name add, Mr. President, to LB913 by Senator Nordquist. (Legislative Journal pages 282-284.) [LB974 LB975 LB976 LB977 LB978 LB979 LB980 LB981 LB982 LB983 LB984 LB985 LB913]

And I have a priority motion. Senator Burke Harr would move to adjourn until Tuesday morning, January 21, at 10:00 a.m.

SPEAKER ADAMS: Thank you, Mr. Clerk. Members, you have heard the motion to adjourn. All those in favor indicate with aye. Opposed. We are adjourned.