

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

Floor Debate
January 26, 2016

[LB136 LB289 LB623 LB665 LB666 LB667 LB731 LB778 LB853 LB926 LB977 LB1048
LR423]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FOURTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR DARIN BENTZINGER FROM THE PANAMA PRESBYTERIAN CHURCH HERE IN PANAMA, NEBRASKA. PLEASE RISE.

PASTOR BENTZINGER: (PRAYER OFFERED.)

SENATOR SCHEER: THANK YOU, PASTOR. I CALL TO ORDER THIS FOURTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SENATOR SCHEER: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

SENATOR SCHEER: THANK YOU. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON NATURAL RESOURCES, CHAIRED BY SENATOR SCHILZ, OFFERS A CONFIRMATION REPORT. I ALSO HAVE NOTICE OF HEARING FROM THE NATURAL RESOURCES COMMITTEE. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB665, LB666, AND LB667 TO SELECT FILE. AND THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 415-416.) [LB665 LB666 LB667]

SENATOR SCHEER: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA. MR. CLERK.

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CLERK: MR. PRESIDENT, SENATOR BURKE HARR WOULD MOVE TO WITHDRAW LB926. [LB926]

SENATOR SCHEER: SENATOR HARR, YOU'RE RECOGNIZED TO OPEN. [LB926]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I WOULD ASK FOR YOUR PERMISSION TO WITHDRAW LB926. THE CONCEPT IS GOOD. I ACTUALLY...WHEN I INTRODUCED IT THERE WERE SOME TECHNICAL CHANGES THAT NEED TO BE MADE. AND INSTEAD OF DOING AN AMENDMENT AT THE COMMITTEE LEVEL, I INTRODUCED LB1048 WHICH TAKES CARE OF THOSE ISSUES. SO I WOULD ASK THAT YOU PLEASE VOTE TO WITHDRAW LB926. THANK YOU. [LB926 LB1048]

SENATOR SCHEER: THANK YOU, SENATOR HARR. YOU'VE HEARD THE REQUEST TO WITHDRAW LB926. PLEASE VOTE. MR. CLERK. [LB926]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE MOTION TO WITHDRAW THE BILL. [LB926]

SENATOR SCHEER: THANK YOU. THE BILL IS WITHDRAWN. MR. CLERK. [LB926]

CLERK: MR. PRESIDENT, SENATOR GLOOR, AS CHAIR OF REVENUE, WOULD REPORT ON THE APPOINTMENT OF TONY FULTON AS THE TAX COMMISSIONER. (LEGISLATIVE JOURNAL PAGE 392.)

SENATOR SCHEER: SENATOR GLOOR, YOU'RE RECOGNIZED.

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. I'M PRESENTING TO YOU A GUBERNATORIAL APPOINTMENT FOR TAX COMMISSIONER, TONY FULTON. I THINK MANY OF YOU WOULD REMEMBER FORMER SENATOR FULTON, WHO SERVED IN THIS BODY FROM 2007 TO 2013, WAS A MEMBER OF THE APPROPRIATIONS COMMITTEE DURING THAT ENTIRE TIME. HE'S TRAINED AS AN ENGINEER, GRADUATED FROM UNL IN THIS FIELD, SERVED ON A NUMBER OF COMMUNITY BOARDS, A NUMBER OF COMMUNITY BOARDS IN THIS COMMUNITY, INCLUDING PEOPLE'S CITY MISSION AS ITS BOARD PRESIDENT IN 2012, FOUNDATION PRESIDENT IN 2013, AMONG OTHER BOARDS THAT HE'S SERVED ON. HE AND HIS WIFE, JUDY, RESIDE HERE IN LINCOLN AND HAVE SINCE 2003. HE'S BEEN THE FOUNDER AND OWNER OR, EXCUSE ME, AND SINCE 2003

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HE'S BEEN THE FOUNDER AND OWNER OF AN ELDER CARE COMPANY IN THIS COMMUNITY. AT HIS CONFIRMATION HEARING, MR. FULTON HIGHLIGHTED SOME OF HIS PRIORITIES FOR THE DEPARTMENT OF REVENUE. THESE INCLUDE FOSTERING A CUSTOMER-CENTERED ORGANIZATION, LEVERAGING THE EXPERIENCE OF EMPLOYEES IN THE DEPARTMENT, AND UTILIZING METRICS BY WHICH THE DEPARTMENT MAY BE MEASURED FOR ACCOMPLISHING ITS GOALS. MR. FULTON'S CONFIRMATION WAS UNANIMOUSLY APPROVED BY THE REVENUE COMMITTEE AFTER WE ASKED HIM A NUMBER OF QUESTIONS, APPROPRIATELY SO. AND I WOULD ASK THAT YOU ADOPT THE COMMITTEE'S RECOMMENDATION. THANK YOU, MR. PRESIDENT. THANK YOU, MEMBERS.

SENATOR SCHEER: THANK YOU, SENATOR GLOOR. ARE THERE ANY WISHING TO SPEAK? SENATOR BLOOMFIELD.

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. FOR THOSE WHO ARE NEWER TO THE BODY AND DIDN'T HAVE THE OPPORTUNITY TO KNOW TONY FULTON, HE IS A DEDICATED SERVANT FOR THE STATE OF NEBRASKA. I WHOLEHEARTEDLY SUPPORT HIS APPOINTMENT.

SENATOR SCHEER: THANK YOU, SENATOR BLOOMFIELD. SEEING NO ONE ELSE, SENATOR GLOOR, YOU'RE RECOGNIZED. AND HE WAIVES CLOSING. I'M SORRY. SENATOR CHAMBERS.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I WAS NOT BEING CARELESS. I WAS IN A SERIOUS DISCUSSION WITH A FELLOW MEMBER OF THE JUDICIARY COMMITTEE. I'D LIKE TO ASK A QUESTION OF THE CHAIRPERSON OF THIS COMMITTEE.

SENATOR SCHEER: SENATOR GLOOR, WILL YOU YIELD?

SENATOR GLOOR: YES, I WILL.

SENATOR CHAMBERS: SENATOR GLOOR, YOU GAVE SOME GLOWING RECOMMENDATIONS FOR SENATOR FULTON, FORMER SENATOR FULTON. ARE THOSE STATEMENTS YOU MADE YOUR PERSONAL VIEWS OR DOES IT REPRESENT A CONSENSUS OF WHAT PEOPLE HAVE TOLD YOU?

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SENATOR GLOOR: SENATOR CHAMBERS, I DON'T KNOW THAT I MADE ANY SPECIFIC GLOWING REFERENCES. I CAN GIVE YOU THE SHEET I WORKED OFF OF AND IT'S PRETTY MUCH A STATEMENT OF FACT.

SENATOR CHAMBERS: WELL, IF YOU OR ANYBODY HAD SAID THAT ABOUT ME, I WOULD CONSIDER IT GLOWING. THE POINT I MEAN IS NOT THAT I HAVE ANY CRITICISM OF IT, BUT THESE ARE THINGS THAT YOU ARE VERY CONFIDENT OF AS BEING TRUE.

SENATOR GLOOR: CAN I USE AN EXAMPLE, SENATOR CHAMBERS?

SENATOR CHAMBERS: YES, BUT YOU COULD JUST ANSWER YES OR NO, AND I'M NOT GOING TO INTERROGATE YOU ON IT. BUT, YES, YOU CAN GIVE AN EXAMPLE.

SENATOR GLOOR: I BELIEVE THE RESPONSES THAT HE GAVE US HE FEELS STRONGLY ABOUT. AND I THINK TIME WILL TELL WHETHER HE'S ABLE TO BRING AND IMPROVE A CUSTOMER-CENTERED ORGANIZATION, LEVERAGING THE EXPERIENCE OF THE EMPLOYEES TO SUCCESS, AND USING METRICS. THOSE ARE THREE SPECIFIC THINGS THAT WE TALKED TO HIM ABOUT THAT HE FEELS STRONGLY HE CAN BRING TO THE ORGANIZATION. TIME WILL TELL. AND I WON'T BE HERE TO MEASURE THEM, BUT I KNOW YOU AND EXPECT THAT YOU WILL BE BACK AND THAT YOU WILL CERTAINLY BE KEEPING AN EYE ON SOME OF THOSE PRIORITIES THAT HE HAS SET FOR THE DEPARTMENT.

SENATOR CHAMBERS: BUT AFTER ALL HAS BEEN SAID AND DONE, YOU CONSIDER HIM TO BE A MAN OF INTEGRITY WHOSE WORD WE CAN TAKE AND COUNT ON IT BEING THE WAY HE SAID IT WOULD BE, CORRECT?

SENATOR GLOOR: CORRECT, SENATOR CHAMBERS, BASED UPON MY WORK WITH HIM HERE IN THE LEGISLATURE.

SENATOR CHAMBERS: THANK YOU. AND HAD I SAID ALL THOSE THINGS, PEOPLE WOULD THINK THAT MAYBE I WAS JUST FLUFFING. BUT I AGREE, WHAT THE CHAIRMAN SAID, AND I HAVE SOMETHING ELSE TO SAY NOW. I HEAR EVEN SENATOR SCHILZ AND OTHERS, WHEN THEY TALK ABOUT MY MOUNTAIN LION BILL, HOW THE LEGISLATURE GAVE THE GAME AND PARKS COMMISSION AUTHORITY TO DO THIS, AND IT SHOULDN'T BE TAKEN AWAY, THE HUNTING SEASON. BUT NOW THAT SENATOR FULTON IS BACK, I'VE QUOTED HIM. I'M GOING

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TO GET HIM TO VERIFY THAT WHEN THAT BILL WAS ON THIS FLOOR SCARCELY NOTHING WAS SAID ABOUT HUNTING. HE HAD OFFERED AN AMENDMENT THAT BECAME WHAT THE BILL REALLY WAS THAT ALLOWED MEAT THAT WAS DERIVED FROM HUNTING TO BE MADE AVAILABLE TO THOSE ORGANIZATIONS THAT WOULD SHARE IT WITH THE PUBLIC. THE ONE WHO SPOKE FOR HUNTING WAS SENATOR LOUDEN. SO THERE WAS VIRTUALLY NO DISCUSSION OF THAT WHATSOEVER, AND THE WAY IT HAS BEEN EMPHASIZED I THINK HAS MISLED THE PUBLIC. AND I'M GOING TO BRING IT UP WHEN I GO BEFORE THAT COMMITTEE. I KNOW THEY'RE GOING TO KILL THE BILL, BUT I'M NOT THROUGH WITH IT FOR THE SESSION. I THINK THAT COMMITTEES AND CHAIRPERSONS HAVE A RESPONSIBILITY TO REFLECT WHAT WAS SAID ON AND DONE WITH A BILL. BUT I'M VERY HAPPY NOW FOR TWO REASONS TO HAVE SENATOR FULTON BACK; FIRST OF ALL, FOR ALL OF THE THINGS THAT SENATOR GLOOR SAID IN TERMS OF HIS BEING COMPETENT AND BEING ABLE TO CARRY OUT THE DUTIES THAT WILL BE HIS SHOULD HE BE CONFIRMED BY THE LEGISLATURE, AND I SUSPECT THAT HE WILL BE. HE WILL BE A PRIMARY SOURCE OF INFORMATION ON THE THINGS THAT I'VE SAID ABOUT THIS HUNTING OF MOUNTAIN LIONS.

SENATOR SCHEER: ONE MINUTE.

SENATOR CHAMBERS: AND I HAVE A HALF REASON. SOME PEOPLE MAY NOT KNOW THAT SENATOR FULTON IS AN ENGINEER. AND I HAD SO MUCH FUN ONE TIME WHEN WE WERE ON A BILL AND I SAID, BEING AN ENGINEER, ON THIS BILL WHAT HE'D PROBABLY DO IF HE WAS ON HIS JOB, HE'D TURN HIS HAT BACKWARDS, GRAB THAT STRING THEY HAVE AND PULL IT AND TOOT TOOT. AND THAT'S THE KIND OF ENGINEER THAT I CONSIDER HIM TO BE. I'M SURE HE REMEMBERS THAT. SO HE IS A MAN OF ABILITY. HE HAS A SENSE OF HUMOR. AND HE WILL BE FORTHRIGHT WITH ANYBODY WHO WANTS TO QUESTION HIM ON ANYTHING THAT I'VE SAID. THANK YOU, MR. PRESIDENT. THANK YOU, CHAIRMAN GLOOR. AND THANK YOU, SENATOR (SIC) RICKETTS FOR APPOINTING THIS MAN TO HELP ME IN MY LEGISLATIVE ENDEAVORS.

SENATOR SCHEER: THANK YOU, SENATOR GLOOR AND SENATOR CHAMBERS. SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR GLOOR TO CLOSE. SENATOR GLOOR AGAIN WAIVES CLOSING. THE QUESTION BEFORE US IS THE CONFIRMATION OF TONY FULTON AS THE COMMISSIONER OF REVENUE. PLEASE VOTE. HAVE ALL VOTED THAT WISH TO? MR. CLERK.

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CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 417.) 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

SENATOR SCHEER: THE CONFIRMATION IS APPROVED. MR. CLERK.

CLERK: MR. PRESIDENT, I HAVE A CONFIRMATION REPORT FROM NATURAL RESOURCES INVOLVING THE APPOINTMENT OF DAN KREITMAN TO THE GAME AND PARKS COMMISSION. (LEGISLATIVE JOURNAL PAGE 392.)

SENATOR SCHEER: CHAIRMAN SCHILZ, YOU'RE RECOGNIZED TO INTRODUCE.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. GOOD MORNING. I BRING TO YOU TODAY THE CONFIRMATION OF MR. DAN KREITMAN TO THE NEBRASKA GAME AND PARKS COMMISSION. HE'S FROM WAHOO. HE WAS...HAD HIS HEARING ON JANUARY 21. HE'S A NEW APPOINTEE TO REPRESENT DISTRICT 1. HE'S THE OWNER OF DANTER DENTAL HEALTH INC. AND A FARMER AND RANCHER. AND HIS CONFIRMATION CAME OUT OF COMMITTEE ON A UNANIMOUS VOTE. AND WE RECOMMEND THE APPROVAL OF DAN KREITMAN FOR THE GAME AND PARKS COMMITTEE (SIC). THANK YOU.

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ. ARE THERE ANY WISHING TO SPEAK? SENATOR CHAMBERS.

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M NOT GOING TO INJECT THIS CONFIRMATION REPORT AND THE INDIVIDUAL WHO IS BEING NOMINATED BY THE GOVERNOR INTO THINGS THAT I SAID BEFORE. I DON'T KNOW THIS MAN. I DON'T HAVE ANYTHING THAT ANYBODY HAS TOLD ME IS WRONG WITH HIS BEING ACCEPTED. SO I WILL VOTE, AS I DO ROUTINELY ON THESE KIND OF THINGS, TO CONFIRM BECAUSE I DON'T HAVE ANY REASON NOT TO. BUT ONE THING I WILL SAY ABOUT THIS, IT DOES NO GOOD TO HAVE THE STATE BROKEN UP INTO DISTRICTS FOR THE PURPOSE OF DETERMINING MEMBERSHIP ON THIS COMMISSION WHEN THE GOVERNOR APPOINTS THE PEOPLE, BECAUSE IT'S OBVIOUS THAT FORMER GOVERNORS, AT LEAST, HAVE PUT PEOPLE ON WHO MIGHT BE INTERESTED IN ONLY HUNTERS AND WHAT THEY WANT. BUT THERE ARE FAR MORE PEOPLE IN THIS STATE THAN THERE ARE HUNTERS, AND NOT ALL HUNTERS AGREE WITH WHAT THAT COMMISSION HAS DONE WITH REFERENCE TO THE MOUNTAIN LIONS. I TOLD YOU I'M GOING TO BE TALKING ABOUT THEM, AND I AM. SO IF I GET REELECTED, AND THE THING THAT WILL ASSURE MY REELECTION IS FOR PEOPLE LIKE SENATOR GROENE AND

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SENATOR KINTNER, WHO SAID THEY'LL GO INTO PEOPLE'S LEGISLATIVE DISTRICTS AND SPEAK AGAINST THEM IF THEY VOTE CERTAIN WAYS. AND I WAS VOTING THAT CERTAIN WAY WHENEVER THEY SAID THAT. THAT WOULD ASSURE ME OF BEING REELECTED. HOWEVER, I DON'T REALLY NEED THAT. BUT DURING THAT FOUR YEARS ONE OF MY PROJECTS IS GOING TO BE TO HAVE DISTRICT ELECTIONS OF THESE MEMBERS WHO SERVE ON THE GAME AND PARKS COMMISSION. WHEN YOU TALK ABOUT NATURAL RESOURCES, YOU'RE NOT JUST TALKING ABOUT WILDLIFE, BUT WILDLIFE IS A NATURAL RESOURCE. THE ECOLOGY, THE FOOD CHAIN, AT WHICH THE MOUNTAIN LION IS THE TOP PREDATOR, SHOULD BE MAINTAINED INTACT. AND I CONSIDER WHAT HAPPENS TO ANIMALS VERY IMPORTANT. THERE ARE PEOPLE WHO WILL RIDICULE ME AND SAY, WHY SHOULD YOU BE SO CONCERNED ABOUT MOUNTAIN LIONS AND PRAIRIE DOGS? WELL, FOR ONE THING, A BROCHURE WAS PUT OUT THAT WAS TELLING PEOPLE WHY THEY OUGHT TO COME HERE AS TOURISTS. AND YOU ALL HAVE ONE IN YOUR DESK DRAWER, AND THEY SHOW ON THIS ITEM PUT OUT BY THE GREAT PLAINS ECOTOURISM COALITION 12 POSTERS. ONE OF THE POSTERS FEATURES PROMINENTLY PRAIRIE DOGS. SO YOU CAN RIDICULE ME IF YOU WANT TO. IT MAKES ME NO DIFFERENCE WHATSOEVER. BUT THAT LITTLE CREATURE IS ONE THAT I'M GOING TO DEFEND. AND BEFORE YOU LAUGH AND MOCK AND SCOFF AT ME TOO MUCH, YOU LOOK AT SOME OF THESE POLICE OFFICERS, ONE IN OMAHA RECENTLY, ONE IN CANTON, OHIO, A COUPLE OF WEEKS AGO, WHOSE POLICE DOG PARTNER WAS KILLED. THEY HAD TROUBLE CONTROLLING THEIR EMOTIONS IN DISCUSSING THESE ANIMALS, HOW ATTACHED THEY HAD GOTTEN TO THEM, HOW MUCH THESE MEN RELIED ON THESE ANIMALS. AND NOT ONE PERSON RIDICULED THEM AND SAID: WELL, THOSE ARE JUST DOGS; YOU CAN GET ANOTHER DOG; WHY DON'T YOU JUST GET ANOTHER DOG? PEOPLE IN AMERICA ARE SHALLOW. THEIR THOUGHT PATTERNS SHOULD NOT EVEN HAVE THE WORD "THOUGHT" CONNECTED TO WHATEVER PATTERN IS GOING THROUGH THEIR HEAD. THERE HAS TO BE SOMEBODY,...

SENATOR SCHEER: ONE MINUTE.

SENATOR CHAMBERS: ...AND IT WOULD BE MORE DESIRABLE TO HAVE SOMEBODIES, PLURAL, REMINDING PEOPLE THAT THERE'S MORE TO THE UNIVERSE THAN HUMAN BEINGS. ANIMALS HAVE NEVER BEFOULED THE EARTH. THEY HAVE NOT DONE ANYTHING THAT RESULTED IN CLIMATE CHANGE. THEY HAVE NOT CREATED POLLUTION. THEY HAVE NOT DONE ANYTHING THAT HARMS THE SYSTEM THAT NATURE, BY WHATEVER TERM YOU LABEL IT, HAS PUT IN PLACE, BUT HUMAN BEINGS HAVE. THEN THEY ARE THE ONES, IN THEIR ARROGANCE AND IGNORANCE, GOING TO SAY THAT CERTAIN ANIMALS DESERVE

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TO LIVE AND OTHERS DON'T. I HAVE MY LIGHT ON SO I WON'T REQUIRE THE CHAIR TO TELL ME, SIT DOWN AND BE QUIET, OR IN HIS COURTEOUS WAY, TIME, SENATOR CHAMBERS. THANK YOU, MR. PRESIDENT.

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. (DOCTOR OF THE DAY INTRODUCED.) WAITING TO SPEAK: SENATORS JOHNSON, DAVIS, KINTNER, AND CHAMBERS. SENATOR JOHNSON, YOU'RE RECOGNIZED.

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. MR. KREITMAN, HIS ADDRESS IS WAHOO BUT IT'S RURAL WAHOO. HE ALSO HAS PROPERTIES THROUGHOUT THE STATE, AND MOST OF THOSE PROPERTIES ARE DEDICATED TO PRESERVATION OF WILDLIFE AND HABITAT FOR WILDLIFE. I BELIEVE HE'S BEEN INVOLVED IN A GUIDE AND VERY QUALIFIED FOR PROTECTION OF ANIMALS AND ALSO THE RIGHT TO HUNT AND THE RIGHT TO FISH. SO I STRONGLY RECOMMEND THE CONFIRMATION OF MR. KREITMAN. THANK YOU.

SENATOR SCHEER: THANK YOU, SENATOR JOHNSON. SENATOR DAVIS, YOU'RE RECOGNIZED.

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I JUST WANT TO SECOND WHAT SENATOR JOHNSON SAID. DAN KREITMAN IS A FRIEND OF MINE--I'VE WORKED WITH HIM ON A FEW PROJECTS--VERY, VERY ENERGETIC; VERY, VERY INTERESTED IN WILDLIFE; PROMOTES PROTECTION OF ANIMALS; IS A HUNTER, AN ACTIVE HUNTER. BUT I THINK IT'S JUST AN ABSOLUTELY WONDERFUL APPOINTMENT AND I'M PLEASED TO STAND AND ASK THE BODY TO CONFIRM HIM. THANK YOU, MR. PRESIDENT.

SENATOR SCHEER: THANK YOU, SENATOR DAVIS. SENATOR KINTNER, YOU'RE RECOGNIZED.

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I SPEAK IN FAVOR OF THIS CONFIRMATION. I ALSO WANT TO ADDRESS SOMETHING SENATOR CHAMBERS SAID. I DO NOT OPPOSE MY FELLOW SENATORS WHEN THEY'RE UP FOR REELECTION. I DO NOT GO INTO THEIR OFFICE TO...INTO THEIR DISTRICT AND TRY TO DEFEAT THEM. I DO NOT GET INVOLVED WITH ANYONE RUNNING FOR REELECTION. THAT'S BETWEEN THEM AND THEIR CONSTITUENTS. OUT OF RESPECT FOR MY COLLEAGUES, I WOULD NEVER EVER DO THAT. I CERTAINLY SUPPORT PEOPLE IN OPEN SEATS FROM TIME TO TIME, BUT, NO, I WILL NEVER

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OPPOSE ANY OF MY COLLEAGUES WHO ARE RUNNING FOR REELECTION. JUST WANTED TO CLEAR THAT UP. THANK YOU, MR. PRESIDENT.

SENATOR SCHEER: THANK YOU, SENATOR KINTNER. SENATOR CHAMBERS, YOU'RE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. HAVING MADE THE STATEMENT OR THE COMMENT AND ADDRESSED IT TOWARDS SENATOR KINTNER, I TAKE HIM AT HIS WORD. SENATOR KINTNER, I MISSPOKE WITH REFERENCE TO YOU, AND I ACCEPT WHAT YOU SAY. BACK TO THE ISSUE THAT IS OF GREAT CONCERN TO ME. I DON'T CARE WHAT THE SUBJECT IS THAT WE ARE GOING TO BE DISCUSSING DURING THIS SESSION, I'M GOING TO SAY WHAT I'VE GOT TO SAY ON WHATEVER ISSUE I CHOOSE TO SPEAK ON. AND I HAD A DISCUSSION WITH THE SPEAKER AND MY RESOLUTION ABOUT NOT LETTING THE LOBBYISTS FEED THE MOOCHERS AND SPONGERS AND OTHER DESCRIPTORS I USE FOR THE SENATORS WHO, WHILE DENYING ASSISTANCE AND HELP TO THE POOR AT LARGE, WILL ACCEPT FREEBIES AND SUCK THEM UP LIKE VACUUM CLEANERS THAT THE LOBBYISTS PROVIDE. SUCH RESOLUTIONS, HE INFORMED ME, WILL BE TAKEN UP EITHER THE NEXT TO THE LAST DAY OR THE LAST DAY OF THE SESSION. I ASSURED HIM I WOULD MAKE NO ATTEMPT TO PUT THAT RESOLUTION BEFORE THE BODY BY BRINGING IT OUT HERE, BUT I TOLD HIM I WOULD TALK ABOUT IT AND ITS CONTENTS, AND HE AGREED THAT I HAVE EVERY RIGHT TO DO THAT. SO NOTHING THAT I SAY IS LEADING UP TO A POINT WHERE I WILL TRY TO PULL THAT RESOLUTION TO THE FLOOR BECAUSE I DON'T NEED IT. WE ALL KNOW THAT THE SENATORS LOOK FORWARD TO BEING FED BY THE LOBBYISTS. WE KNOW THAT THEY SEE NOTHING WRONG WITH GIVING ENTREE AND A HEARING TO LOBBYISTS WHO FEED THEM. AND NOT ONE OF THEM HAS SUCCESSFULLY...NOT EVEN THE SPEAKER. WHEN HE WAS NOT AGREEING WITH MY RESOLUTION, TO THE MEDIA HE WAS SAYING NOBODY IS GOING TO BE INFLUENCED BY A SACK LUNCH OR WHATEVER. WELL, HE DOESN'T KNOW THAT. BUT HE HAD SAID THAT IF SUCH A THING HAPPENS THEN...AND HE DESCRIBED WHAT THAT WOULD INDICATE. BUT HE WAS NOT ABLE TO SAY THAT THE APPEARANCE OF IMPROPRIETY IS NOT THERE. WE KNOW WHY LOBBYISTS COME HERE. THEY DON'T COME HERE BECAUSE THEY LIKE YOU ALL. THEY DON'T COME HERE BECAUSE THEY RESPECT YOU ALL. THEY COME HERE TO INFLUENCE YOU ON BEHALF OF CLIENTS WHO HAVE PAID THEM TO DO THAT. AND WHEN THOSE WHO ARE PAID TO INFLUENCE THE LEGISLATURE ARE AT THE SAME TIME FEEDING THEM AT THE LOBBYISTS' TROUGH, THE PUBLIC GETS AN IMPRESSION THAT THIS IS NOT APPROPRIATE. MAYBE NOBODY IS GOING TO BE INFLUENCED, BUT, ON THE OTHER HAND, WHY DO SENATORS FIGHT SO

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DESPERATELY TO RETAIN THOSE FREE MEALS THAT ARE BROUGHT TO THEM HERE? IT'S JUST LIKE FARMERS ON THIS FLOOR WHO SAY YOU DON'T WANT TO GIVE ANYTHING TO THOSE OUT THERE WHO ARE NOT WORKING. BUT YOU TAKE FROM THEM THE GOVERNMENT CHECKS THAT THEY GET, TAKE FROM ALL THESE FARMERS THE CHECKS THAT THEY GET AND LISTEN TO THEM HOWL, NOT HOWL, SQUEAL LIKE A BOAR WITH HIS SNOOT CAUGHT UNDER THE GATE. SO WHILE THEY'RE UP HERE PONTIFICATING AND ACCEPTING FREEBIES FROM THE FEDERAL GOVERNMENT THAT THEY CONDEMN ALL THE TIME, THEY ACCEPT FROM THE LOBBYISTS. WHEN DO YOU EVER HEAR THEM STAND ON THIS FLOOR, WHILE THEY'RE CONDEMNING GROUPS THAT WANT TO HELP THE POOR, HOW MANY OF YOU HEAR THEM STAND ON THE FLOOR AND CONDEMN THOSE LOBBYISTS WHO ARE LOBBYING FOR THE RICH, FOR THE WELL-OFF, WELL-TO-DO?

SENATOR SCHEER: ONE MINUTE.

SENATOR CHAMBERS: TAX BREAKS, BIG CORPORATIONS, THEY DON'T CRITICIZE THOSE, BUT I INTEND TO. AND I HAD TO DEVIATE FROM WHAT I'M DOING THIS MORNING ON THIS CONFIRMATION TO MAKE THOSE REMARKS. IT'S DIFFICULT FOR ME, A MAN OF NO MEANS, WHO AM ONE OF THOSE WHO IS LOOKED DOWN THE NOSE AT; WHO UNDERSTANDS THE STRUGGLES OF PEOPLE TRYING TO MAKE IT FROM THE FIRST OF THE MONTH TO THE LAST OF THE MONTH; WHO WONDER IF THEY'RE GOING TO HAVE TO DECIDE BETWEEN FEEDING THEIR FAMILY, INCLUDING THEMSELVES, OR PAYING HIGH UTILITY BILLS; NOT OBTAINING MEDICAL CARE FOR THEIR CHILDREN. AND EVEN THE GOVERNOR, WHO, IN CONJUNCTION WITH HIS DADDY, CAN SPEND \$300,000 TO OVERTURN,...

SENATOR SCHEER: TIME, SENATOR.

SENATOR CHAMBERS: ...IF THEY CAN, WHAT WE DID. THANK YOU, MR. PRESIDENT.

SENATOR SCHEER: BUT YOU ARE NEXT IN LINE, AND THIS IS YOUR THIRD TIME.

SENATOR CHAMBERS: THANK YOU. I'LL FINISH THAT, THEN I'LL GO BACK TO WHAT I WAS TALKING ABOUT ORIGINALLY ON THE ANIMALS...SPEND \$300,000 FOR THAT, BUT WHEN HE WENT TO CHICAGO TO GET HIS KNEE TAKEN CARE OF HE CAME BACK. AND GUESS WHO'S GOING TO COVER THAT. HE SAID, STATE EMPLOYEE INSURANCE. HE'S GOING TO TAKE THAT WHICH HE DOESN'T NEED.

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THREE HUNDRED THOUSAND DOLLARS, AND HE ALSO AGREED THAT THE DEPARTMENT OF CORRECTIONS SHOULD THROW \$54,000 TO A CROOK FOR DRUGS NEVER DELIVERED, SERVICES NEVER PERFORMED. AND THIS IS THE SHARP BUSINESSMAN WHO'S SUPPOSED TO BE RUNNING GOVERNMENT ACCORDING TO A BUSINESS MODEL. I'LL HAVE MORE TO SAY ABOUT THAT TOO. BUT BACK TO MY FRIENDS THE ANIMALS: THOSE WHO ARE CATHOLICS AND THOSE WHO ARE NOT ARE WELL AWARE OF THE CURRENT POPE WHOSE NAME IS FRANCIS. THAT'S NOT THE NAME HE WAS GIVEN WHEN HE WAS BORN. THAT'S THE NAME HE ASSUMED, AS POPES DO, AS KINGS IN ENGLAND DID. AND HE TOOK THAT NAME FROM A PERSON WHO HAD BEEN DECLARED A SAINT--FRANCIS OF ASSISI. AND FRANCIS OF ASSISI LOVED ANIMALS. HE EVEN ON HIS DEATHBED SAID HE NEEDED FORGIVENESS FOR HAVING OFFENDED AGAINST HIS BROTHER THE ASS, AND HE MEANT THE FOUR-LEGGED KIND. FRANCIS OF ASSISI LOVED AND RESPECTED ANIMALS. HE PREACHED TO THEM. HE MINISTERED TO THEM. HE REFERRED TO THEM AS HIS BROTHERS. MAYBE IT'S BECAUSE HE BELIEVED IN A GOD THAT CREATED EVERYTHING AND IN THE SAME WAY THAT OF ONE BLOOD ALL NATIONS OF MANKIND ARE DERIVED, FROM ONE INTELLECT, FROM ONE CREATIVE SOURCE CAME EVERYTHING THAT IS CONSIDERED A LIVING CREATURE. AND ALL LIVING CREATURES ARE ENTITLED TO BE RESPECTED. BUT WHETHER YOU ALL AGREE WITH THAT OR NOT, WHETHER YOU SEE THINGS THE WAY POPE FRANCIS, WHO BLESSES ANIMALS--AND PRIESTS DO IT AT LEAST ONCE A YEAR IN OMAHA--WHETHER YOU AGREE WITH HIM OR NOT, I'M GOING TO DO WHAT I CAN TO RESCUE THESE ANIMALS FROM THOSE WHO WANT TO HUNT THEM FOR WHAT THEY CALL TROPHIES, THE SHEER LOVE OF KILLING DEFENSELESS ANIMALS WHO HAVE OFFENDED AGAINST NOBODY. NOBODY IN NEBRASKA HAS BEEN KILLED BY A MOUNTAIN LION. SINCE THE 1800s, YOU KNOW HOW MANY PEOPLE HAVE BEEN KILLED BY MOUNTAIN LIONS ALL OVER THE COUNTRY? AND AT ONE TIME DURING THAT PERIOD MOUNTAIN LIONS WERE IN EVERY STATE. EIGHTEEN, 18 HUMAN BEINGS KILLED. AND BASED ON THE WAY SOME HUMAN BEINGS TREAT THESE ANIMALS, IF I COULD TALK TO THEM I'D SAY, YOU ALL HAVE TO GET BUSY, YOU HAVEN'T BEEN DOING YOUR JOB. IN NEBRASKA THERE MAY BE TWO REPORTED INSTANCES OF LIVESTOCK BEING ATTACKED BY MOUNTAIN LIONS, AND THEY PROBABLY WERE JUVENILES, BECAUSE THE MOTHER HAD BEEN KILLED BY ONE OF THESE TROPHY HUNTERS OR ONE OF THESE LAWLESS, RURAL PEOPLE WHO ARE ENCOURAGED TO KILL THESE ANIMALS AND BURY THEM, ENCOURAGED TO VIOLATE THE LAW. THEN THEY WANT TO TELL US ABOUT FAMILY VALUES, RURAL VALUES. LET ME TELL YOU WHERE SENATOR GROENE IS SHARP AS A RAZOR. HE TURNED ON HIS LIGHT WHEN I REACHED MY THIRD TIME, BUT I'LL HAVE PLENTY OF OPPORTUNITIES DURING THE REST OF THIS MORNING TO RESPOND TO ANY AND EVERYTHING

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THAT IS SAID. AND I WILL SAY IT. I WILL DO IT. BUT, REMEMBER, WHILE YOU'RE ADVERTISING YOUR PRAIRIE DOGS FOR PEOPLE TO COME AND SEE, YOU HAVE ON THE BOOKS A LAW THAT ALLOWS COUNTY PEOPLE TO GO ON SOMEBODY ELSE'S PROPERTY AND SPREAD POISON, DESTROY CROPS,...

SENATOR SCHEER: ONE MINUTE.

SENATOR CHAMBERS: ...DAMAGE OTHER PROPERTY TO GET RID OF THESE ANIMALS. IF THEY WANT TO KILL PRAIRIE DOGS ON THEIR PROPERTY, THEY CAN DO IT. SO WHEN THEY TALK ABOUT LIVESTOCK GETTING A BROKEN LEG, THAT WOULD BE A BROKEN LEG ON THEIR PROPERTY. AND THEY CAN DO WHATEVER THEY WANT TO, TO THESE ANIMALS ON THEIR PROPERTY. BUT WHEN THEY WANT TO INTRUDE INTO THE PROPERTY OF SOMEBODY ELSE, I HAD ALWAYS THOUGHT THAT'S SOMETHING CONSERVATIVES DIDN'T BELIEVE IN. THANK YOU, MR. PRESIDENT. THANK YOU, BROTHERS AND SISTERS. AND I INTEND TO STAY WITH YOU THIS MORNING BECAUSE IT'S SUCH GOOD TIMES THAT WE HAVE TOGETHER. THANK YOU.

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SENATOR FRIESEN, YOU'RE RECOGNIZED.

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WELL, NORMALLY I JUST CAN'T BRING MYSELF TO RISE TO THE BAIT WHEN SENATOR CHAMBERS STARTS TALKING ABOUT FARMERS, BUT, YOU KNOW, WE'VE HAD A LOT OF FUN THIS SESSION AND I THOUGHT, WHY NOT? I'M IN A REALLY GOOD MOOD AND IT'S BEEN KIND OF FUN TO LISTEN TO IN THE PAST AND I'M STILL ENJOYING IT. SO, YOU KNOW, WHEN WE TALK ABOUT FARMERS AND WE'VE JUST BEEN PAINTED WITH A PRETTY BROAD BRUSH, IT SOUNDED LIKE ALL FARMERS ARE IN HIS SIGHT, SO TO SPEAK. BUT WE HAVE...I THINK THERE'S POOR FARMERS OUT THERE TOO. I KNOW A FEW THAT ARE STRUGGLING TO MAKE IT. THEY DON'T HAVE MUCH MONEY. THEY STRUGGLE TO MAKE IT FROM YEAR TO YEAR INSTEAD OF WEEK TO WEEK OR MONTH TO MONTH OR DAY TO DAY, BUT THEY'RE STILL TRYING TO SURVIVE, JUST LIKE ANYBODY ELSE. AND PROPERTY TAXES ARE STILL TOO HIGH. AND SO AS WE HAVE FUN WASTING TIME, GETTING READY FOR THE SESSION TO END EVENTUALLY, WE SHOULD MAYBE TAKE SOME TIME TO DISCUSS IT EVERY NOW AND THEN JUST TO MAKE SURE THAT WE'RE REMEMBERING SOME OF THE IMPORTANT THINGS THAT WE WERE GOING TO TALK ABOUT EARLIER IN THE YEAR. AND WHEN WE PAINT ALL FARMERS WITH THE SAME BRUSH, BE SPECIFIC. I'M NOT A POOR FARMER. I'VE DONE WELL AND I

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WILL NOT APOLOGIZE FOR IT. BUT THERE'S SOME WHO HAVE NOT DONE SO WELL, AND THEY CONTINUE TO STRUGGLE. AND WE'LL LOSE A FEW MORE OF THEM AGAIN AS WE GO FORWARD IN THIS NEXT DIP IN OUR MARKETS, WHICH HAPPENS EVERY FOUR OR FIVE YEARS, AND WE'LL SEE IT HAPPEN AGAIN THIS TIME. AND THERE'S REALLY NOTHING ANYBODY CAN DO ABOUT IT. WE CAN DO OUR BEST HERE, BUT THAT'S JUST THE WAY BUSINESS IS THESE DAYS. WE KEEP GROWING AND GETTING MORE EFFICIENT AND GETTING BIGGER AND BETTER AT WHAT WE DO. AND WE'LL CONTINUE TO PROVIDE ENOUGH FOOD AND FEED, FUEL FOR THE WORLD. I'M NOT AS CONCERNED AS SOME THAT WE WON'T MEET THAT CHALLENGE WITH WHAT WE DO. AND SO I LOOK FORWARD TO SOME OF THE DISCUSSIONS DOWN THE ROAD WHEN WE WANT TO TALK ABOUT PROPERTY TAXES. THANK YOU, MR. PRESIDENT.

SENATOR SCHEER: THANK YOU, SENATOR FRIESEN. SENATOR GROENE, YOU'RE RECOGNIZED.

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I STAND IN SUPPORT OF MR. KREITMAN. HIS RESUME FITS THE POSITION HE IS TRYING TO ACHIEVE OR BE APPOINTED TO. WE NEED SOMEBODY WHO IS A HUNTER AND A FISHERMAN ON THE GAME AND PARKS COMMISSION BECAUSE THAT IS OUR HERITAGE IN NEBRASKA, TO HUNT AND FISH. IT'S THE HERITAGE OF THE HUMAN RACE. TO MAKE A CORRECTION TO WHAT SENATOR CHAMBERS SAID, LAST YEAR I STOOD ON THE FLOOR AND I SAID I WOULD NOT SUPPORT ANYBODY FOR HIGHER OFFICE WHO I WITNESSED TRADE VOTES IN THIS CHAMBER. I RESERVE THAT RIGHT AS A CITIZEN TO SHARE MY EXPERIENCES. AND WHEN I CAMPAIGN FOR OR AGAINST SOMEBODY RUNNING FOR GOVERNOR, ATTORNEY GENERAL, CONGRESS, UNITED STATES SENATE, ALL THE OTHER STATE OFFICES, ATTORNEY GENERAL, I RESERVE THAT RIGHT TO TELL MY FELLOW CITIZENS ABOUT THE ATTRIBUTES OR THE NONATTRIBUTES OF THE CHARACTER OF THAT PERSON RUNNING FOR THAT STATE OFFICE. I NEVER SAID I WOULD STAND AGAINST OR CAMPAIGN AGAINST SOMEBODY, ONE OF MY COMRADES HERE, COLLEAGUES HERE FOR THEIR STATE SENATE RACES. IF SOMEBODY CALLS ME AND ASKS ME MY OPINION, I'M GOING TO TELL IT. BUT I'M NOT GOING TO CAMPAIGN IN ANYBODY'S DISTRICTS. I WENT OUT AND GOT A LOT OF SIGNATURES ON THE DEATH PENALTY THIS SUMMER. I WENT IN A LOT OF DISTRICTS, ALL OUT WEST. WHEN SOMEBODY ASKS ME ABOUT THEIR SENATOR, I SAID THEY'RE A GOOD PERSON. YES, THEY VOTED THIS WAY. IF THEY WANTED TO RIDICULE, I SAID: I'M WEARING A RED, WHITE...I'M WEARING A YELLOW PETITION SHIRT; I'M A CITIZEN TODAY GETTING SIGNATURES, I'M NOT A STATE SENATOR. THAT'S WHAT I SAID. I LOOK AT FACTS. I DO NOT ASSUME--GETS YOU IN TROUBLE--AND

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INTERPOLATE WHAT SOMEBODY SAID INTO MEANINGS THAT ARE NOT THERE. I STOOD ON THE FLOOR YESTERDAY IN THE HEAT OF BATTLE AND SAID IF SOMEBODY TRADED VOTES AND I KNEW IT, WHILE I WAS HERE, AND THEY RAN FOR HIGHER OFFICE, THEY'D HAVE TO BE BORN AGAIN OR THEY'D HAVE TO CHANGE THEIR BEHAVIOR BEFORE I WOULD SUPPORT THEM FOR HIGHER OFFICE. THAT'S WHAT I SAID AND I STAND BY THAT. THANK YOU.

SENATOR SCHEER: THANK YOU, SENATOR GROENE. SENATOR SCHNOOR, YOU'RE RECOGNIZED. SENATOR SCHNOOR WAIVES. SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE ON THE REPORT.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. I JUST WANT TO BRING IT ALL BACK AROUND THAT WE ARE VOTING ON MR. DAN KREITMAN AND WOULD APPRECIATE A YES VOTE. THANK YOU, MR. PRESIDENT.

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE NATURAL RESOURCES COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 417-418.) 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

SENATOR SCHEER: THE REPORT IS ADOPTED. SENATOR SCHILZ, YOU'RE WELCOME TO INTRODUCE THE NEXT CONFIRMATION REPORT. (LEGISLATIVE JOURNAL PAGE 392.)

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. AND THIS IS FOR THE NEBRASKA ETHANOL BOARD, AND WE HAVE TWO MEMBERS THAT ARE GOING ON TO THAT BOARD. THE FIRST ONE IS MR. TIM ELSE AND HIS HEARING DATE WAS ON THE 21st OF JANUARY. HIS HOMETOWN IS BELVIDERE. HE'S A REAPPOINTEE AND HE REPRESENTS THE SORGHUM INDUSTRY. AND HE'S A SELF-EMPLOYED FARMER. AND WE HAD A GOOD TALK AND WE VOTED UNANIMOUSLY FOR HIM. AND THEN JAN TENBENSEL, WHOSE HOMETOWN IS CAMBRIDGE, HE'S ALSO A NEW APPOINTEE AND HE WOULD REPRESENT THE WHEAT INDUSTRY. AND HE'S ALSO A SELF-EMPLOYED FARMER. AND ONCE AGAIN, THAT VOTE WAS UNANIMOUS. IN FACT, WE VOTED ON THOSE TWO TOGETHER, AND SO BOTH OF THEM CAME OUT UNANIMOUSLY. AND WITH THAT, I WOULD APPRECIATE A YES VOTE ON BOTH OF THOSE. THANK YOU.

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SENATOR SCHEER: THANK YOU, SENATOR SCHILZ. SENATOR HUGHES, YOU'RE RECOGNIZED.

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. AS SOMEONE WHO HAS SERVED ON THE ETHANOL BOARD IN MY PAST AND SAT IN ON THE NATURAL RESOURCES COMMITTEE FOR THE HEARING FOR THESE TWO GENTLEMEN, I WOULD CONCUR WITH WHAT SENATOR SCHILZ SAID, THAT THEY ARE BOTH WELL QUALIFIED. THEY HAVE A GOOD UNDERSTANDING OF THE INDUSTRY AND I THINK THEY WILL DO A GOOD JOB. AS FAR AS MR. TENBENSEL, HE IS A PERSONAL FRIEND OF MINE AND CERTAINLY A VERY GOOD PROMOTER OF THE INDUSTRY. AND WITH AN ETHANOL PLANT IN CAMBRIDGE, HIS HOMETOWN, HE IS CERTAINLY CLOSE TO THE INDUSTRY. AND I WOULD URGE ALL MY COLLEAGUES TO SUPPORT BOTH OF THEM FOR APPOINTMENT TO THE NEBRASKA ETHANOL BOARD. THANK YOU.

SENATOR SCHEER: THANK YOU, SENATOR HUGHES. SENATOR CHAMBERS, YOU'RE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M GOING TO TURN A CORNER HERE. BUT FIRST OF ALL, I'D LIKE TO ASSURE SENATOR FRIESEN THAT I DON'T MEAN ALL FARMERS. I THOUGHT I HAD SAID, LET THE FARMERS IN HERE WHO GET THOSE GOVERNMENT CHECKS AND WILL NOT VOTE TO HELP OTHERS. BUT HE DID MENTION THAT THERE ARE POOR FARMERS, WHICH I KNOW. AND YOU KNOW WHY THEY'RE POOR? BECAUSE OF WHO REPRESENTS THEM IN THE LEGISLATURE. THAT'S A JOKE, INTENDED TO BE. BUT SOME OF THOSE VERY POOR FARMERS AND THEIR FAMILIES ARE THE ONES WHO, BECAUSE THE GOVERNOR WILL NOT ALLOW AN EXTENSION OF MEDICAID, ARE UNABLE TO PROVIDE ADEQUATE MEDICAL CARE FOR THEIR CHILDREN, FOR THEIR FAMILIES. SO YOU HAVE FARMERS HERE VOTING AGAINST FARMERS, POOR FARMERS. I'M CONCERNED ABOUT THE POOR BECAUSE THEY ARE POOR. I DON'T CARE WHETHER THEY ARE DOCTORS, LAWYERS, MERCHANTS, THIEVES. THIEVES HAVE A RIGHT TO MEDICAL CARE BECAUSE HUMAN BEINGS, NO MATTER WHAT THEY MAY HAVE DONE OR HOW MUCH CONTEMPT EVERYBODY MAY FEEL TOWARD THEM, ARE IMBUED WITH A CERTAIN DIGNITY THAT CANNOT BE TAKEN AWAY FROM THEM, THAT CANNOT BE DISCARDED EVEN BY THE PERSON. WHEN THE DECLARATION OF INDEPENDENCE TALKS ABOUT INALIENABLE RIGHTS, WHEN IT COMES TO THE LAW, TO ALIENATE, IT MEANS TO TAKE AWAY OR GIVE AWAY, IF YOU'RE THE ONE DOING IT. THERE ARE CERTAIN RIGHTS WHICH A PERSON HAS WHICH HE OR SHE IS NOT FREE TO WAIVE. SUCH AN INCIDENT OCCURRED WHEN A PERSON WHO BELONGED TO A FRATERNITY HAD AGREED TO ALLOW HIMSELF TO BE

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BRANDED, AND THE ONES WHO DID THE BRANDING WERE CHARGED. AND THE ONES WHO DID THE BRANDINGS WANTED TO SAY HE AGREED AND VOLUNTEERED TO DO IT. AND THE PROSECUTOR SAID, THAT DOES NOT RELIEVE YOU OF THE CRIMINAL CONDUCT IN WHICH YOU ENGAGE. THIS PERSON, WHO FOR WHATEVER REASON AGREED TO FORGO HIS HUMANITY, TO TRY TO ALIENATE HIS DIGNITY AS A HUMAN BEING, THE PROSECUTOR HAD SENSE ENOUGH TO KNOW THAT THAT COULD NOT BE DONE. WHEN YOU HAVE A SOCIETY WHICH YOU HOPE IS GOING TO BE ORDERLY, WHERE A CERTAIN RESPECT REDOUNDS TO THE BENEFIT OF EVERY HUMAN BEING, EVERY MEMBER OF THAT SOCIETY, YOU CANNOT PICK AND CHOOSE AND PLACE ANYBODY OUTSIDE THE HUMAN RACE. SO I LOOK AT THESE POOR PEOPLE IN OTHER PARTS OF THE STATE WHO MAY HATE ME, WHO FERVENTLY WISH AND PRAY THAT THE GROUND I WALK UPON WOULD GIVE WAY AND I WOULD FALL INTO AN ABYSS, CALLED BY SOME THE BOTTOMLESS PIT. BUT WHAT THEY THINK AND WHAT THEY FEEL AND WHAT THEY SAY MEANS NOTHING TO ME WHEN IT COMES TO HOW I VIEW THEM AS HUMAN BEINGS. SO WHEN WE HAVE PEOPLE IN THE FARMING OPERATIONS ON THIS FLOOR, ALL OF WHOM, AS FAR AS I KNOW, ARE DOING VERY WELL, VOTING AGAINST HELPING THOSE OF THEIR BROTHERS AND SISTERS IN A SIMILAR PURSUIT, THEN IT CAUSES ME TO FORM AN OPINION OF THEM AND A JUDGMENT. THEY DON'T HAVE TO BE BOUND BY MY JUDGMENT OR MY OPINION. THEY CAN DISREGARD IT.

SENATOR SCHEER: ONE MINUTE.

SENATOR CHAMBERS: HOWEVER, I'M GOING TO EXPRESS THOSE THINGS. AND I AM GOING TO HAVE TO TURN ON MY LIGHT BECAUSE I WANT TO SAY SOMETHING ABOUT THE ISSUE WE'RE DISCUSSING, THIS CONFIRMATION, BUT NOT THE INDIVIDUAL WHO IS BEING CONFIRMED. THANK YOU, MR. PRESIDENT.

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS, AND YOU'RE NEXT IN THE QUEUE.

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I HAVE BEEN IMPATIENTLY WAITING FOR SOMETHING TO COME BEFORE US THAT RELATED TO ETHANOL FOR TWO REASONS. FIRST OF ALL, I DON'T USE ETHANOL. I USED IT ONE TIME IN A CAR AND IT KILLED OUT ON ME AS I WAS COMING INTO LINCOLN. AND NOT BEING A MECHANIC, I DIDN'T KNOW WHAT THE CAUSE WAS. IT WAS BECAUSE I WAS BURNING ETHANOL AND I OUGHT NOT TO HAVE DONE IT. BUT AT ANY RATE, ETHANOL IS SOMETHING WHICH EXISTS ONLY BECAUSE YOU

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DON'T HAVE A FREE-MARKET SYSTEM. PEOPLE WHO DEAL WITH ETHANOL KNOW THEY CAN'T RUN IT THROUGH A PIPELINE BECAUSE IT CORRODES. THEY KNOW THAT THERE CAN BE A SEPARATION OF THE MOISTURE IN ETHANOL. THEY KNOW ALL OF THAT, SO I DON'T HAVE TO GO INTO THAT. HOWEVER, SOME OF THEM WILL TALK ABOUT A FREE-MARKET ECONOMY. THAT WOULD MEAN LET THE MARKET DETERMINE WHAT'S GOING TO HAPPEN AMONG PEOPLE WHO ARE COMPETITORS, AND THE GOVERNMENT SHOULD NOT INTERFERE OR INTERVENE. YET, THE "ETHANOLERS" WANT THE GOVERNMENT TO MANDATE THAT WHAT THEY CALL BIG OIL INCLUDE A CERTAIN PERCENTAGE OF THEIR PRODUCT, THE ETHANOL, IN THE BIG OIL, GASOLINE. THEY WANT THE GOVERNMENT TO DO THAT BECAUSE THEIR PRODUCT CANNOT STAND ON ITS OWN. WERE IT NOT FOR FEDERAL...STRONG FEDERAL SUBSIDIES AND STATE SUBSIDIES TO THE TUNE OF HUNDREDS OF MILLIONS OF DOLLARS IN THIS STATE, ETHANOL COULD NOT EXIST. IT CAN'T MAKE IT ON ITS OWN. AND BECAUSE OF THAT, I CAN MENTION THAT I RECEIVED MANY, ANALOGOUSLY SPEAKING, POLITICAL SCARS ON THE FLOOR OF THIS LEGISLATURE WHEN LORAN SCHMIT WAS A SENATOR BECAUSE OF THE WORK HE DID TO ADVANCE THE ETHANOL INDUSTRY. BILLS I WOULD TRY TO STOP, I COULDN'T. SOME I DID. SOME I CAUSED TO BE MODIFIED. BUT I COULDN'T STOP THE FLOW OF ETHANOL. AND NOW, FROM THINGS THAT I HEAR, IT'S A THRIVING INDUSTRY IN NEBRASKA BECAUSE OF THE HANDOUTS THAT IT CONTINUES TO GET, WHICH IT WOULDN'T HAVE WERE IT NOT FOR LORAN SCHMIT. WELL, YOU CAN WORK ALL OF YOUR PRODUCTIVE YEARS AND STILL HAVE SOME LEFT, AND THOSE WHO BENEFIT FROM WHAT YOU DID WILL TURN ON YOU WITH A VENGEANCE AS THOUGH YOU WERE AN ENEMY. SO WHEN THAT ETHANOL OUTFIT UNCEREMONIOUSLY, AND IN A WAY THAT I THINK WAS VERY INSULTING AND DEGRADING AND DEMEANING, KICKED LORAN SCHMIT OUT, THE MAN WHO DID MORE FOR THEM THAN ANY OTHER INDIVIDUAL--AND AS I SAID, I HAVE THE SCARS TO PROVE IT--IT WAS OFFENSIVE TO ME. AND IT JUST GIVES ME ANOTHER REASON TO OPPOSE ETHANOL AND THOSE WHO ARE THE MOVING FORCES BEHIND IT. I DON'T KNOW WHO THEIR LOBBYIST IS NOW, BUT I'M SURE WHOEVER IT IS HAS BEEN TOLD, DON'T TALK TO SENATOR CHAMBERS. AS I SAID DURING THE LAST CONFIRMATION, I DON'T HAVE ANY REASON TO VOTE AGAINST THIS GENTLEMAN. I KNOW NOTHING ABOUT HIM. SO I, FOLLOWING MY PRACTICE OF ROUTINELY VOTING IN FAVOR OF CONFIRMING THOSE FOR WHOM I HAVE NO REASON NOT TO VOTE FOR CONFIRMATION, I WILL VOTE GREEN. BUT IT'S NOT TO BE TAKEN AS A VOTE FOR THE ETHANOL INDUSTRY.

SENATOR SCHEER: ONE MINUTE.

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SENATOR CHAMBERS: AND I DON'T KNOW THAT SENATOR SCHMIT HAS THE STOMACH TO WATCH WHAT WE DO OR LISTEN TO WHAT WE SAY HERE, BUT I HOPE THERE'S SOME WAY HE CAN BE MADE AWARE OF THE COMMENTS THAT I MAKE. I'LL GET THE TRANSCRIPT AND SEE THAT HE GETS IT. BUT I DON'T BELIEVE IN WAITING UNTIL SOMEBODY IS PUSHING UP CLOVER TO START LAYING ON THE ACCOLADES. THAT MAN STILL HAS PRODUCTIVE YEARS, AND THOSE HE HELPED THE MOST GAVE HIM THE BACK OF THE HAND. AND AS I SAID, I FIND THAT OFFENSIVE AND I WILL NOT FORGET IT. THANK YOU, MR. PRESIDENT.

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE REPORT.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. I WOULD JUST SAY ONCE AGAIN THIS IS FOR MR. TIM ELSE AND MR. JAN TENBENSEL FOR THE NEBRASKA ETHANOL BOARD. AND I'D APPRECIATE A YES VOTE ON THESE CONFIRMATIONS. THANK YOU.

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE NATURAL RESOURCES COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH TO? RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 418.) 36 AYES, 0 NAYS ON ADOPTION OF THE REPORT, MR. PRESIDENT.

SENATOR SCHEER: THANK YOU, MR. CLERK. THE REPORT IS ADOPTED. MR. CLERK, WE'LL NOW PROCEED TO GENERAL FILE.

CLERK: MR. PRESIDENT, LB289, A BILL INTRODUCED BY SENATOR EBKE. (READ TITLE.) BILL HAS BEEN DISCUSSED ON THE FLOOR. SENATOR EBKE PRESENTED HER BILL ON FRIDAY, THE 22nd. SENATOR CHAMBERS HAS PENDING A MOTION TO RECOMMIT THE BILL TO THE JUDICIARY COMMITTEE. THAT MOTION IS PENDING, MR. PRESIDENT. [LB289]

SENATOR SCHEER: THANK YOU, MR. CLERK. SENATOR EBKE, WOULD YOU CARE TO GIVE US A BRIEF DESCRIPTION OF LB289 TO START THE MORNING? [LB289]

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SENATOR EBKE: THANK YOU, MR. PRESIDENT. I THINK WE HAVE TALKED LB289 ALMOST TO DEATH. I THINK EVERYBODY KNOWS WHAT IT IS. IT IS A BILL THAT WOULD CHANGE THE DEFINITION OF WHAT THE CITIES AND MUNICIPALITIES THROUGHOUT THE STATE ARE ABLE TO ENACT WITH RESPECT TO GUN RIGHTS. IT WOULD SOLVE SOME OF THE PROBLEMS WITH RESPECT TO A PATCHWORK OF LAWS AROUND THE STATE, WHICH MAY OR WHICH MANY CONSIDER TO BE FUNDAMENTALLY UNFAIR. AND I LOOK FORWARD TO THE DEBATE AS IT CONTINUES. WE ARE, BY THE WAY, THERE ARE A NUMBER OF US WORKING TOGETHER TO TRY TO FIGURE OUT IF WE CAN FIND SOME SORT OF REASONABLE AMENDMENTS, AND WE WILL REPORT AS WE GET TO THAT. [LB289]

SENATOR SCHEER: THANK YOU, SENATOR EBKE. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB289]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M CONSTANTLY HEARING TALK ABOUT THESE LAW-ABIDING GUN OWNERS. I HEAR THE DEBATE. AND SENATOR EBKE BROUGHT THIS BILL, WHICH I BELIEVE IS PROBABLY WRITTEN BY THE NRA OR ITS MINIONS. THE LANGUAGE IS ATROCIOUS. IT IS UNCONSTITUTIONAL. AND I HATE THAT MY YOUNG COLLEAGUE--HE'S NOT HERE RIGHT NOW SO I WON'T CALL HIM BY NAME, BUT IF HE WERE I WOULD SAY SENATOR HANSEN--HE SHOULD NOT HAVE POINTED OUT THE UNCONSTITUTIONAL PROVISIONS. BUT IT REALLY DOESN'T MATTER. BECAUSE PEOPLE ON THIS FLOOR ARE SO HIDEBOUND AND TIED INTO WHAT THE NRA WANTS, THEY WILL LEAVE THAT IN THE BILL. AND THE WHOLE THING CAN BE STRUCK DOWN. SO WHETHER YOU PASS IT OR NOT IS OF NO MOMENT TO ME, BUT I'M STILL GOING TO OPPOSE IT. BUT ALL OF THOSE WHO ARE WORRIED ABOUT ALL THESE LAW-ABIDING PEOPLE OWNING THESE GUNS AND DRIVING THROUGH THE STATE, THE POLICE ARE NOT JUST GOING TO STOP CARS AT RANDOM AND PULL THE DRIVER OUT AND SAY: HAVE YOU GOT A GUN; ARE YOU LICENSED TO CARRY IT; HAVE YOU COMPLIED WITH ALL THIS? THE ONLY THING THAT WOULD RESULT IN ANYTHING ABOUT A GUN COMING UP IS SOMETHING ONE OF THESE LAW-ABIDING GUN OWNERS DOES THAT IMPLICATES A VIOLATION OF THE GUN LAW. IF THEY'RE NOT VIOLATING THE LAW, THEY'RE NOT GOING TO BE STOPPED. THAT SHOWS HOW YOU ALL HAVE BEEN SNOOKERED, YOU'VE BEEN SUCKERED. AND I THOUGHT SENATOR EBKE WOULD SEE THROUGH THIS, BUT SHE DIDN'T. YOU HAVE TO...AND I DIDN'T WANT TO SAY THIS THE FIRST DAY. I WANTED PEOPLE TO GO ON RECORD WITH ALL OF THEIR YOW-YOW ABOUT CONSTITUTIONAL RIGHTS. IF THIS GUN OWNER IS NOT DOING ANYTHING IN VIOLATION OF THE LAW AND DOESN'T CALL THE LAW'S ATTENTION TO THEM ABOUT SOMETHING IN CONNECTION WITH GUNS, THE

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ISSUE WILL NEVER SURFACE, NEVER SURFACE. SO THEY EXPECT THEIR LAW-ABIDING GUN OWNERS TO PUT THEMSELVES IN A POSITION WHERE A LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THEY HAVE VIOLATED A LAW THAT INVOLVES A GUN. IF THEY'RE LAW-ABIDING, YOU DON'T HAVE TO WORRY ABOUT IT. BUT THEY WORRY BECAUSE THEY'RE NOT THINKING. THEY ARE NOT THINKING. AND IT'S ONLY ON GUNS WHEN MY COLLEAGUES WILL LET THEIR BRAINS GO ON VACATION AND THEY LET THEMSELVES BE MANIPULATED. SEE, IN A CHESS GAME A ROOK, IF YOU PLAY THE GAME CORRECTLY, CAN HAVE A PROFOUND IMPACT ON THE OUTCOME OF THE GAME. BUT IF YOU DON'T UNDERSTAND IT, AND THE ROOK BEING THE WEAKEST PIECE OTHER THAN THE KING, THEN YOU GO AHEAD AND GIVE UP THE ROOKS BECAUSE THERE'S NOTHING THEY CAN DO TO HELP YOUR STRATEGY, YOU FEEL. MY COLLEAGUES ARE ACTING LIKE MINDLESS ROOKS. THEY HAVE BEEN ROOKED. THEY HAVE BEEN BAMBOOZLED. THEY HAVE BEEN "TOKEN," T-O-O-K-E-N. AND I'M USING OR MISUSING GRAMMAR AND SYNTAX TO EQUATE WITH WHAT THEY'RE DOING HERE ON THIS PIECE OF TRASH LEGISLATION. THEY SHOULD KNOW BETTER. LAWYERS KNOW THAT THERE IS NO SUCH THING AS PUNITIVE DAMAGES ALLOWED IN THIS STATE. THAT'S WHY I KNOW THIS LANGUAGE WAS NOT PUT TOGETHER BY SENATOR EBKE. AS I SAID THE OTHER DAY, AND SHE CAN CORRECT ME, SHE DIDN'T DO A LOT OF WORK PUTTING THIS BILL TOGETHER. SHE DIDN'T PUT IT TOGETHER. [LB289]

SENATOR SCHEER: ONE MINUTE. [LB289]

SENATOR CHAMBERS: AND I'M GOING TO TALK MORE ABOUT IT. BUT IN THE OPENING PART OF THIS WE JUST KIND OF RANGE FREE TO SET THE TONE, AND THAT'S WHAT I WANT TO DO. AND I WANT YOU ALL TO CONTINUE DOING MY WORK FOR ME BY TALKING AT LENGTH ON THIS MOTION THAT I HAVE PENDING. THIRD VERSE, SAME AS THE FIRST. THANK YOU, MR. PRESIDENT. [LB289]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. THOSE WISHING TO SPEAK: SENATORS SCHNOOR, SEILER, MORFELD, MELLO, AND OTHERS. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB289]

SENATOR SCHNOOR: THANK YOU. THE MOTION WE HAVE IN FRONT OF US IS TO RECOMMIT THIS TO COMMITTEE, WHICH I DO NOT SUPPORT. IT HAD ITS CHANCE IN COMMITTEE. AND I AM IN FAVOR OF COMING TO SOME SORT OF SOLUTION, BUT I PROPOSE WE DO THAT BETWEEN GENERAL AND SELECT FILE. WE DO IT ALL THE TIME. LAST YEAR I CAN'T...THERE WERE NUMEROUS TIMES WE DID

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THAT. SO THAT'S WHAT I SUPPORT. I AM WILLING TO LISTEN TO THE FOLKS FROM OMAHA AND FROM LINCOLN. BUT MY QUESTION, AND THIS IS MORE IN PARTICULAR WITH OMAHA, DO THESE RESTRICTIONS ON OUR RIGHTS TO KEEP AND BEAR ARMS, HAS IT REDUCED CRIME? ARE THERE ANY STATISTICS AVAILABLE TO SHOW US THAT? WE HEARD YESTERDAY ABOUT THE CAPITAL CRIMES COMMITTED IN OMAHA. HAS THIS HAPPENED BY ANY OF OUR CITIZENS THAT HAVE BEEN FORCED TO REGISTER THEIR WEAPONS? SO THAT'S A QUESTION YOU HAVE TO ASK YOURSELF. REMEMBER ARTICLE I, SECTION 1, OF OUR CONSTITUTION SAYS...TALKS ABOUT THE RIGHT TO KEEP AND BEAR ARMS FOR SECURITY, DEFENSE, SELF, FAMILY, HOME, AND OTHERS, AND FOR LAWFUL COMMON DEFENSE, HUNTING, RECREATIONAL USE, AND ALL OTHER LAWFUL PURPOSES, AND SUCH RIGHTS SHALL NOT BE DENIED OR INFRINGED BY THE STATE OR ANY SUBDIVISION THEREOF. SO WE ARE ALREADY INFRINGING UPON THOSE RIGHTS. BUT WE HAVE THE AUTHORITY HERE TO ALLOW THAT. WE DO IT ALL THE TIME. I READ YESTERDAY ARTICLE III-18. IT GIVES US THE AUTHORITY TO DO SUCH THINGS. BUT YET, WE HAVE THE CONSTITUTIONAL RIGHT TO BEAR ARMS. SO I AM NOT IN FAVOR OF THIS RECOMMIT MOTION. I WILL...I'M MORE THAN WILLING TO LISTEN. BUT I WILL BE IN FAVOR OF PUSHING THIS TO A VOTE. LET'S VOTE HERE ON THE FLOOR OF THE LEGISLATURE. LET'S VOTE ON OUR SECOND AMENDMENT RIGHTS. AND LET'S USE THE RULES THAT WE HAVE AND LET'S USE WHAT HAS BEEN DONE IN THE PAST TO COME TO A SOLUTION, TO MAYBE REACH A COMPROMISE BETWEEN GENERAL AND SELECT FILE. THANK YOU, SIR. [LB289]

SENATOR SCHEER: THANK YOU, SENATOR SCHNOOR. SENATOR SEILER, YOU'RE RECOGNIZED. [LB289]

SENATOR SEILER: MR. PRESIDENT, MEMBERS OF THE UNICAMERAL, I RISE TO TALK ABOUT THIS BILL. THIS MORNING'S PAPER QUOTED ME AS SAYING I'D VOTE FOR IT IN A SECOND, BUT THAT'S NOT QUITE WHAT I WAS REFERRING TO. I WASN'T REFERRING TO LB289 AS IT NOW IS. BUT THERE'S TWO DIFFERENT ISSUES. IT'S CALLED A PREEMPTION BILL AND IT INVOLVES THE CONSTITUTIONALITY OF IT. I'M NOT TALKING ABOUT THAT. THE PART THAT I'M TALKING ABOUT IS CALLED A SAFE PASSAGE. THE FEDERAL HAS ALREADY PREEMPTED THIS AREA BY SAYING THAT IF YOU PASS FROM NEBRASKA INTO SOUTH DAKOTA, YOU'RE COVERED UNDER THE FEDERAL LAW AND THE STATE LAW DOES NOT APPLY. I'VE ALWAYS WORRIED IN THE BACK OF MY MIND, AND AS MANY OF YOU KNOW, I HUNT ALL OVER THE STATE. SO EVEN THE LANGUAGE OF THE SAFE PASSAGE HERE STILL PUTS ME IN VIOLATION. I DRIVE AN EXPLORER. AND WHEN I HAVE TWO DOG KENNELS IN THE BACK, THERE IS NO

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PLACE TO LOCK YOUR GUN DOWN. WE DO PUT THEM IN CASES. THEY'RE UNLOADED WHEN WE TRAVEL FROM AREA TO AREA, BUT THEY ARE NOT LOCKED DOWN, AS THIS INDICATION IS THAT IT BE SECURED BY A LOCKED CONTAINER. I HAVE NEVER BEEN STOPPED, I GOT TO ADMIT THAT, BUT I'VE ALWAYS WORRIED THAT SOME AGGRESSIVE PERSON MAY TAKE ADVANTAGE OF THE LAW. AND YOU SAY IT CAN'T HAPPEN? HOW MANY OF YOU HAVE GONE FROM A 65 MILE-AN-HOUR SPEED LIMIT DOWN TO 25 MILE IN LESS THAN A BLOCK AND THE COP IS SITTING THERE WITH HIS RADAR? SO IT CAN HAPPEN. AND WHAT I'M SAYING IS, WE NEED A SAFE PASSAGE INTRASTATE THAT WHEN I LEAVE HASTINGS AND I'M FULLY IN COMPLIANCE, I'M FULLY IN COMPLIANCE WHEREVER I GO IN THIS STATE. THAT'S NOT THE CURRENT STATUS OF THE BILL. THAT'S IN SOME AMENDMENTS. I'M NOT SURE WE HAVE ENOUGH TIME AND ENOUGH ABILITY TO SEPARATE THESE ALL OUT. IT EVEN GOES AS TO CHANGING THE LAW THAT THERE'S AN EXEMPTION COMING FOR OMAHA AND LINCOLN BUT NOT THE REST OF THIS STATE. THEY ARE PRECLUDED FROM PARTICIPATING IN SOME OF THE RESTRICTIONS. I DON'T THINK THAT'S FAIR TO EVERYBODY WEST OF SEWARD. WE SHOULD BE ABLE TO SET UP OUR OWN LAWS. THE GUN LAWS IN OMAHA AND LINCOLN DON'T HAVE A LOT OF APPLICABILITY TO HYANNIS, JUST DOESN'T, DOESN'T EVEN HAVE A LOT OF APPLICABILITY TO HASTINGS, NEBRASKA. SO I'M SAYING THAT WE NEED TO THINK THIS THROUGH REALLY CAREFULLY, AND I'M NOT SURE WE'VE GOT TIME ON OUR HANDS IN THIS SHORT SESSION TO DO IT. SO I REALLY CONSIDER PUTTING IT BACK TO OUR COMMITTEE. I JUST LOOKED. MY COMMITTEE ON THE JUDICIARY HAS 123 BILLS SITTING IN IT. SO HOW MUCH TIME OUR COMMITTEE HAS TO HAVE HEARINGS ON THOSE BILLS BEFORE WE GET OUT OF HERE IS GOING BE A REAL PRESSURE. TO BE ABLE TO REWORK THIS LAW IS ANOTHER ISSUE ALTOGETHER. SO MY POSITION AT THIS POINT IS IF IT WAS JUST A SAFE PASSAGE LAW, I WOULD VOTE FOR IT. [LB289]

SENATOR SCHEER: ONE MINUTE. [LB289]

SENATOR SEILER: BUT IF IT'S MORE THAN THAT, I'M RECOMMENDING WE VOTE AGAINST IT AT THIS TIME. THANK YOU. [LB289]

SENATOR SCHEER: THANK YOU, SENATOR SEILER. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB289]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. AND TO LEAD OFF, WHAT SENATOR SEILER SAID, AS PROMISED I'VE COME BACK WITH AN AMENDMENT

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THAT WOULD PROVIDE FOR SAFE PASSAGE INTRASTATE, NOT JUST INTERSTATE AS REQUIRED CURRENTLY UNDER THE FIREARMS OWNERS' PROTECTION ACT UNDER FEDERAL LAW BUT INTRASTATE HERE IN NEBRASKA TO ENSURE THAT ONE INDIVIDUAL, IF THEY'RE DRIVING FROM...HYANNIS KEEPS COMING UP FOR SOME REASON. BUT IF THEY'RE DRIVING FROM HYANNIS INTO LINCOLN THAT THE STORAGE AND THE CARRYING OF THEIR WEAPON OR FIREARM WITHIN THEIR VEHICLE WOULD BE PROTECTED BY STATE LAW AND WOULD PREEMPT LOCAL ORDINANCES THAT WOULD PREVENT THE SAFE PASSAGE OF A LEGAL LAW-ABIDING GUN OWNER FROM GOING INTO ONE MUNICIPALITY TO ANOTHER OR ONE POLITICAL SUBDIVISION TO ANOTHER. I THINK THAT THIS STRIKES THE BALANCE AND THE ORIGINAL INTENT THAT WAS PRESENTED TO US IN THE JUDICIARY COMMITTEE ON WHAT THIS BILL WAS MEANT TO DO. I WENT BACK AND LOOKED AT THE TRANSCRIPT, AND REALLY THE ONLY CONCERNS THAT ROSE TO THE TOP IN THE COMMITTEE HEARING WAS THIS ISSUE OF TRANSPORTATION, WHICH IS WHY I ORIGINALLY SUPPORTED THE BILL OUT OF COMMITTEE. AS A GUN OWNER MYSELF AND AS SOMEBODY WHO TRAVELS INTO MULTIPLE JURISDICTIONS WITH THAT FIREARM, I UNDERSTAND THOSE CONCERNS AND I'VE BEEN CONCERNED ABOUT THAT MYSELF IN THE PAST. THIS AMENDMENT, WHICH I HAVE HAD THE PAGES PASS OUT, SHOULD BE ON YOUR DESK, AM1915, WOULD DO JUST THAT. AND IT MIRRORS FEDERAL LEGISLATION THAT'S ALREADY BEEN PASSED AND IN PLACE FOR QUITE SOME TIME. AS I GO THROUGH MY E-MAILS AND THE FOLKS THAT ARE IN SUPPORT OF LB289, THE NUMBER ONE CONCERN THAT THEY BRING UP IS THIS ISSUE--THE TRANSPORTATION OF FIREARMS BY LAWFUL GUN OWNERS WITHIN THE STATE OF NEBRASKA FROM ONE JURISDICTION TO ANOTHER. AND AS SENATOR SEILER, THE CHAIR OF OUR COMMITTEE, BROUGHT UP, THAT IS ALSO HIS NUMBER ONE CONCERN AS WELL. GIVEN WHAT'S GOING ON WITH DEBATE RIGHT NOW AND THE FACT THAT THIS BILL IS BEING FILIBUSTERED, I'M NOT QUITE SURE WE WILL BE ABLE TO GET TO THIS AMENDMENT IN TIME. BUT I URGE YOUR SUPPORT OF IT. AND WE WOULD BE ABLE TO GET TO IT IF WE RECOMMENDED THIS TO COMMITTEE, AMENDED IT. AND IF WE AMEND IT WITH THIS AMENDMENT, YOU HAVE MY WORD THAT I WILL SUPPORT IT BACK OUT OF COMMITTEE. IT IS MY UNDERSTANDING THAT WE ALSO HAVE THE SPEAKER'S WORD THAT HE WILL MAINTAIN THE PRIORITY SO THAT WE CAN GET BACK TO THIS ISSUE THIS SESSION. I STRONGLY URGE YOU TO LOOK AT THIS AMENDMENT, UNDERSTAND THAT IT FOLLOWS THE FEDERAL INTERSTATE AND PROVIDES INTRASTATE PROTECTION, AND TO CONSIDER SUPPORTING IT. THANK YOU, MR. PRESIDENT. [LB289]

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SENATOR SCHEER: THANK YOU, SENATOR MORFELD. (VISITORS INTRODUCED.) RETURNING TO FLOOR DEBATE. WAITING TO SPEAK: SENATOR MELLO, CHAMBERS, PANSING BROOKS, HANSEN, BRASCH, AND OTHERS. SENATOR MELLO, YOU'RE RECOGNIZED. [LB289]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I WAS...APPRECIATED THE CONVERSATION I'VE BEEN HAVING WITH SENATOR SEILER, SENATOR EBKE, SENATOR MORFELD, KRIST, AND OTHERS ON THIS BILL. A COUPLE ITEMS, THOUGH, THAT LISTENING THROUGH THE FLOOR DEBATE OVER THE LAST COUPLE OF DAYS I WANTED TO, I GUESS, BRING TO ATTENTION OF THE BODY IN THE SENSE OF WHAT REALLY, AS THE BILL IS DRAFTED, WHAT DOES IT REALLY DO. AND ONE THING THAT WAS RAISED TO ME OF IF WE PASS LB289 AS IT'S DRAFTED NOW, YOU WOULD BE ABLE TO SEE ESSENTIALLY IN SENATOR CHAMBERS' NORTH OMAHA DISTRICT THAT'S RIVALED (SIC) WITH GUN VIOLENCE, YOU WOULD BE ABLE TO SEE SOMEONE CARRYING A SEMIAUTOMATIC RIFLE IN AN OPEN CARRY FORMAT BECAUSE THERE IS NO STATE LAW THAT FORBIDS OPEN CARRY. I WILL REPEAT. YOU COULD SEE SOMEONE, A GANG MEMBER PERHAPS, CARRYING A SEMIAUTOMATIC RIFLE WALKING DOWN THE STREET IN THE HIGHEST CRIME AREA OF THE STATE AND THERE'S NOTHING ANYBODY COULD DO ABOUT IT BECAUSE WE WOULD HAVE GOTTEN RID OF OMAHA'S GUN ORDINANCES. COLLEAGUES, THAT IS A SERIOUS, SERIOUS ISSUE. I UNDERSTAND IF WE WANT TO DISCUSS ABOUT TRYING TO PROVIDE REASONABLE GUN RIGHTS OR EXPANSION OF GUN RIGHTS FOR LAW-ABIDING CITIZENS. COLLEAGUES, THIS DOES SOME VERY, VERY SERIOUS CHANGES, THOUGH, IN REGARDS TO WHAT CITIES HAVE WORKED ON FOR YEARS IN CRAFTING A LOCAL POLICY. I'LL BE PASSING OUT A LETTER LATER THIS MORNING FROM THE OMAHA POLICE OFFICERS ASSOCIATION THAT RAISED ANOTHER SIGNIFICANT ISSUE REGARDING OMAHA'S GUN ORDINANCES, WHICH CURRENT GUN ORDINANCE FORBIDS SOMEONE UNDER THE AGE OF 21 HAVING A HANDGUN. AND THE REASON AND RATIONALE FOR THAT WAS TRYING TO ADDRESS THE GANG VIOLENCE IN OMAHA IN THE SENSE OF NOT WANTING TO ALLOW 19- AND 20-YEAR-OLD GANG MEMBERS TO HAVE EASY ACCESS TO HANDGUNS. NOW, I UNDERSTAND THAT MAYBE IN ELKHORN, MAYBE IN PAPPILLION, MAYBE IN NORTH PLATTE AND CRETE WE DON'T SEE THOSE SAME KIND OF GUN VIOLENCE ISSUES OR GANG-RELATED ISSUES. I UNDERSTAND THAT. BUT THE DIFFERENCE IS, COLLEAGUES, THE BILL AS IT'S DRAFTED NOW NOT ONLY TAKES AWAY LOCAL CONTROL, BUT YOU'RE HEARING FROM LAW ENFORCEMENT THAT SAYS THIS DOES NOT MAKE OUR COMMUNITY ANY SAFER, THAT THEY HAVE WORKED ON LOCAL GUN ORDINANCES FOR DECADES TO TRY TO PROTECT METROPOLITAN AREAS OF OUR STATE. AND ALL OF THAT WOULD

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BE WIPED AWAY WITH THE PASSAGE OF LB289, AS IT'S DRAFTED NOW. SENATOR EBKE, I KNOW, IS CONSIDERING LOOKING FOR A WAY TO ADDRESS WHAT I'VE HEARD FROM CONSTITUENTS, AND NONCONSTITUENTS CONTINUE TO BRING UP THE MAIN ISSUE. THEY WANT TO BE ABLE TO CARRY A FIREARM FROM A COMMUNITY THAT DOESN'T HAVE LOCAL GUN ORDINANCES AND BE ABLE TO GO INTO OMAHA AND LINCOLN AND NOT HAVE THEIR GUN CONFISCATED, NOT BE PULLED OVER AND HAVE THAT AND THEN ESSENTIALLY BE BROUGHT TO JAIL OR GET WRITTEN UP BY THE POLICE, PAY A FINE. THE SAFE PASSAGE ISSUE IS WHAT MY UNDERSTANDING THIS BILL WAS ABOUT, THAT IT WAS INTENDED TO HELP TRY TO PROTECT GUN OWNERS COMING FROM ONE AREA OF THE STATE TO ANOTHER, THAT THEY WOULD BE PROTECTED IN REGARDS TO LOCAL ORDINANCES THAT SPECIFICALLY DEALT WITH ISSUES IN THAT LOCAL COMMUNITY, AND IT WASN'T DEALING WITH TRANSPORTING A FIREARM COMING THROUGH A CITY. I KNOW SENATOR SEILER DISCUSSED IT. SENATOR MORFELD AND OTHERS ARE GOING TO CONTINUE TO BRING THAT ISSUE UP. AND IF THAT'S THE ISSUE, COLLEAGUES, WE CAN SOLVE THAT. [LB289]

SENATOR SCHEER: ONE MINUTE. [LB289]

SENATOR MELLO: BUT LAW ENFORCEMENT IS COMING FORWARD, AT LEAST FROM MY COMMUNITY, AND THEY'RE COMING FORWARD SAYING THIS BILL DOES NOT MAKE OUR COMMUNITY SAFER. IT DOES NOT HELP US ADDRESS WHAT WE KNOW IS AN EPIDEMIC REGARDING GUN CRIMES AND GUN VIOLENCE. AND IF YOU WANT TO TRY TO ADDRESS THE ISSUE OF, QUOTE UNQUOTE, PATCHWORK LEGISLATION, COLLEAGUES, I WAS JUST EXPLAINING TO SENATOR EBKE, WE HAVE PATCHWORK LEGISLATION REGARDING CITY GOVERNMENTS ACROSS THE BOARD. WHAT MAKES THIS ISSUE ANY DIFFERENT THAN OTHER ISSUES THAT WE'VE DEALT WITH THAT GIVES CITIES SOME AUTHORITY AND OTHER CITIES NO AUTHORITY? COLLEAGUES, MY HOPE IS THAT WE'LL BE ABLE TO FIND SOME COMPROMISE BEFORE THE HOUR COMES WHERE WE'LL LIKELY HAVE TO SEE A CLOTURE VOTE. BUT THE REALITY IS THIS BILL, AS IT'S DRAFTED, GOES TOO FAR AND IT PUTS COMMUNITIES LIKE MINE IN MORE DANGER AND CREATES MORE OF A CHALLENGE FOR LAW ENFORCEMENT TO PROTECT THE COMMUNITY. THANK YOU, MR. PRESIDENT. [LB289]

SENATOR SCHEER: THANK YOU, SENATOR MELLO. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB289]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, WE'RE GOING TO GO SIX HOURS. HERE'S SOMETHING I DON'T UNDERSTAND. YESTERDAY A MOTION WAS MADE TO CALL THE QUESTION ON THIS VERY MOTION THAT I HAVE UP HERE. I VOTED NO. THEN EVERYBODY ELSE VOTED NO. IF YOU HAD VOTED TO CALL THE QUESTION, I WOULD HAVE HAD TO HAVE CLOSE. I WOULDN'T HAVE GOTTEN THE VOTES, PERHAPS. MAYBE I WOULD HAVE. BUT WE WOULD HAVE HAD A VOTE. BUT BY YOU VOTING NO, MY MOTION STAYS ALIVE. THAT'S WHY WE'RE DEBATING THE SAME THING TODAY, BECAUSE PEOPLE ON THIS FLOOR DON'T UNDERSTAND THE RULES. THEY DON'T EVEN KNOW WHAT THEY'RE VOTING FOR. AND THEY'RE GOING TO PASS A LAW SUCH AS THIS? I OWN THIS LEGISLATURE BECAUSE I CAN GET YOU TO VOTE AGAINST YOUR OWN BEST INTERESTS AND THE BEST INTERESTS OF YOUR CONSTITUENTS. SOMEBODY SAID THERE'S NOT ENOUGH TIME TO GET TO THIS BILL. WE GOT 46 DAYS LEFT. THERE'S TIME TO DO SOMETHING ON THIS BILL. OF COURSE, WE MAY NOT HAVE AS MUCH TIME TO DEAL WITH OTHER BILLS, WHICH IS OF NO MOMENT TO ME. YOU DON'T HAVE TO GET REGISTERED... YOU DON'T HAVE TO REGISTER A LONG GUN IN OMAHA, SO WHAT SENATOR MELLO POINTED OUT IS CORRECT. IF SOMEBODY WANTS TO CARRY A SHOTGUN OR A RIFLE, POLICE CAN'T BOTHER THEM WITH THIS BILL. BUT YOU ALL DON'T THINK ABOUT THAT BECAUSE YOU'RE SHORTSIGHTED AND NARROW-MINDED. AND YOU'RE NOT THAT WAY ON YOUR OWN. YOU'RE LETTING THE NRA MAKE YOU DO THIS. THIS BILL WAS NOT UNDERSTOOD, IN MY OPINION, BY SENATOR EBKE WHEN SHE BROUGHT IT. NOW IF SHE CAN STAND ON THE FLOOR AND SAY SHE KNEW ABOUT EVERYTHING IN THIS BILL, UNDERSTOOD IT, AND NEVERTHELESS SUPPORTED IT, THEN I WILL SCRATCH MY HEAD, BECAUSE I THINK SHE KNOWS BETTER. BE THAT AS IT MAY, YOU KNOW THAT THERE'S NO LOVE LOST BETWEEN ME AND THE POLICE ANYWHERE. SO HOW IS IT THAT THE POLICE AND I ARE ON THE SAME SIDE OF AN ISSUE SUCH AS THIS? AND IT'S A VERY CONTENTIOUS ISSUE. THIS IS NOT A SMALL ISSUE. THIS IS A BIG ISSUE. AND THE POLICE AND I AGREE. THAT'S KIND OF STRANGE, ISN'T IT? AND WE BOTH ARE TRYING TO TELL THE LEGISLATURE DON'T DO THIS FOOLISH THING. BUT THE NRA HAS BEDAZZLED YOU ALL. WE'RE GOING TO GO TO CLOTURE. AND IF YOU GET CLOTURE, WE'RE GOING TO HAVE TO GO TO CLOTURE ON SELECT FILE TOO. BUT BECAUSE THE NRA HAS SO MUCH POWER, IT'S GOING TO NECESSITATE MY DOING WHAT I CAN TO PROTECT MY COMMUNITY FROM THE FOOLISHNESS OF THIS LEGISLATURE. AND IF I HAVE TO TIE UP AND KILL OFF A SESSION TO DO IT, I WILL DO IT. MY COMMUNITY MEANS MORE TO ME THAN YOUR COMMUNITY MEANS TO ME. I HAVEN'T MOVED OUT OF MY COMMUNITY. MY ADDRESS DOES NOT HAVE FIVE DIGITS IN IT, WHICH MEANS I MOVED OUT AMONG THE WHITE PEOPLE AND SAY I DON'T FORGET WHERE I CAME FROM. I AM LIVING RIGHT

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NOW WITHIN TWO OR THREE MILES OF WHERE I WAS BORN. I REFUSE TO MOVE FROM MY COMMUNITY, BECAUSE EVERYTHING THAT THE PEOPLE OF MY COMPLEXION SUFFER I WANT TO BE THERE TOO. I DON'T WANT TO LOOK BACK AND SAY I READ ABOUT IT OR I HEARD ABOUT IT. I AM THERE. I LIVE THERE. I WAS CUTTING GRASS ONE DAY AND A BUNCH OF KIDS CAME RUNNING DOWN THE STREET AND I COULDN'T FIGURE WHAT WAS HAPPENING. AND BEHIND THEM WAS A GUY NOT MUCH OLDER THAN THEM. THEY WERE ALL TEENAGERS. HE HAD A GUN. I SAID, HEY, MAN, WHAT ARE YOU DOING? AND HE STOPPED. HE SAID, OH, CHAMBERS, IS THAT YOU, MAN? I SAID: YEAH, IT'S ME, THIS IS WHERE I LIVE; THESE ARE KIDS THAT I KNOW; WHAT ARE YOU DOING? HE SAID, OH, WELL, YOU KNOW, I WAS JUST PLAYING. AND HE PUT THE GUN IN HIS POCKET AND TURNED AROUND AND LEFT. NOW HE COULD HAVE SHOT ME, BUT HE'S NOT GOING TO SHOOT ME. YOU ALL DON'T KNOW WHAT GOES ON IN MY COMMUNITY AND YOU DON'T CARE, BUT I DO. [LB289]

SENATOR SCHEER: ONE MINUTE. [LB289]

SENATOR CHAMBERS: SO YOUR SESSION MEANS NOTHIN' TO ME, N-O-T-H-I-N-APOSTROPHE, NOTHIN'. AND I'M GOING TO MAKE YOU GO TO CLOTURE ON THIS BILL. AND THE NRA IS NOT GOING TO LET IT BE CHANGED. THEY OWN YOU. I JUST RENT YOU. THEY OWN YOU. THIS BILL IS CRAZY. IT RIGHT NOW IS DRAFTED WITH UNCONSTITUTIONAL LANGUAGE. WHY DOESN'T SENATOR EBKE GET AN ATTORNEY GENERAL'S OPINION ABOUT PUNITIVE DAMAGES? WHY DOESN'T SHE DO THAT? THE NRA SAYS DON'T DO THAT BECAUSE JON BRUNING IS THEIR LOBBYIST AND HE KNOWS BETTER OR HE SHOULD. HE WAS THE ATTORNEY GENERAL. AND THEY GIVE YOU THIS SLOP AND YOU EAT IT. I'VE Demeaned THE HIPPOPOTAMUS BY LETTING HIM BE THE SYMBOL OF THESE SENATORS. I APOLOGIZE TO ANY HIPPOPOTAMUS WHO MIGHT BE AWARE OF WHAT I HAVE DONE, BUT I ASSURE THEM I WAS JUST TRYING TO SHOW THE CAPACIOUSNESS OF THESE SENATORS' APPETITES WHEN THEY'RE FED BY THE LOBBYISTS. I LOVE... [LB289]

SENATOR SCHEER: TIME, SENATOR. [LB289]

SENATOR CHAMBERS: ...HIPPOPOTAMUSES. SOME OF MY BEST FRIENDS ARE HIPPOPOTAMUSES. THANK YOU, MR. PRESIDENT. [LB289]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB289]

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SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. ARTICLE VI OF THE UNITED STATES CONSTITUTION TALKS ABOUT PREEMPTION, ABOUT FEDERAL LAW IS BINDING ON ALL STATE AND LOCAL GOVERNMENTS. PREEMPTION OCCURS WHEN A HIGHER LEVEL OF GOVERNMENT TAKES AWAY REGULATORY POWER FROM A LOWER LEVEL. IT CAN HAPPEN AT THE FEDERAL LEVEL TO STATES, AND THIS BILL IS ATTEMPTING AT THE STATE LEVEL TO TAKE IT AWAY FROM CITIES AND MUNICIPALITIES. OUR CONSTITUTION ALLOWS AND GIVES THE AUTHORITY TO LOCAL GOVERNMENTS TO PASS LAWS AND REGULATE THE SAFETY, HEALTH, AND WELFARE OF THE PUBLIC IN OUR COMMUNITIES. LOCAL GOVERNMENTS ARE ABLE, IN THEIR OWN RIGHTS, TO CREATE CUSTOMIZED SOLUTIONS TO HELP WITH VIOLENCE IN THEIR OWN COMMUNITIES. AND THEY'RE ABLE TO REACT TO THE NEEDS THAT CAN'T BE DONE AT OUR STATE LEVEL IN OUR 60 AND 90 DAYS THAT WE HAVE, THAT WE MEET EACH YEAR. IT'S IMPORTANT TO ALLOW COMMUNITIES AND MUNICIPALITIES TO RETAIN THEIR CONTROL OF THEIR OWN COMMUNITIES. CLEARLY, IN THE LESS-DENSE PART OF THE WESTERN PART OF OUR STATE, THE NEEDS OUT THERE ARE MUCH DIFFERENT THAN IN THE MIDDLE OF URBAN OMAHA...OR, YES, URBAN OMAHA. I BELIEVE THIS BILL IGNORES LOCAL VARIATIONS WHICH MIGHT ALLOW UNIQUE AND INNOVATIVE OPPORTUNITIES AND APPROACHES TO GUN VIOLENCE. URBAN REGULATIONS MAY NOT BE APPROPRIATE OUT IN THE WESTERN PART OF THE STATE WHERE THERE ARE LESS PEOPLE. CLEARLY, HUNTING REGULATIONS AND THE LAWS THAT ALLOW HUNTING ARE NOT APPROPRIATE IN THE MIDDLE OF OMAHA OR LINCOLN. SO THERE'S A TOTAL DISCONNECT. IN McDONALD v. CHICAGO, THE U.S. SUPREME COURT TALKED ABOUT THIS AND THEY TALKED ABOUT AND REAFFIRMED THE VALIDITY OF CERTAIN FIREARMS RESTRICTIONS, INCLUDING THE RESTRICTIONS AS TO WHO MAY POSSESS FIREARMS, WHERE THE FIREARMS MAY BE POSSESSED, AND HOW THE FIREARMS CAN BE BOUGHT AND SOLD. THOSE RESTRICTIONS ARE PERFECTLY SITUATED AND SUITED TO MUNICIPALITIES AND CITIES TO BE ABLE TO DETERMINE WHAT IS BEST FOR THEIR COMMUNITY. IT'S ABSURD TO SAY THAT THE STATE SHOULD DECIDE FOR EACH COMMUNITY A BLANKET REGULATION THAT JUST ALLOWS IT. AND I WOULD SAY, MY FRIENDS, THAT YOU SHOULD BE CAREFUL WHAT YOU WISH BECAUSE THE MINUTE WE START COMING IN AND PREEMPTING THE REGULATIONS OF OUR SMALLER, LOCAL GOVERNMENTS, WHAT'S TO STOP THE FEDERAL GOVERNMENT FROM COMING IN AND DOING EXACTLY THAT TO US? BECAUSE THE NRA SUPPORTERS ARE IN FAVOR OF THIS, YOU MAY HAVE THE POWER TO DO THAT. BUT BE CAREFUL WHAT YOU WISH, BECAUSE THE EXACT OPPOSITE COULD COME DOWN FROM ON HIGH FROM THE FEDERAL GOVERNMENT. AND IF WE START DOWN THIS ROAD OF PREEMPTING LOCAL COMMUNITIES, THINK OF THE RAMIFICATIONS OF THAT DECISION, HOW FAR

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THAT COULD EXTEND AND INTO HOW MANY AREAS THAT CAN EXTEND. CLEARLY, IN THE HEARING THIS WAS TALKED ABOUT AS SAFE PASSAGE. THIS WAS TALKED ABOUT BY... [LB289]

SENATOR SCHEER: ONE MINUTE. [LB289]

SENATOR PANSING BROOKS: ...A NUMBER OF OUR...THANK YOU, MR. PRESIDENT...A NUMBER OF MY COLLEAGUES IN THE HEARING ABOUT, WELL, GOSH, I HAVE GUNS AND I WANT TO BE ABLE TO GO FROM ONE PLACE TO ANOTHER WITHOUT HAVING ANY KIND OF PROBLEM. I HEARD THAT FROM SENATOR SEILER. I HEARD THAT FROM SENATOR MORFELD. I HEARD THAT FROM A NUMBER OF PEOPLE. AND I BELIEVED AND LISTENED TO WHAT THEY WERE SAYING BECAUSE WE WERE LED DOWN ONE PATH ON THIS BILL. AND THEN, AS WE ALL BECAME MORE FAMILIAR WITH WHAT'S GOING ON, WE REALIZED THAT THIS IS A PREEMPTION BILL. THIS IS PURELY AND SOLELY A BILL TO LIMIT AND MAKE IT UNABLE FOR LOCAL GOVERNMENTS TO BE ABLE TO HAVE CONTROL OVER THEIR OWN MUNICIPALITIES AND THEIR OWN REGULATIONS. I THINK THAT IS A VERY DANGEROUS ROAD FOR US TO BE GOING DOWN. THANK YOU, MR. PRESIDENT. [LB289]

SENATOR SCHEER: THANK YOU, SENATOR PANSING BROOKS. THOSE WAITING TO SPEAK: SENATORS BRASCH, KRIST, GROENE, SCHUMACHER, AND OTHERS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB289]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. THIS IS THE FIRST TIME THIS SESSION I HAVE STOOD UP TO SPEAK ON THIS. I AM FOR LB289 AND AGAINST RECOMMITTING IT TO COMMITTEE. I'VE BEEN REVIEWING THE HEARING NOTES AND REREAD THE INTRODUCTION BY SENATOR EBKE AND ALSO VARIOUS TESTIMONY OF THAT DAY. AND IT IS UNFORTUNATE, VERY UNFORTUNATE THAT WE HAVE A CITY LIKE OMAHA, PERHAPS SOME OTHERS, THAT THEY'RE SEEKING ADDITIONAL PROTECTION FROM CRIMINALS, FROM CRIME. HOWEVER, WE HAVE HAD LAWS. AND THIS IS IN THE TESTIMONY FROM THE MAYOR'S OFFICE, THAT THE CITY OF OMAHA'S GUN REGISTRATION ORDINANCE HAS BEEN IN EFFECT FOR AT LEAST 30 YEARS. AND THEN IT TALKED ABOUT 1991, WHERE THEY PASSED MORE ORDINANCES, 2006. AND CRIME, NO MATTER HOW MANY ORDINANCES, THE CRIME HAS BEEN INCREASING, I BELIEVE, WITH GUN VIOLENCE, AS SENATOR CHAMBERS HAD NOTED THAT HE...IN HIS DISTRICT IN HIS AREA THAT THE CRIME INCREASES. AND HE'S TRYING TO PROTECT THOSE INDIVIDUALS AND THAT IS SOMETHING

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WE ALL NEED TO BE CONCERNED ABOUT. HOWEVER, WE ALSO NEED TO BE CONCERNED ABOUT PROTECTING OUR SECOND AMENDMENT AND PROTECTION FROM GOVERNMENT TRYING TO TAKE MORE AND MORE ABILITY FOR US TO OWN OUR FIREARMS. AND I'M READING HERE FROM SENATOR EBKE'S INTRODUCTION. SHE SAYS: THERE'S A NUMBER OF ORDINANCES DEALING WITH FIREARM ISSUES AROUND THE STATE AND THEY VARY GREATLY FROM PLACE TO PLACE. BY MAKING THESE PROHIBITIVE LAWS MORE UNIFORM ACROSS THE STATE, WE PROTECT THE RIGHTS OF NEBRASKANS AND WE ALSO HELP KEEP LAW-ABIDING CITIZENS FROM UNKNOWINGLY BECOMING NONABIDING CITIZENS. SHE CONTINUES THAT "THESE LOCAL ORDINANCES GOVERN THE OWNERSHIP, POSSESSION, TRANSPORTATION, CARRYING, REGISTRATION, TRANSFER, AND STORAGE OF FIREARMS AND FIREARMS AMMUNITION." SHE CONTINUES: LB289 WOULD PLACE CONSISTENT STATEWIDE UNIFORMITY WITH LOCAL FIREARM ENACTMENTS WHILE ALLOWING COMMUNITIES TO CONTINUE TO ENACT AND ENFORCE PROHIBITIONS OF FIREARMS DISCHARGE. I BELIEVE THIS IS TRYING TO MOVE IN A POSITIVE DIRECTION WITH UNIFORMITY. AND YESTERDAY SENATOR BAKER STOOD UP, AND I LISTENED CLOSELY ON THE MIKE AS HE TALKED ABOUT HIS SON'S SITUATION AND HIS CONCERN ABOUT COMING TO NEBRASKA WITH HIS FIREARMS. AND SO AGAIN, I AM HEARING THAT CONSISTENCY IS IMPORTANT. I'VE HAD CONSTITUENTS, AS HAVE MANY OF YOU, E-MAIL, CALL, WRITE, YOU KNOW, COMMUNICATE WITH OUR OFFICE IN CONCERN THAT THIS IS ONE MORE STEP TOWARDS OVERREACH, OVERREGULATION PERHAPS. IF WE DON'T PROTECT OUR RIGHTS, IF WE DON'T ENSURE UNIFORMITY, WHERE WILL THIS BE TAKING US? I ALSO HAVE... [LB289]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. SO I JUST WANTED TO, FOR ALL, EVERYONE CALLING, E-MAILING, WANTING TO KNOW WHERE I STAND, I DON'T THINK WE NEED TO RECOMMIT THIS TO COMMITTEE. AND I DO THINK WE NEED TO LOOK AT LB289 AS A MOVE FOR ENSURING THAT WE HAVE UNIFORMITY, THAT IT'S NOT ANOTHER STEP IN MAKING IT MORE DIFFICULT TO PROTECT OURSELVES OR MORE DIFFICULT TO HUNT OR... THAT THIS IS A POSITIVE MOVE FORWARD. AND I WANT TO ENCOURAGE YOU ALSO, YOU KNOW, IF... READ YOUR E-MAILS, GO TO SOCIAL MEDIA. IT'S OVERWHELMING. AND THE OTHER IS WHEN THE POLICE UNION STEPPED UP AGAINST LB289, THEY WERE ALSO AGAINST THE REPEAL OF THE DEATH PENALTY. AND THE BODY, YOU KNOW, OBVIOUSLY... [LB289]

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

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PRESIDENT FOLEY: TIME, SENATOR. [LB289]

SENATOR BRASCH: ...WE... [LB289]

PRESIDENT FOLEY: TIME. TIME, SENATOR. [LB289]

SENATOR BRASCH: THANK YOU. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR KRIST, YOU'RE RECOGNIZED. [LB289]

SENATOR KRIST: GOOD MORNING, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, THOSE OF YOU THAT ARE LISTENING. AND GOOD MORNING, NEBRASKA. I WONDER IF SENATOR EBKE WOULD YIELD FOR A QUESTION. [LB289]

PRESIDENT FOLEY: SENATOR EBKE, WOULD YOU YIELD, PLEASE? [LB289]

SENATOR EBKE: YES. [LB289]

SENATOR KRIST: SENATOR EBKE, THANK YOU FOR YIELDING. HAVE YOU SEEN THE AMENDMENT THAT WAS PASSED AROUND BY SENATOR MORFELD? [LB289]

SENATOR EBKE: I HAVE. [LB289]

SENATOR KRIST: AND DO YOU SUPPORT IT? [LB289]

SENATOR EBKE: I SUPPORT ELEMENTS OF IT. I DO NOT SUPPORT IT IN TOTAL. [LB289]

SENATOR KRIST: SO WILL YOU NEGOTIATE ON TRYING TO COME TO A POINT WHERE LB289 IS A NEGOTIATED POSITION OR IS YOUR POSITION AT THIS POINT THAT LB289 STANDS? [LB289]

SENATOR EBKE: NO, I AM PERFECTLY WILLING TO TRY TO NEGOTIATE SOMETHING. AND INDEED I'M MEETING, ALONG WITH SENATOR MELLO, THIS

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AFTERNOON WITH THE OMAHA POLICE OFFICERS UNION TO SEE IF WE CAN COME UP WITH SOMETHING THAT IS AMENABLE TO THEIR POSITION AS WELL. [LB289]

SENATOR KRIST: SO TRANSLATION OF THAT WOULD BE WE'RE GOING TO TALK THE REST OF THIS MORNING, AND THAT YOU'RE GOING TO WORK WITH SENATOR MELLO AND INTERESTED PARTIES AFTER THE SESSION THIS MORNING. [LB289]

SENATOR EBKE: THAT'S RIGHT. [LB289]

SENATOR KRIST: OKAY. IN THAT CASE, KNOWING THAT WE'RE GOING TO SPEND THE REST OF THE MORNING, AND THAT SENATOR EBKE IS WILLING TO NEGOTIATE--AND THANK YOU FOR THAT, SENATOR EBKE, BECAUSE THIS BILL IS NOT A GOOD BILL IN ITS PRESENT STATE--I'D LIKE TO READ A FEW THINGS INTO THE RECORD. WHAT WOULD CHANGE WITH LB289? LB289, A PREEMPTION BILL OR SAFE PASSAGE BILL? AND WHAT DO THOSE TERMS MEAN? THE TERM "PREEMPTION BILL" IS A BIT OF A MISNOMER. BUT IN THE CONTEXT, LB289 DEBATE, IT GENERALLY MEANS A BILL THAT WOULD REMOVE THE ABILITY OF LOCAL GOVERNMENTS TO REGULATE FIREARMS. SENATOR KINTNER, I KNOW YOU'VE BEEN ACTIVE IN YOUR BLOGS, ON FACEBOOK, AND MANY OTHER WAYS, A REAL SUPPORTER OF LOCAL CONTROL, A HUGE SUPPORTER OF THE CONSTITUTION, BUT LOCAL CONTROL, SMALL GOVERNMENT IS WHAT YOU STAND FOR, MY FRIEND. AND I APPRECIATE THAT AND YOU BRING THAT TO THE DISCUSSION. THIS VIOLATES EVERY CONCERN OF LOCAL CONTROL. THE TERM "SAFE PASSAGE" IN THE BILL, AS CONTEXT IN LB289 DEBATE, REFERS TO LEGISLATION THAT WOULD ENSURE THAT ALL INDIVIDUALS WITH FIREARMS WHO IS JUST PASSING THROUGH AN AREA WITH MORE STRINGENT FIREARM RESTRICTIONS WOULD NOT BE VIOLATING THE LAW AS LONG AS THE FIREARM IS UNLOADED AND SECURED IN A LOCKED CONTAINER. LB289 IS A PREEMPTION BILL, NOT A SAFE PASSAGE BILL. THIS WAS MADE CLEAR AT THE HEARING BUT SEEMS TO BE FORGOTTEN AND LOST IN THE FLOOR DEBATE. LET ME SAY THAT AGAIN. IT WAS MADE CLEAR IN THE HEARING BUT IS LOST IN THE FLOOR DEBATE, BECAUSE WE'RE TALKING PHILOSOPHY VERSUS FACT. THE AMENDMENT INTRODUCED BY SENATOR MORFELD INCLUDES THE SAFE PASSAGE LANGUAGE FROM FEDERAL LAW, ALREADY LAW THAT'S IN PLACE AT THE FEDERAL LEVEL, BUT "INTRA" VERSUS "INTER." PROPONENTS OF LB289 HAVE STATED THAT THE BILL IS NECESSARY TO PROTECT THE RIGHT TO BEAR ARMS UNDER THE SECOND AMENDMENT OF THE U.S. CONSTITUTION AND UNDER ARTICLE I, SECTION 1 OF THE NEBRASKA CONSTITUTION. IN FACT, THE BILL GOES FAR BEYOND THE SCOPE OF PROTECTING THE CONSTITUTIONAL

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RIGHT TO BEAR ARMS AND WOULD ELIMINATE ALL LOCAL FIREARMS RESTRICTIONS, EVEN THOSE THAT ARE LIKELY CONSTITUTIONAL. ONCE AGAIN, WE ARE TELLING LOCAL CONTROL WE DON'T CARE WHAT YOU THINK IN THE LOCAL AREA. WE'RE GOING TO TELL YOU FROM THE STATE THIS IS WHAT NEEDS TO HAPPEN. I'VE HEARD MANY OF YOU GET UP ON THE FLOOR AND TALK ABOUT FEDERALLY MANDATED, AND SOME UNFUNDED, BUT FEDERALLY MANDATED SITUATIONS AND STAND UP AS A STATE. YOU DON'T EXPECT THOSE LOCALS TO STAND UP AS LOCALS AND SAY, WHAT ARE YOU DOING TO ME? [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR KRIST: EVEN THOSE WHO ARE LIKELY CONSTITUTIONAL WOULD BE SUSPENDED. THE U.S. SUPREME COURT, AND I'D LIKE YOU TO JUST LISTEN TO THIS REFERENCE--AND I'M SURE YOU CAN COME UP WITH OTHER REFERENCES-- BUT THE U.S. SUPREME COURT IN McDONALD v. CITY OF CHICAGO STATED THAT THE SECOND AMENDMENT DOES NOT APPLY TO THE STATES. BUT THAT CASE ALSO REAFFIRMED THE VALIDITY OF CERTAIN FIREARMS RESTRICTIONS, INCLUDING RESTRICTIONS ON WHO MAY POSSESS FIREARMS, WHERE FIREARMS MAY POSSESS, AND HOW FIREARMS CAN BE BOUGHT AND SOLD. AND THAT'S WHAT WE SHOULD BE TALKING ABOUT IS LOOKING AT THOSE LOCAL RESTRICTIONS. THE PEOPLE IN BENNINGTON WHO PASS THROUGH OMAHA TO GO TO THE BULLET HOLE SHOULD NOT BE PULLED OVER BY THE POLICE DEPARTMENT AND THEIR GUNS CONFISCATED. I GET IT. LB289 DOES NOT DO THAT. IT DOES NOT ADDRESS THE LOCAL CONTROL ISSUES. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR GROENE, YOU'RE RECOGNIZED. [LB289]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I CALL THE QUESTION. [LB289]

PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING DEBATE VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB289]

CLERK: 30 AYES, 3 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB289]

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PRESIDENT FOLEY: DEBATE CEASES. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION. [LB289]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I HAD TALKED ABOUT THESE SO-CALLED LAW-ABIDING GUN OWNERS. THIS WAS IN TUESDAY'S LINCOLN JOURNAL STAR, DATED TODAY. HEADLINE: DISPUTE OVER \$25 FEE LEADS TO FATAL SHOOTOUT IN MISSISSIPPI. AND IT'S FROM THE WASHINGTON POST, BUT IT APPEARED IN THE LINCOLN JOURNAL STAR. "TWO PEOPLE ARE DEAD AND TWO OTHERS INJURED FOLLOWING A SHOOTOUT AT A MISSISSIPPI GUN SHOP THAT APPEARS TO HAVE ERUPTED WHEN A DISPUTE OVER A \$25 FEE ESCALATED, AUTHORITIES SAY. PEARL RIVER COUNTY DEPUTY CORONER ALBERT H. LEE TOLD THE SUN HERALD THAT JASON A. McLEMORE AND JACOB EDWARD McLEMORE DIED IN THE SATURDAY AFTERNOON SHOOTING AT McLEMORE GUN SHOP. THE SUN HERALD REPORTS THAT JASON A. McLEMORE, 44, OWNED THE STORE WHERE THE SHOOTING TOOK PLACE; 17-YEAR-OLD JACOB WAS HIS SON. ANOTHER FATHER-AND-SON PAIR--57-YEAR-OLD (SIC--52) ANDY (SIC--AUDY) McCOOL AND 29-YEAR-OLD MICHAEL McCOOL--WERE HOSPITALIZED AFTER THE SHOOTING, REPORTS INDICATE. AUTHORITIES BELIEVE AUDY AND MICHAEL McCOOL CAME TO THE GUN SHOP TO PICK UP A GUN THAT WAS BEING REPAIRED. JASON McLEMORE'S WIFE WAS WORKING IN THE SHOP AT THE TIME. 'THERE WAS SOME CONTENTION ABOUT A \$25 FEE,' CHIEF DEPUTY SHANE TUCKER TOLD THE SUN HERALD. THAT'S WHEN McLEMORE'S WIFE CONTACTED HER HUSBAND, WHO RACED TO THE SCENE WITH HIS SON. AN ARGUMENT BROKE OUT, AND EVENTUALLY, GUNFIRE DID, TOO. THE WOMAN WASN'T HURT IN THE INCIDENT, AND CHARGES HAD NOT YET BEEN FILED BY SUNDAY AFTERNOON," ALL FOUR OF THEM LAW-ABIDING GUN OWNERS. IF THE GUNS HAD NOT BEEN THERE, THERE WOULD HAVE BEEN AN ARGUMENT, MAYBE A FISTFIGHT. YOU ALL WANT TO PLAY LIKE THESE KIND OF THINGS DON'T HAPPEN. I KNOW GOOD AND WELL THEY HAPPEN. AND EVEN AS YOU FINALLY TAKE A VOTE ON THIS MOTION THAT I HAVE, I'M GOING TO NOT VOTE AND JUST SEE WHAT IT IS THAT YOU DECIDE TO DO. IT TAKES 33 VOTES TO GET CLOTURE. MAYBE SOME OF YOU ALL WHO ARE INTERESTED IN TRYING TO DO ALL THIS AMENDING WILL NOT GIVE THEM 33 VOTES AGAINST MY MOTION. THIS IS A TEST THAT I'M GIVING YOU AN OPPORTUNITY TO MAKE BECAUSE I HAVE SO MANY MOTIONS I CAN EASILY KEEP US HERE SIX HOURS. AND IF YOU DON'T BELIEVE IT, BY VIRTUE OF THE FACT THAT I'M NOT GOING TO VOTE, I CAN ALSO MOVE TO RECONSIDER AND TAKE THE TIME. I CAN DO THAT. I'M TRYING TO GIVE YOU ALL, WHO SAY YOU'RE FUNCTIONING IN GOOD FAITH, THE OPPORTUNITY TO SHOW THE NRA THAT THIS BODY IS GOING TO WORK THIS OUT WITHIN THIS BODY. DON'T GIVE THEM 33

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VOTES. OR YOU CAN GIVE THEM 33 VOTES. I REALLY DON'T CARE BECAUSE I DON'T MIND; WHATEVER YOU DO, WE'RE GOING TO BE ON THIS BILL SIX HOURS. SO ON THIS MOTION OR MY RECONSIDERATION MOTION OR MY MOTION TO BRACKET IT TO A DATE CERTAIN AND A RECONSIDERATION OF THAT MOTION, THEN A MOTION TO KILL IT, AND THEN OTHER MOTIONS, WE ARE GOING TO STAY HERE. (SINGING) LET'S JUST BE GLAD WE HAVE THIS TIME TO SPEND TOGETHER. (STOPPED SINGING) THERE IS NO NEED TO WATCH THE BRIDGES THAT WE BURN. JUST LAY YOUR HEAD ON MY SHOULDER. LAY IT ON MY SHOULDER AND RELAX... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR CHAMBERS: ...AND ENJOY THE RIDE, BECAUSE I'M GOING TO MAKE SURE THAT WE TAKE IT. AND YOU'RE GOING TO SEE WHAT A MAN WILL DO WHEN HIS COMMITTEE...HIS COMMUNITY IS PUT AT RISK BY PEOPLE WHO COULD NOT CARE LESS. I HAVE TO USE THE MEANS AND METHODS AT MY DISPOSAL TO ACHIEVE WHAT I WANT. AND WHAT I WANT IS NOT THE FOOLISHNESS THAT THIS BILL IS CONTEMPLATING. WHY ARE YOU GOING TO SAY THAT GRAND ISLAND SHOULD BE ABLE TO LEGISLATE ORDINANCES FOR OMAHA? IF GRAND ISLAND DOESN'T HAVE ANY REGULATIONS ON GUNS, THEN WHEN THEY COME TO OMAHA, OMAHA IS BOUND BY WHAT GRAND ISLAND DID. BECAUSE GRAND ISLAND DIDN'T HAVE SENSE ENOUGH TO DO IT, OMAHA NOW HAS TO BE BOUND BY WHAT THEY DID. THAT'S WORSE THAN LETTING THE STATE DO IT. [LB289]

PRESIDENT FOLEY: TIME, SENATOR. [LB289]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. MEMBERS, YOU'VE HEARD THE MOTION TO RECOMMIT THE BILL TO COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? ROLL CALL VOTE HAS BEEN REQUESTED. MR. CLERK. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB289]

CLERK: 43 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB289]

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PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SCHILZ, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR SCHILZ, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR KINTNER, WE'RE UNABLE TO LOCATE SENATOR SCHILZ. DO YOU CARE TO PROCEED AT THIS POINT? ALL SENATORS ARE NOW PRESENT. MR. CLERK, PLEASE CALL THE ROLL. [LB289]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 419.) 10 AYES, 31 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER...EXCUSE ME, ON THE MOTION TO RECOMMIT. [LB289]

PRESIDENT FOLEY: THE MOTION IS NOT ADOPTED. I RAISE THE CALL. ITEMS FOR THE RECORD, MR. CLERK? [LB289]

CLERK: I DO, MR. PRESIDENT. THANK YOU. I HAVE A REFERENCE REPORT REFERRING A GUBERNATORIAL APPOINTEE TO STANDING COMMITTEE FOR CONFIRMATION HEARINGS, SERIES ACTUALLY. I HAVE HEARING NOTICES FROM THE REVENUE COMMITTEE AND THE APPROPRIATIONS COMMITTEE SIGNED BY THE RESPECTIVE CHAIRPERSONS. (LEGISLATIVE JOURNAL PAGES 420-422.)

MR. PRESIDENT, A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN WITH RESPECT TO RECOMMITTING TO COMMITTEE. [LB289]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB289]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE COMMITTEE (SIC), I'M GOING TO EMPHASIZE ONCE AGAIN THAT THE POLICE IN OMAHA AND I ARE ON THE SAME SIDE OF THIS ISSUE. BUT TO SHOW THAT WE DON'T WALK IN LOCKSTEP, IF YOU DON'T ALREADY KNOW IT, THE POLICE UNION IS UPSET WITH A JUDGE NAMED GLEASON WHO WILL NOT ALLOW COPS TO COME INTO HIS COURTROOM ARMED IF THEY'RE GOING TO TESTIFY. THEY SHOULD BE JUDGED ON THE BASIS OF THEIR TESTIMONY, NOT THEIR WEAPONRY. AND I SUPPORT THE JUDGE. SO RIGHT THERE THE POLICE AND I ARE IN OPPOSITION. I THINK THAT CHIEF SCHMADERER SHOULD STOP CONCEALING

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THE WRONG DONE BY THIS COP WHO SHOT A WHITE MAN IN THE BACK WHO WAS UNARMED. BUT CHIEF SCHMADERER SITS ON THAT VIDEO, AS WAS DONE IN CHICAGO, AND NOTHING WILL BE DONE ABOUT HAVING IT REVEALED TO THE PUBLIC. SO AGAIN, I'M OUT OF STEP WITH THE POLICE BECAUSE THEY ARE OUT OF STEP WITH WHAT'S IN THE PUBLIC'S BEST INTEREST. I'M VERY OFFENDED THAT THE POLICE DO NOT TAKE ACTION TO TRACK DOWN AND DRY UP THE SOURCE OF GUNS COMING INTO MY COMMUNITY AND FALLING INTO THE HANDS OF TEENAGERS. WHEN MARTY CONBOY WAS THE CITY PROSECUTOR IN OMAHA, WE WERE TALKING AND HE AGREED AS ANYBODY WOULD THAT IF THE AMOUNT OF GUN VIOLENCE WAS HAPPENING IN A WHITE COMMUNITY AND IF GUNS WERE AS READILY AVAILABLE TO WHITE YOUNGSTERS, IT WOULD BE STOPPED. THE POLICE KNOW HOW TO DO THAT. FOR MY COLLEAGUES WHO SAY THAT LAWS AND ORDINANCES RELATED TO GUN OWNERSHIP WON'T STOP CRIME, HOW MUCH DRUG ABUSE HAS BEEN STOPPED BY ALL OF THE LAWS AND THE JAIL SENTENCES THAT YOU ALL HAVE PUT IN PLACE? ARE YOU GOING TO REPEAL THOSE LAWS? NO. YOU'RE TOTALLY ILLOGICAL, TOTALLY UNREASONABLE, AND YOU CONTRADICT IN THIS DISCUSSION ALL THE OTHER THINGS YOU STAND FOR OR CLAIM TO STAND FOR. THE NRA HAS YOU BEDAZZLED. YOU WORSHIP THIS GUN. THE NRA WANTS YOU TO WORSHIP THEM, WORSHIP THEM EVERY DAY; WANTS YOU TO HAVE A GUN AT HOME, AT SCHOOL, AT PLAY; HAVE A MAMA GUN, A DADDY GUN, A BABY GUN. I DON'T KNOW IF THERE'S A MINIMUM AGE AT WHICH SOMEBODY CAN OWN A RIFLE. MAYBE THERE IS, BUT I'M NOT SURE. BUT PEOPLE IN LEGISLATURES GO CRAZY WHEN GUN ISSUES COME UP. ON ANY MATTER, HAVE YOU EVER HEARD SO MANY CYNICAL REFERENCES TO THE CONSTITUTION? PEOPLE ON THIS FLOOR DON'T EVEN UNDERSTAND THE CONSTITUTION. AND I WILL BE REPETITIVE BECAUSE THE TIME IS MINE AND I WILL USE IT IN THE WAY THAT I PLEASE. THE PEOPLE WHO CALLED SENATOR McCOLLISTER WERE PLAYING THE RACE CARD. NEBRASKA IS A RACIST STATE. GOVERNOR RICKETTS SET THE WAY. WHEN WE WERE DEALING WITH THE DEATH PENALTY BILL, RICKETTS IS THE ONE WHO SAID, IF YOU VOTE FOR THIS, YOU'RE VOTING WITH CHAMBERS AND YOU'RE SENDING A MESSAGE TO CRIMINALS. THAT'S WHAT YOUR GOVERNOR SAID. THAT WAS A RACE CARD. WHY DIDN'T HE PICK ANY OF THE OTHER SENATORS WHO VOTED AS I VOTED? WHY DIDN'T HE PICK THE POPE, WHO IS ON THE SAME SIDE AS I? WHY DIDN'T HE PICK THE CATHOLIC BISHOPS? WHY DIDN'T HE PICK THE CATHOLIC CHURCH? AND I'M GOING TO SHOW YOU WHAT ELSE HE'S DONE. A MAN WHO USED TO TAKE VERY STRONG POSITIONS HAS GONE MISSING. I STARTED TO ENTER A MISSING PERSON'S REPORT. HE DOESN'T TALK ABOUT ANYTHING NOW. THAT'S BECAUSE THE GOVERNOR HAS PUT SKID CHAINS ON HIS TONGUE. THAT'S WHAT THIS GOVERNOR HAS DONE. SO AFTER HE PLAYED THE

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RACE CARD, NOW THEY PLAY IT WITH SENATOR McCOLLISTER--YOU'RE VOTING WITH CHAMBERS. WELL, HOW ABOUT ALL THE OTHER WHITE PEOPLE THAT HE'S WITH? WHY DON'T YOU MENTION THE WHITE PEOPLE? WHY DOESN'T THE GOVERNOR MENTION THE WHITE PEOPLE? BECAUSE HE IS A RACIST AND HE'S PLAYING THE RACE CARD AND HE KNOWS NEBRASKANS ARE RACIST AND THAT'S THE APPEAL HE'S MAKING TO THEM BECAUSE HE CANNOT WIN ON THE ISSUE. AND THEY'LL KEEP PLAYING IT. AND I WILL KEEP RESISTING IT. I AM NOT GOING TO FOLD. I AM NOT GOING TO BUCKLE. AND ALTHOUGH THE GOVERNOR THINKS THAT HE OWNS THE LEGISLATURE, HE CANNOT MAKE ME BE QUIET. HE CANNOT MAKE ME SIT DOWN. I'LL TELL YOU ONE THING HE DID CARRY OUT. WHEN HE WAS RUNNING FOR GOVERNOR, HE SAID THAT HE WAS GOING TO BUILD A COALITION IN THE LEGISLATURE TO STOP SENATOR CHAMBERS. HE SAID SENATOR CHAMBERS IS A SMART MAN, BUT HE'S JUST ONE MAN, AND IT'S NECESSARY TO BUILD A COALITION, WHICH HE IS GOING TO DO. AND HE SAID THAT MOUNTAIN LIONS WOULD NOT BE THE SUBJECT OF THE ENTIRE SESSION. AND AS I INDICATED THE OTHER DAY, HE WAS RIGHT. MOUNTAIN LIONS WERE NOT DISCUSSED AT ALL LAST SESSION. THE ONLY THING THAT WAS ACHIEVED WAS THE ABOLITION OF THE DEATH PENALTY AND THE OVERRIDING OF HIS VETO NOT ONLY WHEN IT CAME TO THE DEATH PENALTY, BUT THE GAS TAX AND THE LICENSES FOR THOSE YOUNG PEOPLE. THAT'S WHAT YOU CALL A HAT TRICK IN ATHLETICS, WHEN SOMEBODY DOES THREE OF WHATEVER IT IS. IF IT'S IN HOCKEY, THREE GOALS; IF YOU'RE AT THE PLATE AND YOU SWING AND MISS THE BALL THREE TIMES, THAT'S STRIKING OUT. THAT'S WHAT YOUR GOVERNOR DID. THEY PRAISED HIM FOR SAYING HE WAS NOT GOING TO SEEK EXECUTIONS BEFORE THAT VOTE IN NOVEMBER. THERE COULDN'T BE AN EXECUTION ANYWAY. AND HE WAS PRAISED BY THE NEWSPAPERS FOR HAVING TAKEN THAT DECISION. I THINK IT WAS THE CONTINUAL DROPPING, LIKE WATER, OF THE THINGS I WAS WRITING AND SENDING AROUND ABOUT HOW FOOLISH HE WAS, HOW WRONG HE WAS. AND WITH ALL OF HIS TALK OF RUNNING THE STATE LIKE A BUSINESS, HE WENT AGAINST THE STANDARD METHODOLOGY AND PROTOCOL FOR STATE CONTRACTS. THE STANDARD IS THAT YOU RECEIVE GOODS AND SERVICES FOR WHICH THE STATE WILL BE BILLED. WELL, THEY WERE SO EAGER TO CARRY OUT HIS OBSESSIVE, RABID DESIRE TO KILL THAT THE REGULAR RULES WERE LAID ASIDE. AND NOW \$54,000 ARE GONE AND YOU CAN'T GET IT BACK. THE ATTORNEY GENERAL ON WHOM PEOPLE RELY HAD SAID--AND I'LL GET THE ARTICLE SO YOU CAN...I'LL VERIFY IT--THAT ALL THESE CHALLENGES TO NEBRASKA GETTING THESE DRUGS COULD BE WITHSTOOD. AND HE AND HIS TEAM OF LAWYERS WOULD SUCCESSFULLY WIN AGAINST ANY OF THOSE CHALLENGES. WELL, FIRST OF ALL, THE FDA AND THE DEA SAID THE DRUGS CANNOT COME INTO NEBRASKA. WHY DIDN'T HE CHALLENGE THE COURT

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DECISION HANDED DOWN BY THE APPEALS COURT IN WASHINGTON, D.C., WHICH PLACED THAT ORDER ON THE FDA AND THE DEA? WHY DIDN'T HE DO THAT? HE KNEW HE COULDN'T WIN. SO WHAT IS HIS TEAM OF LAWYERS GOING TO DEFEAT? THEN THE ATTORNEY...THE U.S. ATTORNEY FOR THE STATE OF NEBRASKA TOLD HIM IT WILL BE ILLEGAL TO TRY BRING THOSE DRUGS INTO NEBRASKA, WHICH I HAD BEEN HAMMERING AWAY AT WITH A STEADY DRUMBEAT. AND FINALLY, HE SAID, WELL, I'M NOT GOING TO TRY TO DO IT. HE COULDN'T DO IT. AND YET THE WHITE PEOPLE DIDN'T GET UPSET WITH THAT. HE THREW THAT MONEY AWAY. AND BECAUSE HE'S WHITE AND THEY'RE WHITE, THAT'S ALL RIGHT. AND YOU'D THINK THAT I, AS A BLACK MAN, AM GOING TO TURN MY BACK ON MY BLACK COMMUNITY WHEN THIS KIND OF NONSENSICAL LEGISLATION IS OUT HERE? WHY, YOU MUST BE OUT OF YOUR MIND. YOU'VE GOT ANOTHER THINK COMING AND I HAVE TO DEMONSTRATE IT TO YOU. AND THE MORE TIME WE TAKE HERE, THE LESS TIME AVAILABLE FOR OTHER THINGS. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR CHAMBERS: I LIKE THE SPEAKER, BUT I DON'T LIKE HIM SO WELL THAT I'M GOING TO TURN MY BACK ON MY COMMUNITY. SO I HAVE TO DELIVER ON WHAT I SAID. SENATOR BLOOMFIELD, THIS IS MY 79th YEAR. WHEN HAVE YOU EVER SEEN A MAN 79 YEARS OLD CARRY ON IN THE WAY THAT I CARRY ON? I CAN REMEMBER WHAT I SAID THIS MORNING WHEN THIS AFTERNOON COMES. AND TODAY, I CAN REMEMBER WHAT I SAID YESTERDAY. AND I CAN REMEMBER WHAT I LEARNED IN GRADE SCHOOL ALL THOSE DECADES AGO. SO IF MY MIND IS SLIPPING, I WOULD MATCH IT AGAINST THE SHARP MINDS OF ANYBODY ON THIS FLOOR, ANY TIME, ANY TIME. AND AS FOR HAVING THE PHYSICAL DURABILITY, YOU ALL WILL NOT CHALLENGE ME BECAUSE YOU BAIL OUT. [LB289]

PRESIDENT FOLEY: TIME, SENATOR. [LB289]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. DEBATE IS NOW OPEN ON THE RECONSIDERATION MOTION. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB289]

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SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR AND MEMBERS OF THE BODY. I DID NOT GET A CHANCE TO SPEAK PRIOR TO THE VOTE ON THE RECOMMIT MOTION. AND I VOTED TO RECOMMIT IT FOR GOOD REASON. LB289 IS ADMITTEDLY FRAUGHT WITH PROBLEMS THAT SHOULD HAVE BEEN IRONED OUT IN THE JUDICIARY COMMITTEE IN THE NORMAL, SENSIBLE DISCOURSE OF A COMMITTEE WORKING TOWARD AN OBJECTIVE, NOT IN THE HALL OF THIS BODY, ATTACKED BY ROBOCALLS AND PHONE BANKS FROM BOTH SIDES AND THE ATTEMPT TO DRAFT AMENDMENTS ON THE RUN, NONE OF WHICH CAN BE DULY CONSIDERED IN THAT ENVIRONMENT. BUT THIS IS A SECOND AMENDMENT ISSUE. SO FOR ME, IT'S NOT ABOUT HUNTING BUNNY RABBITS AND DOVES FOR FOOD, NOT ABOUT FARMERS RIDDING THEIR CHICKEN COOPS OF VERMIN. IT'S NOT ABOUT TARGET PRACTICE WITH THE KIDS AND GOOD ENTERTAINMENT. IT'S NOT EVEN ABOUT FOLKS INNOCENTLY TRIPPING ACROSS SOME CITY ORDINANCE. GOSH KNOWS, WE HAVE HUNDREDS AND HUNDREDS OF CITY ORDINANCES AND ANYBODY WHO TRAVELS PROBABLY VIOLATES A FISTFUL OF THEM EVERY TIME THEY TRAVEL UNKNOWINGLY. WE WEREN'T CONCERNED ABOUT THAT LAST YEAR WHEN WE PASSED A BAN ON POWDERED ALCOHOL, THAT SOME INNOCENT TRAVELER WOULD HAVE SOME IN THEIR SUITCASE. THAT DIDN'T BOTHER US. THOSE KIND OF THINGS, THE FOUNDERS WOULD NOT HAVE ADULTERATED THEIR DOCUMENT WITH. WHAT IT IS ABOUT, IS IT IS ABOUT MARCH 23, 1775, AT ST. JOHN'S CHURCH IN RICHMOND, PATRICK HENRY, GIVE ME LIBERTY OR GIVE ME DEATH. IT IS ABOUT THE NIGHT OF APRIL 20, 1775, WHEN THE ROYAL MARINES AT WILLIAMSBURG, VIRGINIA, STORMED THE ARMORY, TOOK THE AMMUNITION AND THE MUSKETS. IT IS ABOUT PHILADELPHIA, JULY 4, 1776, WHEN: "WE HOLD THESE TRUTHS TO BE SELF-EVIDENT, THAT ALL MEN ARE CREATED EQUAL, THAT THEY ARE ENDOWED BY THEIR CREATOR WITH CERTAIN UNALIENABLE RIGHTS, THAT AMONG THESE ARE LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS. THAT TO SECURE THESE RIGHTS, GOVERNMENTS ARE INSTITUTED AMONG MEN, DERIVING THEIR JUST POWERS FROM THE CONSENT OF THE GOVERNED, THAT WHENEVER ANY FORM OF GOVERNMENT BECOMES DESTRUCTIVE OF THESE ENDS, IT IS THE RIGHT OF THE PEOPLE TO ALTER OR TO ABOLISH IT, AND TO INSTITUTE NEW GOVERNMENT, LAYING ITS FOUNDATION ON SUCH PRINCIPLES AND ORGANIZING ITS POWERS IN SUCH FORM, AS TO THEM SHALL SEEM MOST LIKELY TO EFFECT THEIR SAFETY AND HAPPINESS. PRUDENCE, INDEED, WILL DICTATE THAT GOVERNMENTS LONG ESTABLISHED SHOULD NOT BE CHANGED FOR LIGHT AND TRANSIENT CAUSES; AND ACCORDINGLY ALL EXPERIENCE HATH SHEWN, THAT MANKIND ARE MORE DISPOSED TO SUFFER, WHILE EVILS ARE SUFFERABLE, THAN TO RIGHT THEMSELVES BY ABOLISHING THE FORMS TO WHICH THEY ARE ACCUSTOMED. BUT WHEN A LONG TRAIN OF ABUSES AND

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USURPATIONS, PURSUING INVARIABLY THE SAME OBJECT EVINCES A DESIGN TO REDUCE THEM UNDER ABSOLUTE DESPOTISM, IT IS THEIR RIGHT, IT IS THEIR DUTY, TO THROW OFF SUCH GOVERNMENT, AND TO PROVIDE NEW GUARDS FOR THEIR FUTURE SECURITY." [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR SCHUMACHER: IT IS ABOUT BENJAMIN FRANKLIN, SAYING THAT WE HANG TOGETHER OR WE HANG SEPARATELY. THAT'S SERIOUS STUFF. WHAT WE ARE DEALING WITH HERE IS A BALANCING OF PROBABILITIES: A PROBABILITY THAT LOSS OF LIFE WILL OCCUR AS A RESULT OF SOME GUN OWNERSHIP IN A GANG-INFESTED NEIGHBORHOOD VERSUS A PROBABILITY OF SUCCESS OF A JUSTIFIED REVOLUTION SOME DECADES OR EVEN CENTURIES IN THE FUTURE. THOSE KINDS OF JUDGMENTS SHOULD NOT BE MADE IN THE CHAOS THAT WE SEE NOW. I'D YIELD THE REST OF MY TIME TO SENATOR KRIST, I THINK HE HAS A SLIGHT CORRECTION TO MAKE IN HIS STATEMENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER; 0:15, SENATOR KRIST. [LB289]

SENATOR KRIST: I SAID THAT THE CASE IN CHICAGO, THAT THE SECOND AMENDMENT DID NOT APPLY. I MISSPOKE. THE AMENDMENT DOES APPLY, WHICH EXEMPLIFIES THE FACT THAT THIS BILL BY ITSELF IS UNCONSTITUTIONAL. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR McCOY, YOU'RE RECOGNIZED. [LB289]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. YOU KNOW, ONE OF THE BENEFITS OF BEING A GROUP OF...PART OF THE GROUP OF 11 THAT IS TERM LIMITED THIS YEAR AND WILL LEAVE, AND I AM A PART OF THAT GROUP, IS, WITH THE EXCEPTION OF SENATOR CHAMBERS, WE'RE AS LONG IN THE TOOTH AROUND HERE AS ANYONE IS. AND PART OF THAT IS YOU DO REFLECT FROM TIME TO TIME ON CONTENTIOUS ISSUES THAT HAVE BEEN FACED SINCE YOU'VE BEEN HERE. AND FOR BENEFIT OF THOSE WHO EITHER MAY NOT HAVE BEEN PAYING AS CLOSE OF ATTENTION--I THINK WE'RE ALL GUILTY OF THAT PROBABLY, AS CITIZENS, PRIOR TO BEING HERE IN THE LEGISLATURE OR THOSE OF US THAT IT'S BEEN ENOUGH YEARS, WE FORGOT ABOUT IT--2011, MANY OF US WILL REMEMBER, IT WOULD HAVE BEEN MY THIRD YEAR IN THE LEGISLATURE,

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WE FACED A COMMISSION ON INDUSTRIAL RELATIONS ISSUE THAT INVOLVED COLLECTIVE BARGAINING. IT WAS PROBABLY AS CONTENTIOUS AS ANYTHING THAT'S OCCURRED IN MY TIME HERE IN THE LEGISLATURE. I RISE AND I MENTION THIS AND I'LL GO BACK TO THAT IN JUST A MINUTE. I HIT MY LIGHT QUITE A WHILE AGO THIS MORNING, BEFORE THE RECOMMIT MOTION. I DID NOT SUPPORT THE RECOMMIT MOTION AND I DON'T SUPPORT THE RECONSIDER MOTION FROM SENATOR CHAMBERS, ALTHOUGH I UNDERSTAND WHY THERE ARE THOSE WHO HAVE STRONG OPINIONS ON EITHER SIDE OF THIS ISSUE. MY BIGGEST FUNDAMENTAL PROBLEM WITH THE RECOMMIT MOTION, WHILE IT'S PERFECTLY WITHIN THE RULES--AND AS WE ALL KNOW, THE RULES ARE THERE TO USE--BUT AS A MATTER OF PROCEDURE, I HAVE A PROBLEM WITH THE RECOMMIT MOTION ON THIS BILL, WHICH I DO SUPPORT, BECAUSE, AS I MENTIONED IN THE CIR ISSUE, MANY OF US WILL REMEMBER, THOSE OF US WHO WERE HERE, LATE NIGHT SESSION, GENERAL FILE ON THAT BILL. I BROKE DOWN AT ONE POINT IN TIME, 10:00, 10:30 AT NIGHT. THERE WAS ACTUALLY A GROUP OF, AT ONE POINT, 13 OF US OUT IN THE ROTUNDA IN OUR SHIRTSLEEVES. IT WAS HOT. IT WAS NOT A FUN TIME TO BE DOWN HERE LATE NIGHT, GENERAL FILE. WE WERE GOING NOWHERE FAST ON THAT BILL. WE DETERMINED...AND I SAY "WE." IT WAS SPEAKER FLOOD AND SENATOR LATHROP AS THE PRINCIPAL SPONSOR OF THAT BILL, FIGURED OUT A WAY TO ADVANCE THAT BILL, EVEN THOUGH THERE WERE THOSE WHO WERE STRONGLY OPPOSED TO IT, AND COMMIT TO FIGURING OUT A SOLUTION BETWEEN GENERAL AND SELECT FILE. I WAS PART OF THAT WORKING GROUP. WE WERE AT DAVE PANKONIN'S BANK IN LOUISVILLE, HE WAS GRACIOUS ENOUGH TO LET US USE HIS FACILITY. AND WE MET FOR ALMOST 14 HOURS, BOTH SIDES ON THAT ISSUE, UNTIL 2:45 IN THE MORNING BETWEEN GENERAL FILE AND SELECT FILE. AND WE FOUND A SOLUTION. THE ONLY REASON I BRING THAT UP IS BECAUSE I DON'T RECALL ANY SITUATION, MAYBE I MISSED ONE, IN MY TIME HERE IN THE LEGISLATURE WHEN WE JUST SAID, THIS IS TOO BIG OF A PROBLEM, WE CAN'T FIX IT, SO WE'RE JUST GOING TO SEND IT BACK TO COMMITTEE. IT APPEARS, NOT JUST THE SPONSOR, BUT EVEN THE CHAIR OF THIS COMMITTEE, ALONG WITH LEGAL COUNSEL AND OTHERS, WANT TO SIT DOWN AND TRY TO FIND A SOLUTION. I THINK THAT'S WORTHY OF OUR APPLAUSE AND WORTHY OF OUR SUPPORT. I THINK THAT'S THE HALLMARK OF HOW WE DO THINGS HERE. EITHER A BILL ADVANCES OR IT DIES. BUT IF THERE'S A SOLUTION TO BE FOUND, MANY, MANY TIMES THERE HAVE BEEN THOSE OF US IN MY TIME HERE IN THE LEGISLATURE HAVE GOTTEN ON THE MICROPHONE AND SAID, I'D LIKE YOUR SUPPORT TO ADVANCE THIS BILL TO SELECT FILE AND WE'LL FIND A SOLUTION. BUT I DON'T KNOW--AND GRANTED I WAS OUT OF TOWN AT THE END OF LAST WEEK--MAYBE SOMEONE DID... [LB289]

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PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR McCOY: ...GET ON THE MICROPHONE AND SAY SOMETHING LIKE THAT. BUT BETWEEN YESTERDAY AND TODAY, UNLESS I'M MISTAKEN, I DON'T THINK I'VE HEARD ANYBODY SAY THAT. NOW IT'S ENTIRELY POSSIBLE, CORRECT ME IF I'M WRONG, THAT THAT HAS BEEN SAID. BUT I FIND IT INTERESTING THAT NOW WE'RE IN A SITUATION ON THIS ISSUE, AND WHY THIS ISSUE I DON'T KNOW, WHERE THERE SEEMS TO BE AN UNWILLINGNESS TO TRY TO FIND A SOLUTION. THAT SEEMS STRANGE TO ME. THAT'S NOT REALLY A HALLMARK OF HOW WE DO THINGS HERE. IF THAT'S A SHIFT IN THAT, SO BE IT. BUT I FELT DUTY BOUND AS ONE WHO'S BEEN HERE FOR A LITTLE WHILE TO WAIT A LITTLE WHILE BEFORE I HIT MY LIGHT AND TO JUST GIVE A LITTLE BIT OF A BACK STORY OF JUST ONE OF THE CONTENTIOUS ISSUES THAT'S TAKEN PLACE SINCE I'VE BEEN HERE. WE CAN FIND A SOLUTION ON THIS BILL. LET'S MAKE IT HAPPEN. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB289]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I AM PLEASED THAT WE DID NOT VOTE TO RECOMMIT AND I OPPOSE THE IDEA THAT WE RECONSIDER. WE'VE GOT ENOUGH TIME INVESTED IN THIS BILL NOW THAT IT NEEDS TO EITHER MOVE FORWARD OR DIE ON THE FLOOR. THE IDEA OF RECOMMITTING IT BACK TO A COMMITTEE SO THAT THEY CAN MAKE AN AMENDMENT ON IT AT THIS POINT AND IT WOULD COME OUT AND MY DISTINGUISHED COLLEAGUE, SENATOR CHAMBERS, WOULD HAVE A NEW SIX HOURS TO FILIBUSTER SEEMS TO MAKE NO SENSE TO ME. AND JUST SO WE DON'T GO WITH THE NOTION THAT ALL CITY ORDINANCES ON GUN BILLS OR GUN LAW ARE GREAT AND WONDERFUL, I'D LIKE TO READ A COUPLE SECTIONS THAT I RAN ACROSS THIS MORNING ON GUN CONTROL IN MASSACHUSETTS. "CRITICS ARE BLASTING A MASSACHUSETTS CITY'S NEW LAW THAT THEY CLAIM REQUIRES RESIDENTS APPLYING FOR A LICENSE TO CARRY HANDGUNS TO WRITE 'AN ESSAY' AND PAY UPWARDS OF \$1,100 FOR TRAINING. THE NEW LAWS TAKE EFFECT THIS WEEK IN LOWELL, A CITY OF 110,000 THAT LIES 35 MILES NORTH OF BOSTON. PUSHED BY POLICE SUPERINTENDENT WILLIAM TAYLOR AND PASSED BY THE CITY COUNCIL, THEY REQUIRE APPLICANTS FOR UNRESTRICTED HANDGUN LICENSES TO STATE IN WRITING WHY THEY SHOULD RECEIVE SUCH A LICENSE. TAYLOR, WHO WAS UNAVAILABLE FOR COMMENT ON MONDAY, HAS SOLE DISCRETION FOR APPROVING OR DENYING THE APPLICATIONS." SO THE CITY OF LOWELL, MASSACHUSETTS, IS LAYING IN THE

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HANDS OF ONE MAN THE ABILITY TO DECIDE WHO SHOULD MAINTAIN HIS CONSTITUTIONAL RIGHT TO KEEP A GUN. THAT JUST SEEMS OUT OF LINE TO ME. I HOPE THAT, BETWEEN NOW AND TOMORROW, SENATOR EBKE AND THE OPPONENTS OF THIS CAN REACH SOME AGREEMENT. IF NOT, I WOULD STILL LIKE TO SEE THE BILL PASSED AND HAVE THEM WORK ON IT BETWEEN GENERAL FILE AND SELECT FILE, AS SENATOR McCOY SO ELOQUENTLY POINTED OUT WE'VE DONE IN THE PAST. THERE'S ROOM TO DO THAT HERE. THE IDEA OF RECOMMITTING DOES NOT MAKE SENSE TO ME. AND, MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR GROENE. THANK YOU. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. ABOUT 2:00, SENATOR GROENE. [LB289]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I'LL GET RIGHT TO THE POINT. I AGREE WHOLEHEARTEDLY WITH THE MEANING OF THE U.S. CONSTITUTION, WITH SENATOR SCHUMACHER. BUT WE ARE TALKING ABOUT THE NEBRASKA CONSTITUTION. IT'S GOT TO BE REITERATED. THIS IS AMAZING. THE VERY FIRST SECTION, OVER HALF OF IT READS: AND THE RIGHT TO KEEP AND BEAR ARMS FOR SECURITY OR DEFENSE OF SELF, FAMILY, HOME--THEY GO WAY BEYOND WHAT THE U.S. CONSTITUTION SAYS--AND OTHERS, AND FOR THE LAWFUL COMMON DEFENSE, HUNTING, RECREATIONAL USE, AND ALL OTHER LAWFUL PURPOSES, AND SUCH RIGHTS SHALL NOT BE DENIED OR INFRINGED BY THE STATE--NOW HERE'S WHAT'S IMPORTANT--OR ANY OTHER SUBDIVISION THEREOF. THESE FOLKS IN THE 1870s IMMIGRATED FROM COUNTRIES OF TYRANNY. THEY UNDERSTOOD THAT FALLACY OF THE HUMAN KIND TO DICTATE THEIR FEELINGS, THEIR BELIEFS ON THEIR NEIGHBOR. THEY UNDERSTOOD THAT AND THEY UNDERSTOOD HOW THEIR FREEDOM WAS FORGED BY THE GUN. THEY PUT IT IN THE VERY FIRST SECTION,... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR GROENE: ...VERY FIRST SECTION. I WOULD LIKE TO...THERE WAS A STUDY BY THE JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY IN 2009 TO 2013 ABOUT FIREARM TRACES IN THE CITY OF CHICAGO; 7.8 PERCENT OF THE CASES WAS DONE BY SOMEBODY WHO HAD REGISTERED THEIR GUN, 7.8 (PERCENT). REGISTERING YOUR GUN IN A COMMUNITY IS A FEEL-GOOD LAW. IMAGINE IF THE STATE OF NEBRASKA, THIS BODY DECIDED TO PASS A LAW THAT SAID WE ALL HAD TO REGISTER OUR GUNS. I DON'T CARE HOW LIBERAL THE STATE SUPREME COURT IS. THEY WOULD THROW THAT OUT TOMORROW. BUT YET WE

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ALLOW LOCAL SUBDIVISIONS TO BREAK OUR CONSTITUTION, TO TAKE AWAY MY RIGHTS? THAT'S WHAT WE'RE TALKING HERE, THAT WE LET A CITY TRUMP THE STATE CONSTITUTION. [LB289]

PRESIDENT FOLEY: TIME, SENATOR. [LB289]

SENATOR GROENE: THANK YOU. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB289]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I AM SUPPORTING THE RECOMMITTING TO COMMITTEE BECAUSE I THINK, AS SOMEONE ELSE HAS SAID, THIS BILL ISN'T READY FOR PRIME TIME. AND IT NEEDS QUITE A BIT OF WORK. SENATOR HANSEN BROUGHT UP EARLIER A PROVISION THAT NO ONE ELSE HAS SPOKEN MUCH ABOUT AND I'D LIKE TO REVISIT THAT. AND SINCE MY LA IS AN ATTORNEY, I ASKED HIM TO LOOK AT THE WHOLE ISSUE THAT APPEARS IN OUR CONSTITUTION WHEN IT SAYS "GRANTING TO ANY CORPORATION, ASSOCIATION, OR INDIVIDUAL ANY SPECIAL OR EXCLUSIVE PRIVILEGES, IMMUNITY, OR FRANCHISE WHATEVER" IS UNCONSTITUTIONAL. YET IN LB289 IT DEFINES A PERSON TO INCLUDE, QUOTE, A MEMBERSHIP ORGANIZATION THAT IS DEDICATED IN WHOLE OR IN PART TO PROTECTING THE RIGHTS OF PERSONS WHO POSSESS, OWN, OR USE FIREARMS FOR COMPETITIVE, SPORTING, DEFENSIVE, OR OTHER LAWFUL PURPOSES, END QUOTE. AND IT SEEMS TO ME THAT THROUGH THIS DISCUSSION, WE'VE HEARD VARIOUS PROBLEMS THAT NEED TO BE ADDRESSED BEFORE WE PASS THIS. AND I'M CONVINCED, AGAIN, BASED ON A LEGAL OPINION THAT I'VE RECEIVED, THAT IF LB289 PASSES WITHOUT SOME MAJOR CHANGES--AND THIS IS ONE OF THEM, IN HOW "PERSON" IS DEFINED--THAT IT'S JUST GOING TO BE DECLARED UNCONSTITUTIONAL ANYWAY. SO IT SEEMS TO ME THAT SENDING IT BACK TO THE COMMITTEE, GIVING US A BILL THAT TAKES CARE OF SOME OF THE LEGITIMATE ISSUES THAT HAVE BEEN RAISED MAKES A LOT OF SENSE. TO...IT'S BEEN MY EXPERIENCE IN THE LEGISLATURE IN SEVEN YEARS THAT USUALLY...NOW THERE MAY HAVE BEEN EXCEPTIONS, BUT USUALLY WHEN YOU TRY TO FIX SOMETHING THAT NEEDS A LOT OF FIXING, WHEN YOU FIX IT BETWEEN GENERAL AND SELECT, OR TRY TO FIX IT WITH THIS AMENDMENT AND THAT AMENDMENT, THAT YOU WIND UP WITH SOMETHING THAT'S OF LESS QUALITY THAN IF YOU'D SPENT APPROPRIATE TIME IN COMMITTEE AND PERHAPS BRING SOMETHING LIKE THIS

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BACK TO THE FLOOR WITH...IN A FORM THAT MORE OF US CAN SUPPORT. THANK YOU, VERY MUCH. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB289]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. WHAT SENATOR GROENE WAS TALKING ABOUT, THE FIRST ARTICLE OF OUR CONSTITUTION WAS ACTUALLY AMENDED A MERE 28 YEARS AGO. THIS WASN'T DONE IN 18-SOMETHING. THIS WAS DONE RECENTLY BY THE PEOPLE TO MAKE SURE THERE WAS NO DOUBT THAT YOU HAVE A RIGHT TO CARRY A FIREARM. NOW, SENATOR GROENE WAS READING THAT AND SAYING, CAN'T THEY UNDERSTAND THIS? IT SAYS IT RIGHT HERE. WELL, SENATOR GROENE, I WOULD TELL YOU, REMIND YOU, THAT SOME OF OUR LIBERAL COLLEAGUES AND SOME OF THE LIBERALS OUTSIDE THIS BODY COULD CARE LESS WHAT THE CONSTITUTION SAYS. THAT CONSTITUTION IS A ROADBLOCK AND IT BLOCKS THEM FROM THEIR PROGRESSIVE DREAMS AND AGENDA FOR OUR STATE TO MAKE US LIKE CALIFORNIA AND NEW YORK AND ILLINOIS AND A LOT OF THOSE PROGRESSIVE PARADISES OUT THERE. YOU KNOW, I THINK THE RAMIFICATION OF RESTRICTING...THIS IS SENATOR PANSING BROOKS. THE RAMIFICATION...I'M REPLYING TO WHAT SHE SAID. THE RAMIFICATIONS OF RESTRICTING THE CITY'S ABILITIES TO RESTRICT YOUR RIGHTS ON FIREARMS IS THAT THEY WOULD HAVE TO COMPLY WITH THE CONSTITUTION. THAT'S THE RAMIFICATION. CITIES ONLY HAVE THE POWER, AND THE AUTHORITY THAT WE GIVE THEM. WE HAVE NOT GIVEN THEM, TO MY KNOWLEDGE, WE HAVE NOT GIVEN THEM THE AUTHORITY TO RESTRICT FIREARMS. THEY'VE GONE ABOUT DOING THAT ON THEIR OWN AND WE'RE SIMPLY SAYING, HEY, YOU CAN'T DO THAT. WE DIDN'T GIVE YOU THAT AUTHORITY. OBEY THE CONSTITUTION. THAT'S A NOVEL IDEA, OMAHA AND LINCOLN. OBEY THE CONSTITUTION. NOW, UNLESS SOMEONE CAN SHOW ME THAT WE DID GIVE THEM THAT AUTHORITY SOMEWHERE, AS FAR AS I KNOW, WE HAVE NOT GIVEN THEM THAT AUTHORITY. YOU KNOW, WE TALKED A LOT ABOUT GUNS AND THE CRIMES THAT ARE COMMITTED WITH PEOPLE USING GUNS. THERE SEEMS TO BE A BELIEF AMONG SOME PEOPLE, SOME OF THEM MY COLLEAGUES, THAT IF WE REGISTER GUNS, WE'LL STOP CRIMES. WELL, HOW IS THAT WORKING, OMAHA? THEY CAN'T QUITE FIND ANY CONCRETE EXAMPLES WHERE REGISTERING GUNS HAS STOPPED A CRIME. AND TO BE HONEST WITH YOU, I DON'T THINK THE STATE OR ITS LOCAL GOVERNMENT OR ANY GOVERNMENT ENTITY HAS ANY RIGHT KNOWING HOW MANY FIREARMS YOU HAVE, WHAT KIND OF FIREARMS YOU HAVE. STATE DOESN'T HAVE THAT RIGHT. AND OBVIOUSLY, YOU KNOW, THEY'RE GOING TO SAY, WE NEED TO KNOW IF A

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FIREARM IS USED IN A CRIME. WELL, LET ME TELL YOU, IF ONE OF MY FIREARMS IS STOLEN, I WILL GO INTO MY DOCUMENT FILE AND I'LL TELL THE POLICE, THIS IS THE SERIAL NUMBER ON THAT FIREARM OR FIREARMS, SO THEY CAN GO TRACK IT DOWN. THAT'S HOW THAT WORKS. IT'S CALLED RESPONSIBLE GUN OWNERSHIP. THE OVERWHELMING NUMBER OF GUN OWNERS, AT LEAST EVERY SINGLE ONE THAT I KNOW, IS VERY RESPONSIBLE. OCCASIONALLY THEY RUN AFOUL OF THE LAW AND THEY NEED TO BE PROSECUTED FOR THAT. SENATOR CHAMBERS TALKED ABOUT, IT WASN'T IN OUR STATE, IT WAS SOMEWHERE, WHERE SOME PEOPLE PULLED OUT FIREARMS AND STARTED SHOOTING EACH OTHER. THEY'RE NOT RESPONSIBLE GUN OWNERS AND THEY SHOULD FEEL THE FULL BRUNT OF THE LAW. THAT'S HOW THAT WORKS. BUT RESTRICTING GOOD CITIZENS WHO HAVEN'T DONE ANYTHING WRONG, TO PRESUME THAT THEY HAVE DONE SOMETHING WRONG, YOU WILL REGISTER THAT FIREARM WITH THE STATE OR ELSE WE WILL NOT LET YOU HAVE IT, IS...I DON'T THINK IT'S CONSTITUTIONAL. AND I THINK WE'RE BRINGING THESE CITIES BACK IN LINE WITH OUR CONSTITUTION AND I THINK THAT'S WHAT WE OUGHT TO BE DOING. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR GARRETT. [LB289]

SENATOR GARRETT: THANK YOU, LIEUTENANT GOVERNOR. COLLEAGUES, WE'RE HERE TO PASS GOOD POLICY. WE'RE HERE TO PASS GOOD LAWS FOR THE PUBLIC. WHY DO WE EVEN BOTHER IF MUNICIPALITIES ARE GOING TO TURN AROUND AND MAKE SOMETHING MORE RESTRICTIVE? IF IT'S SUCH A GOOD IDEA FOR OMAHA TO HAVE A MORE RESTRICTIVE POLICY ON GUNS, THEN WHY DON'T YOU BRING IT TO THE LEGISLATURE. LET'S GET IT THROUGH JUDICIARY. LET'S DEBATE IT ON THE FLOOR. AND IF IT'S SUCH A GOOD IDEA, LET'S IMPLEMENT IT FOR THE WHOLE STATE. YOU KNOW, THE SUPREMACY CLAUSE...IT'S LIKE, WHY ARE WE EVEN DOING THE JOB HERE IF WE'RE JUST GOING TO LET THE MUNICIPALITIES DO WHATEVER THE HECK THEY WANT TO DO? AND I'M SICK AND TIRED OF BEING DEMONIZED BECAUSE OF THOSE OF US WHO WANT TO EXERCISE OUR CONSTITUTIONAL RIGHTS. IT'S LAW-ABIDING CITIZENS WHO ARE TRYING TO ABIDE BY THE LAWS THAT...AGAIN, WE'RE TALKING ABOUT CROSSING CITY LINES AND BEING IN VIOLATION OF THAT CITY'S ORDINANCES. IT'S INSANITY. IF SOME PEOPLE WANT OMAHA TO KEEP THEIR MORE

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RESTRICTIVE GUN LAWS ON ACCOUNT OF THEY'RE WORKING SO WELL, THEN LET'S BRING THEM TO THE LEGISLATURE AND GET IT PASSED INTO LAW. I'D LIKE TO ONCE AGAIN BRING UP THE CASE OF PLIEGO GONZALEZ OF OMAHA. I SPOKE ON THE MIKE ABOUT THIS LAST WEEK. I KNOW A LOT OF YOU ARE NOT READY TO SUPPORT LB289, AND ARE WHAT-IFFING THIS BILL TO DEATH. LAST YEAR I WAS IN THE SAME SITUATION WITH A BILL THAT OUR FORMER COLLEAGUE SENATOR NORDQUIST BROUGHT, LB623. I WAS SKEPTICAL AT FIRST, AFTER HEARING TESTIMONY IN COMMITTEE AND MEETING WITH SOME OF THESE KIDS...AFTER MEETING WITH SOME OF THESE KIDS INCLUDING TWO YOUNG LADIES WHO WERE STUDYING MEDICINE AT CREIGHTON--THEY WERE ACTUALLY DOING THEIR INTERNSHIPS IN EMERGENCY ROOMS...THEIR RESIDENCY, EXCUSE ME--AND OTHERS WHO JUST WANTED THE OPPORTUNITY TO ATTEND A TRADE SCHOOL. THESE SAME YOUNG PEOPLE CAN SERVE IN THE MILITARY AND DIE FOR THE COUNTRY, DIE FOR OUR COUNTRY, BUT THEY'RE NOT PERMANENT RESIDENTS. THEY DESERVE THE CHANCE TO SUCCEED WHILE THEY ARE HERE...AND THEY HAVE DESERVED THE PRIVILEGE TO DRIVE. FOR THOSE OF YOU WHO OPPOSED SENATOR EBKE TODAY IN SUPPORTING GIVING THIS NEW GENERATION OF NEBRASKANS THIS PRIVILEGE, I HAVE A QUESTION FOR YOU. HERE IS A QUESTION. IF WE ARE ALL RIGHT WITH GIVING DACA RECIPIENTS THE PRIVILEGE OF DRIVING, WHY DO SO MANY OF YOU STAND HERE TODAY TO DENY PLIEGO GONZALEZ, A LAWFUL PERMANENT RESIDENT AND ALIEN, HIS SECOND AMENDMENT RIGHTS. MANY OF YOU ARE STANDING HERE TODAY IN SUPPORT OF AN OMAHA CITY ORDINANCE THAT OPENLY DENIED PLIEGO OF HIS CONSTITUTIONAL RIGHTS. MR. GONZALEZ LEGALLY PURCHASED THE FIREARM AFTER HIS FAMILY WAS VICTIMIZED IN A HOME INVASION ROBBERY. THE CITY OF OMAHA REFUSED TO ALLOW HIM TO REGISTER WHAT HE...BECAUSE HE WAS A PERMANENT RESIDENT ALIEN AND NOT YET A CITIZEN. THIS REFUSAL EFFECTIVELY MADE IT UNLAWFUL FOR HIM TO KEEP HIS LEGALLY ACQUIRED HANDGUN IN THE CITY OF OMAHA. SO I ASK YOU, IF YOU'RE WILLING LAST YEAR TO GIVE NONPERMANENT LEGAL RESIDENTS THE PRIVILEGE TO DRIVE, WHY DO YOU NOT SUPPORT PLIEGO'S SECOND AMENDMENT RIGHTS? PLIEGO HAD TO GO THROUGH COSTLY LITIGATION TO GET BACK HIS LEGALLY PURCHASED WEAPON, A WEAPON HE PURCHASED TO PROTECT A FAMILY HE LOVES, A FAMILY HE DOESN'T WANT TO SEE VICTIMIZED AGAIN. I BELIEVE LEGAL IMMIGRANTS, LEGAL ALIENS, DESERVE THE BILL OF RIGHTS. IF YOU JOINED ME IN SUPPORTING LB623, I ASK YOU TO JOIN ME IN SUPPORTING LB289. ALSO, QUICKLY, I'D LIKE TO MAKE A POINT ABOUT GUN REGISTRATION. WHY SHOULD PLIEGO OR ANY OTHER LAW-ABIDING LAWFUL PERMANENT RESIDENT FEEL COMFORTABLE WITH GUN REGISTRATION WHEN THE GOVERNMENT ENTITY REGISTERING THE GUNS ATTEMPTED, TEMPORARILY

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SUCCESSFULLY, TO TAKE AWAY A LAWFULLY PURCHASED WEAPON THAT HE BOUGHT OUT OF LOVE AND TRUE RESPONSIBILITY AS HIS FAMILY'S PROTECTOR? PLIEGO HAS EVERY RIGHT TO KEEP HIS FAMILY FROM BEING VICTIMIZED AGAIN. REMEMBER, RIGHTS SUPERSEDE PRIVILEGES. THERE ARE A LOT OF LEGAL IMMIGRANTS WHO LIVE IN BELLEVUE IN MY DISTRICT. THEY DO NOT DESERVE TO LIVE IN FEAR OF THEIR... [LB289 LB623]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR GARRETT: ...CONSTITUTIONAL RIGHTS...THANK YOU, MR. LIEUTENANT GOVERNOR. THEY DO NOT DESERVE TO LIVE IN FEAR OF THEIR CONSTITUTIONAL RIGHTS BEING STRIPPED FROM THEM. A NO VOTE ON LB289 IS A YES VOTE FOR GUN REGISTRATION. AND THE VAST MAJORITY OF NEBRASKANS ARE ON RECORD, THEY DO NOT WANT GUN REGISTRATION. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB289]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, TOMMY, TOMMY, TOMMY. I'D LIKE TO ASK SENATOR GARRETT A QUESTION OR TWO. [LB289]

PRESIDENT FOLEY: SENATOR GARRETT, WOULD YOU YIELD, PLEASE? [LB289]

SENATOR GARRETT: ABSOLUTELY. [LB289]

SENATOR CHAMBERS: SENATOR GARRETT, WHAT WAS THE AGE AT WHICH THOSE YOUNGSTERS WHOM WE VOTED TO ALLOW TO GET A DRIVER'S LICENSE, AT WHAT AGE WOULD THEY BE ALLOWED TO GET A DRIVER'S LICENSE? [LB289]

SENATOR GARRETT: AGE 16. [LB289]

SENATOR CHAMBERS: DO YOU THINK SOMEBODY AT AGE 16 SHOULD BE ALLOWED TO BUY A LETHAL WEAPON, A PISTOL? [LB289]

SENATOR GARRETT: NO. [LB289]

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SENATOR CHAMBERS: THEN WHY ARE YOU WILLING TO LET THEM DRIVE A CAR BUT YOU'RE RESTRICTING THEIR LEGAL RIGHT UNDER THE SECOND AMENDMENT TO OWN A PISTOL? [LB289]

SENATOR GARRETT: WELL, THERE ARE ADULT RIGHTS THAT YOU NEED TO BE AN ADULT TO BE ABLE TO PURCHASE A PISTOL. WE LET 16-YEAR-OLDS DRIVE CARS. [LB289]

SENATOR CHAMBERS: YEAH, BUT WE SAID THAT AS A LEGISLATURE. THAT'S NOT WHAT THE CONSTITUTION SAYS. THE CONSTITUTION DOESN'T GIVE AN AGE LIMIT. WE HAVE RESTRICTED WHAT THE CONSTITUTION ALLOWS. LET ME ASK YOU ANOTHER QUESTION. ARE YOU SAYING, ALONG WITH SENATOR BRASCH AND OTHERS, THAT THE ONLY PEOPLE WHO HAVE KILLED SOMEBODY OR MAIMED SOMEBODY IN AN ACT THAT WAS DEEMED CRIMINAL, ALL OF THEM HAD HAD PRIOR CRIMINAL CONVICTIONS, IS THAT WHAT YOU'RE SAYING? [LB289]

SENATOR GARRETT: NO, I'M NOT, BUT THE VAST MAJORITY... [LB289]

SENATOR CHAMBERS: THEN PLEASE, PLEASE...SO THESE PEOPLE WERE LAW ABIDING UNTIL THEY VIOLATED THE LAW WITH THE GUN, ISN'T THAT TRUE? [LB289]

SENATOR GARRETT: THAT'S TRUE. [LB289]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, SENATOR GARRETT KNOWS BETTER THAN TO SAY THE THINGS HE'S SAYING BUT HE GOT HIMSELF IN A BOX. THAT'S MY OPINION, MAYBE IT'S NOT HIS. BUT HERE IS WHAT WE'RE LOOKING AT AND I WANT YOU TO BE AWARE OF THIS, ESPECIALLY MY GOOD FRIEND SENATOR BLOOMFIELD. WE'RE TALKING ABOUT NEBRASKA, NOT A TOWN IN MASSACHUSETTS. BUT IT GIVES ME A CHANCE TO SHOW OFF MY EDUCATION. LOWELL, MASSACHUSETTS, WAS NAMED AFTER A MAN--THEY WENT BY THREE NAMES IN THOSE DAYS--JAMES RUSSELL LOWELL. NOW, I DIDN'T STUDY BLACK LITERATURE OR AFRICAN LITERATURE WHEN I WAS IN HIGH SCHOOL OR AT CREIGHTON UNIVERSITY. BUT I MIGHT KNOW MORE ABOUT WHITE PEOPLE'S LITERATURE THAN WHITE PEOPLE. THERE WERE TWO OTHER GUYS KNOWN BY THREE NAMES THAT HE HUNG OUT WITH. THEY WERE LITERARY PEOPLE. OLIVER WENDELL HOLMES WAS ONE, AND HENRY WADSWORTH LONGFELLOW WAS THE THIRD. SO THE TOWN OF LOWELL,

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MASSACHUSETTS, WAS NAMED AFTER JAMES RUSSELL LOWELL. BUT REGARDLESS OF WHAT THEY DO IN MASSACHUSETTS, IT HAS NO BEARING ON WHAT HAPPENS IN NEBRASKA. AS FOR WHAT SENATOR GARRETT SAID ABOUT A LAW BEING SO GOOD IN THIS CASE, AN ORDINANCE FOR OMAHA, WHY NOT BRING IT TO THE LEGISLATURE, THE LEGISLATURE IS OWNED BY THE NRA AS DEMONSTRATED BY WHAT'S HAPPENING HERE TODAY. IF OMAHA AND EVERY CITY HAD TO ABIDE BY WHAT THE NRA WANTED, THERE WOULD BE NO REGULATION OF ANY KIND ON GUNS, PERIOD. DURING SANER TIMES, SENATOR GARRETT, THE VERY LANGUAGE THAT THIS BILL THAT YOU SAY IS SO GOOD, THE LANGUAGE BEING STRICKEN WAS PUT INTO THE STATUTE AFTER HAVING GONE THROUGH THE APPROPRIATE COMMITTEE, HAD BEEN DISCUSSED ON THE FLOOR OF THE LEGISLATURE, AND PUT INTO LAW THAT AUTHORIZED CITIES TO DO THESE VARIOUS THINGS, INCLUDING WHAT THE NRA WANTS TO TAKE AWAY FROM THEM NOW. I'M NOT GOING TO SIT BACK, STAND BACK, AND DOCILELY LET THAT HAPPEN. I BELIEVE THAT... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR CHAMBERS: ...I CAN STAND ON THIS FLOOR FROM WHEN WE START AT 9:00 IN THE MORNING OR AT 7:00 IN THE MORNING UNTIL MIDNIGHT WITHOUT EATING OFF THE LOBBYISTS, WITHOUT GOING TO THE BATHROOM, WITHOUT DRINKING ANY WATER, WITHOUT SITTING IN THIS CHAIR, WITHOUT RUNNING OUT TO THE LOBBY TO GET MY INSTRUCTIONS FROM ANYBODY. YOU ALL WON'T CHALLENGE ME. YOU KNOW WHY? BECAUSE YOU ALL DON'T HAVE THE STAMINA. YOU DON'T HAVE THE CONVICTION. YOU CAN KEEP ME HERE. I GIVE YOU THE OPPORTUNITY BUT YOU WON'T FOLLOW MY LEAD. EVERY TIME SOMEBODY MOVES TO ADJOURN, YOU ALL VOTE IN UNISON LIKE LEMMINGS, BUT YOUR VOICES ARE DEEPER. YOU WANT TO GET OUT OF HERE. WHO IS THE ONLY ONE WHO VOTES NO ABOUT LEAVING? MOI. THAT'S WHY I'LL BEAT YOU. I WON'T BLINK. AND WHEN I TELL YOU THESE THINGS... [LB289]

PRESIDENT FOLEY: TIME, SENATOR. [LB289]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB289]

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS IS SOMEWHAT CORRECT. WHAT I READ FROM LOWELL, MASSACHUSETTS, DOES NOT DIRECTLY AFFECT US HERE IN NEBRASKA, BUT VERY SIMILAR LAWS WELL COULD. AND WHEN HE TALKED ABOUT IT NOT HAVING ANY BEARING ON WHAT WE'RE DOING HERE IN NEBRASKA, FOR PETE'S SAKE, KNOWING WHO FOUNDED THE TOWN HAS EVEN LESS BEARING. MR. PRESIDENT, I ROSE PRIMARILY IN RESPONSE OF SOMETHING SENATOR PANSING BROOKS SAID EARLIER, ABOUT BEING CAREFUL WHAT WE WISH FOR, FOR FEAR OF PREEMPTION COMING DOWN FROM THE FEDERAL GOVERNMENT. SHE'S ABSOLUTELY CORRECT. BUT IT'S ALREADY HERE, COLLEAGUES. YOU EVER HEAR OF WATERS OF THE U.S.? YOU EVER HEAR OF THE EPA? THEY ALREADY REACH INTO OUR EVERYDAY LIVES WITH LAWS AND REGULATIONS THAT WERE NEVER PASSED, SO PREEMPTION I FEAR IS ALREADY HERE FROM THE TOP DOWN TO US. MR. PRESIDENT, I YIELD THE REMAINDER OF MY TIME TO SENATOR GARRETT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR GARRETT, 3:30. [LB289]

SENATOR GARRETT: THANK YOU, LIEUTENANT GOVERNOR. I WAS ELECTED TO THIS LEGISLATURE TO REPRESENT MY CONSTITUENTS. THE OVERWHELMING MAJORITY OF THE CONSTITUENTS IN MY DISTRICT COMPRISING PARTS OF BELLEVUE AND PAPIILLION ARE OVERWHELMINGLY CONSERVATIVE, THEY'RE OVERWHELMINGLY PRO SECOND AMENDMENT. THAT'S ONE OF THE REASONS I GOT ELECTED, I AM PRO SECOND AMENDMENT. I BELIEVE IN OUR CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS. OMAHA'S CITY ORDINANCES, IF THEY'RE SO DARNED GREAT, WHY THE HECK HASN'T IT STOPPED THEIR PROBLEMS, THEIR ISSUES? WHY ARE THEY TRYING TO FORCE THAT ON EVERYBODY ELSE? AND AGAIN, I GO BACK TO THE FACT THAT IF IT'S SUCH A GREAT IDEA, BRING IT TO THE LEGISLATURE, LET'S DEBATE IT IN JUDICIARY, LET'S BRING IT TO THE FLOOR AND DEBATE IT. AND IF IT'S A GREAT IDEA, LET'S ADOPT IT FOR THE WHOLE STATE. I'M TELLING YOU, NEBRASKA IS A CONSERVATIVE STATE. WE ARE, LIKE IT OR NOT, WE ARE GUN-LOVING, LAW-ABIDING, RED-BLOODED AMERICAN CITIZENS. WE BELIEVE IN THE SECOND AMENDMENT. WE BELIEVE IN THE CONSTITUTION. AND WE DON'T LIKE ANYTHING ERODING THAT. A VOTE AGAINST LB289 IS ESSENTIALLY SAYING, HEY, WE WANT GUN REGISTRATION. WE DON'T WANT GUN REGISTRATION. DOES THE BILL HAVE SOME FLAWS, SOME MINOR FLAWS? SURE, BUT LIKE SENATOR McCOY SAID, YOU KNOW, IN A SPIRIT OF COMPROMISE BEFORE, WE'VE GOTTEN THINGS THROUGH GENERAL FILE AND WE'VE MODIFIED IT AND COME BACK ON SELECT FILE WITH AMENDMENTS TO MAKE IT MORE PALATABLE TO MORE OF

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YOU. BUT AGAIN, AT THE END OF THE DAY, WE BELIEVE IN OUR CONSTITUTIONAL RIGHTS. I CAN'T UNDERSTAND, I CAN'T BELIEVE WHY WE CONTINUE TO DEMONIZE PEOPLE WHO LIKE THEIR GUNS, LIKE THE SECOND AMENDMENT OF THE CONSTITUTION. WHY ARE WE DEMONIZED? WE'RE NOT THE ONES OUT THERE COMMITTING THE CRIMES. I UNDERSTAND THE DESIRE TO GO HARD AGAINST CRIME, SO LET'S GO HARD AGAINST CRIME. LET'S NOT PASS LAWS THAT MAKE IT MORE DIFFICULT FOR LAW-ABIDING CITIZENS TO EXERCISE THEIR CONSTITUTIONAL RIGHTS. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB289]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. AND TO A CERTAIN EXTENT, I DO AGREE WITH SENATOR GARRETT. AS A GUN OWNER MYSELF AND AS SOMEBODY WHO ADVANCED THIS BILL OUT OF COMMITTEE BECAUSE I HAVE LEGITIMATE CONCERNS AND I THINK THERE'S GUN OWNERS ACROSS THE STATE THAT HAVE LEGITIMATE CONCERNS ABOUT TRANSPORTING THEIR FIREARMS FROM ONE CITY TO THE NEXT OR FROM ONE RURAL COMMUNITY TO A CITY OR TO THE NEXT, THEY HAVE LEGITIMATE CONCERNS. I WANT TO PROTECT THOSE RIGHTS. AND I KNOW SENATOR GARRETT IS PROBABLY TALKING ABOUT SOME OTHER PEOPLE THAT DEMONIZE GUN OWNERS. I'M CERTAINLY NOT ONE OF THEM. THAT BEING SAID, THERE ARE SERIOUS FLAWS WITH THIS BILL IN THAT IT TAKES COMPLETE LOCAL CONTROL OF ANY SORT AWAY FROM OUR LOCAL GOVERNMENTS, A TYPE OF LOCAL CONTROL THAT I WILL REMIND MANY OF MY COLLEAGUES WE OFTEN FIGHT FOR TOOTH AND NAIL TO MAINTAIN. IT IS AN UNDENIABLE FACT THAT THE CIRCUMSTANCES THAT EXIST IN RURAL AREAS AND THE CIRCUMSTANCES THAT EXIST IN URBAN AREAS ARE MUCH DIFFERENT. WE HAVE DOMESTIC VIOLENCE SHELTERS IN MY COMMUNITY THAT HAVE GUN BANS FOR A GOOD REASON, BECAUSE THEY HAVE DANGEROUS CRIMINALS THAT OFTEN TRY TO VISIT THOSE DOMESTIC VIOLENCE SHELTERS AND DO HARM TO THE PEOPLE IN THEM. SOME PEOPLE HAVE SAID, WELL, LET'S PUT UP A SIGN, YOU CAN PUT UP A SIGN. WELL, YOU KNOW WHAT, IT'S NOT A VERY GOOD IDEA TO IDENTIFY A DOMESTIC VIOLENCE SHELTER WITH A SIGN. THEY'RE NOT MARKED. AND THEY'RE NOT MARKED FOR A REASON, BECAUSE THEY'RE TRYING TO PROTECT PEOPLE. SO THERE ARE REASONABLE REASONS FOR THESE

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ORDINANCES WHERE NO LAW-ABIDING GUN OWNER WOULD GO INTO OR UNDERSTAND AT THE VERY LEAST WHY WE SHOULDN'T HAVE GUNS IN DOMESTIC VIOLENCE SHELTERS. THAT BEING SAID, THERE'S BEEN A LOT OF TALK ABOUT THE CONSTITUTIONALITY OF THINGS AND THAT ALL OF THESE LOCAL ORDINANCES ARE UNCONSTITUTIONAL. THEY'RE A VIOLATION OF OUR STATE LAW. WELL, NUMBER ONE, IF THAT WAS THE CASE, THERE WOULD BE A CASE AND THAT WE WOULD FIND THEM UNCONSTITUTIONAL. NUMBER TWO, SIMPLY BECAUSE THERE ARE SOME RESTRICTIONS ON FUNDAMENTAL CONSTITUTIONAL RIGHTS DOES NOT MEAN NECESSARILY THAT THEY ARE IN FACT UNCONSTITUTIONAL. AND THAT'S BEEN FOUND AS RECENTLY IN 2008 IN D.C. v. HELLER WHICH SAID THAT YOU CANNOT BAN GUNS IN THE DISTRICT OF COLUMBIA, BUT YOU CAN HAVE REASONABLE RESTRICTIONS SUCH AS REGISTRATION. AND OF COURSE, THAT'S A FEDERAL ENCLAVE. SO THE SUPREME COURT WENT ON TO SAY THAT IN 2010 IN McDONALD v. CHICAGO THAT THE CITY OF CHICAGO COULD NOT COMPLETELY BAN GUNS WITHIN THE CITY OF CHICAGO, BUT COULD HAVE REASONABLE RESTRICTIONS TAILORED TO A COMPELLING STATE INTEREST. THAT'S WHY WE PROVIDE LOCAL CONTROL. THAT'S WHY WE FIGHT FOR IT TOOTH AND NAIL IN OUR SCHOOLS, BECAUSE THERE ARE DIFFERENCES FROM ONE LOCALITY TO THE NEXT. I WANT TO NOTE THAT I'VE BEEN THE PERSON THAT HAS BEEN TRYING TO FIND COMPROMISE AND COMMON GROUND, BECAUSE AS A PERSON WHO ADVOCATES FOR GUN RIGHTS, AS A PERSON WHO IS A GUN OWNER AND UNDERSTANDS SOME OF THE DANGERS OF BEING A LAWFUL GUN OWNER FROM GOING INTO ONE JURISDICTION TO THE NEXT, I WANT TO FIND SOME COMMON GROUND. AND I WANT TO ADDRESS THE ISSUE THAT THIS BILL WAS ORIGINALLY BROUGHT IN COMMITTEE AND PURPORTED TO ADDRESS, WHICH IS THE TRANSPORTATION OF FIREARMS. THAT IS AN IMPORTANT ISSUE. THAT IS AN IMPORTANT GUN RIGHTS ISSUE. WE NEED TO ADDRESS IT. AND I'M WILLING TO SIT DOWN AND COMPROMISE WITH SENATOR EBKE AND SENATOR SCHNOOR ON THAT ISSUE. AND I BELIEVE THAT MY AMENDMENT THAT I PASSED OUT EARLIER DOES SO. THAT BEING SAID, WE CAN'T GET UP HERE AND START ARGUING, WITHOUT ANY CONSTITUTIONAL BASIS AT ALL, THAT REASONABLY TAILORED ORDINANCES FOR SPECIFIC ISSUES... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR MORFELD: ...THAT CITIES AND OTHER LOCALITIES ARE FACED WITH ARE JUST BLATANTLY UNCONSTITUTIONAL. YOU CAN BE ENTITLED TO YOUR OPINION, COLLEAGUES, BUT YOU CAN'T BE ENTITLED TO YOUR OWN SET OF THE FACTS. AND IF YOU EVEN SIT DOWN FOR ONE MOMENT AND READ THE MOST

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RECENT SUPREME COURT CASES, D.C. v. HELLER AND McDONALD v. CHICAGO, THERE IS NO WAY THAT YOU CAN GET UP HERE WITH A STRAIGHT FACE AND MAKE THAT ARGUMENT. I THINK YOU CAN MAKE AN ARGUMENT THAT WE DO HAVE A PROBLEM WITH MAKING SURE THAT LAW-ABIDING CITIZENS ARE NOT IMPEDED IN TRANSPORTING GUNS FROM ONE PLACE TO ANOTHER OR NOT STOPPED FROM DOING IT FOR FEAR OF REPRISAL FROM THE LAW. WE CAN FIND COMMON GROUND ON THAT. AND I'VE PROMISED TO WORK WITH PEOPLE AND GET A BILL OUT AND VOTE FOR ONE TO ACHIEVE THAT. BUT THAT SHOULD BE OUR FOCUS BECAUSE THAT IS THE CONCERNS OF THE PEOPLE E-MAILING ME, THAT WAS THE CONCERNS I WAS PRESENTED IN COMMITTEE, AND THAT'S THE CONCERN THAT LB289 SHOULD BE ADDRESSING. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. SENATOR CHAMBERS, THERE ARE NO OTHER LIGHTS ON. WOULD YOU CARE TO CLOSE AT THIS POINT? [LB289]

SENATOR CHAMBERS: DO I HAVE ANOTHER CHANCE TO SPEAK BEFORE CLOSING? [LB289]

PRESIDENT FOLEY: YES, YOU DO, SENATOR. [LB289]

SENATOR CHAMBERS: WELL, I WANT TO SPEAK ALL THE TIMES I CAN. THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, SENATOR MORFELD, OTHERS WHO ARE TRYING TO BE REASONABLE, WHO ARE NOT IN LOCKSTEP WITH THE NRA, YOU'RE WASTING YOUR TIME. THEY'RE NOT GOING TO DO WHAT YOU WANT THEM TO DO, BUT IF YOU ALL WANT TO TAKE THE TIME, WE ALL DO OUR BUSINESS THE WAY WE THINK WE SHOULD. SO TALK TO THEM. BUT THEY'VE GOT TO GET PERMISSION FROM THE NRA BEFORE THEY CAN TALK TO YOU AND MAKE ANY CONCESSIONS. I'M NOT OWNED BY ANYBODY. THERE WAS A TIME WHEN I COULD HAVE BEEN, QUOTE, OWNED. MY BODY COULD HAVE BEEN OWNED, BUT YOU WOULDN'T HAVE OWNED MY MIND. I'M ONE OF THOSE SLAVES YOU'D HAVE HAD TO KILL. AND THAT'S THE WAY IT IS WITH ME RIGHT NOW. AND WITH ALL THE THREATS I GET, I DON'T CARRY A GUN BECAUSE I'M NOT AFRAID LIKE YOU ALL ARE. IT MAY HAVE BEEN HITLER WHO SAID IT'S NOT THE ARMY THAT COUNTS, IT'S NOT THE NUMBER OF GUNS THAT COUNT, IT'S THE MAN WHO COUNTS, BECAUSE 100 COWARDS CANNOT PRODUCE ONE BRAVE DEED, 100 FOOLS CANNOT PRODUCE ONE WISE MAN. I DON'T CARE HOW MANY NUMBERS YOU HAVE. I DON'T CARE ABOUT THE NRA, YOUR ORGANIZATIONS, OR

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THOSE WHO FEW A MONTHS AGO SAID, SENATOR CHAMBERS, YOU OUGHT TO GET OUT OF THE LEGISLATURE. IN FACT, SENATOR SCHNOOR TOLD ME HE DEMANDED THAT MY RESIGNATION BE ON THE DESK THE NEXT DAY AT 9:00, AND LIKE THE LITTLE BOY WHO SAW SANTA CLAUS, I LAUGHED WHEN I HEARD THAT IN SPITE OF MYSELF. OH, YOU FOOLISH MAN. BUT HERE'S THE THING. ON THAT BAD BILL WHERE THE BIG CORPORATIONS WERE GOING TO RUN THE LITTLE HOG PRODUCERS OUT OF BUSINESS, SENATOR SCHNOOR AND I LOOKED LIKE WE WERE JOINED NOT AT THE HIP BUT FROM FOREHEAD TO TOE. I CAN WORK WITH ANYBODY ON THE ISSUES. YOU ALL HAVEN'T LEARNED THAT YET. AND THESE LOBBYISTS KNOW YOU ALL ARE OWNED. AND THAT'S WHY THEY BRING YOU THIS TRASH LEGISLATION. YOU THINK ANYBODY WOULD BRING SOMETHING LIKE THIS TO ME, NOT JUST BECAUSE I'M AGAINST THE PROLIFERATION OF GUNS BUT IT'S POORLY DRAFTED. I DISCUSS SYNTAX. THEY DON'T EVEN KNOW WHAT THE TERM "SYNTAX" MEANS. IF I SAY SYNTAX, I'M SPELLING THE WORD S-Y-N-T-A-X AND IT HAS TO DO WITH GRAMMAR AND PROPER CONSTRUCTION AND UTILIZATION OF LANGUAGE; THEY THINK IT'S A TAX, T-A-X, ON VARIOUS THINGS THAT PEOPLE CALL SINFUL. SO THEY SAY, SENATOR CHAMBERS, DON'T TALK TO ME ABOUT SIN TAX BECAUSE I TOOK A VOW NOT TO RAISE ANY TAX. AND THAT'S NOT EVEN WHAT I'M TALKING ABOUT. BUT WHY SHOULD YOU SPEAK TO SOMEBODY IN GREEK WHEN ALL THEY UNDERSTAND IS FRENCH? WHY DO YOU TRY TO REASON WITH PEOPLE WHO HAVE NO ABILITY TO THINK LOGICALLY OR REASON? I'M TALKING TO THE PEOPLE WHO WATCH US. I'M TALKING TO THE RECORD. SO THAT WHAT MY POSITION IS, IS CLEAR. THE CONTRADICTIONS THAT PEOPLE MAKE, THE FOOLISHNESS THAT PEOPLE STAND UP HERE ON THE FLOOR AND TALK ABOUT THE CONSTITUTION AND THEY HAVE NO IDEA. LET ME TELL YOU RIGHT AWAY WHAT THE DIFFERENCE BETWEEN A STATE CONSTITUTION AND THE FEDERAL CONSTITUTION IS. THE FEDERAL CONSTITUTION IS A DOCUMENT OF GRANTED POWERS. WHATEVER THE CONSTITUTION DOES NOT SPECIFICALLY SAY THAT THE GOVERNMENT CAN DO, THE GOVERNMENT CANNOT DO. IT CAN ONLY DO WHAT IT'S GIVEN THE POWER TO DO. YOU CANNOT GIVE WHAT YOU DON'T HAVE. A STATE CONSTITUTION DOES NOT BESTOW ANY RIGHTS ON THE LEGISLATURE. IT'S A RESTRICTION ON WHAT THE LEGISLATURE CAN DO. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR CHAMBERS: IF IT'S NOT RESTRICTED BY THE CONSTITUTION, THE LEGISLATURE CAN DO IT. THEY MOVE IN OPPOSITE DIRECTIONS. SO WHEN SOMEBODY WOULD SAY, WELL, BEFORE YOU OFFER A BILL, SHOW ME WHERE YOU CAN DO IT UNDER THE CONSTITUTION OF NEBRASKA, WELL, IF IT'S NOT

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PROHIBITED BY THE CONSTITUTION, THE LEGISLATURE CAN DO IT. BUT WHEN YOU DON'T UNDERSTAND THE CONSTITUTION AND YOU TALK ABOUT WHAT YOU CALL COMMON SENSE, IT TURNS OUT TO BE NONSENSE. BUT I'M NOT GOING TO BE SWAYED BY NONSENSE WHETHER IT'S OFFERED BY MY FRIENDS, MY ENEMIES, OR THE NEUTRALS. I HAVE TOO MUCH RESPECT FOR MYSELF. AND I DON'T REALLY CARE WHAT THESE PEOPLE SAY. AND IF SENATOR GARRETT FEELS DEMONIZED, I TELL HIM, GET OVER IT. BUT I MAKE HATS. IF YOUR NUMBER COMES UP, PUT IT ON. I DIDN'T SAY PUT IT ON...I MEAN, I DIDN'T PUT IT ON YOU. AND THEN WHEN YOU HOLLER, THE FIRST HEN THAT CACKLED LAID THE EGG IS WHAT SOME PEOPLE SAY. [LB289]

PRESIDENT FOLEY: TIME, SENATOR. [LB289]

SENATOR CHAMBERS: WAS THAT MY THIRD TIME? [LB289]

PRESIDENT FOLEY: THERE'S THREE SENATORS IN THE QUEUE AND THEN YOU CAN CLOSE, SENATOR. [LB289]

SENATOR CHAMBERS: OKAY. [LB289]

PRESIDENT FOLEY: SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB289]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I'VE KIND OF REMAINED SILENT ON THIS BILL AS TO NOW. I GUESS THIS IS...IT'S A TOUGH BILL FOR ME. WE HAVE HAD THE GUN REGISTRY FOR 30 YEARS OR SO, AND IT'S NEVER BEEN AN ISSUE. I SOMETIMES FEEL LIKE WE CREATE WEDGE ISSUES AND I FEEL LIKE THIS IS ONE THAT IS MORE MANUFACTURED THAN REALITY. I'M GOING TO TALK TO YOU MORE AS A FORMER PROSECUTOR AND HOW WE USED THIS REGISTRY. I THINK IT'S VERY IMPORTANT. I OWN SHOTGUNS. I DON'T REGISTER THEM. I DON'T HAVE TO REGISTER THEM. BUT I OWN THEM. IF THEY'RE STOLEN, IT'S SOMETIMES DIFFICULT IF I LOSE ONE OR IT'S STOLEN AND I DON'T KNOW ABOUT IT TO PROVE THAT IT WAS STOLEN AT THE TIME...AT THE TIME OF THE COMMISSION. WITH A GUN REGISTRY, WE KNOW WHO OWNS THE GUN. AND IF I OWN A HANDGUN, I HAVE A HIGHER RESPONSIBILITY, AND I UNDERSTAND THAT. IT'S PARTIALLY WHY I DON'T OWN ONE, TO MAKE SURE THAT I FOLLOW WHAT IS REQUIRED AND AMONG THOSE IS THAT IT IS REGISTERED. AND I WANT TO MAKE SURE IT IS REGISTERED BECAUSE IF THAT HANDGUN IS USED IN A CRIME, A SHOTGUN IS USED...IS LESS LIKELY TO BE USED IN A CRIME. IT'S MORE LIKELY TO BE USED FOR WHAT I USE IT FOR:

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HUNTING. A HANDGUN IS MEANT...ITS PURPOSE IS DIFFERENT. IT IS NOT MEANT FOR KILLING ANIMALS. IT IS GENERALLY MEANT FOR, TO PUT IT POLITELY, SELF-DEFENSE. AND SO BECAUSE IT'S USED FOR THAT, WE HAVE DIFFERENT REQUIREMENTS. AND ONE OF THOSE IS THAT IT IS REGISTERED. IF THAT HANDGUN IS USED IN A CRIME, POLICE OFFICERS CAN AND DO USE THE GUN REGISTRY TO SEE WHO OWNED THAT GUN. IT'S THE START OF AN INVESTIGATION. THEY CAN LOOK TO SEE, WAS THERE A POLICE REPORT FILED. IF I OWN A HANDGUN AND IT'S REGISTERED, I KNOW I HAVE A DUTY TO REPORT WHEN IT IS STOLEN. OTHERWISE, THE ONUS IS ON ME BECAUSE I AM THE OWNER OF IT. THAT'S IMPORTANT. WE SIT HERE IN THE LEGISLATURE AND TALK ABOUT THE DEVELOPED BRAIN AND HOW IT TAKES A LONG TIME FOR THE BRAIN TO DEVELOP. I THINK IT'S IMPORTANT THAT THOSE UNDER THE AGE OF 21 HAVE DIFFERENT REQUIREMENTS. WE DO IT ON A NUMBER OF ISSUES. THIS IS ONE OF THEM. AND AGAIN WE'RE TALKING ABOUT HANDGUNS. WHEN YOU FIRE A BULLET, YOU CAN'T PULL THAT BULLET BACK. AND SO I THINK, AGAIN, IT'S INCUMBENT UPON US TO REALIZE THAT YOU HAVE A HIGHER DUTY OF...WE HAVE A HIGHER DUTY OF RESPONSIBILITY TO MAKE SURE THAT THE INDIVIDUAL HANDLING THAT FIREARM KNOWS THE RESPONSIBILITY AND IS ABLE TO COMPREHEND WHAT THEY'RE DOING. SO, I APPRECIATE THE BILL. I APPRECIATE ALL SENATOR EBKE IS DOING. I THINK...I DON'T THINK ANYONE ELSE IN THIS BODY BUT SENATOR EBKE COULD PASS LB289, TO BE HONEST WITH YOU. AND I APPRECIATE THAT SHE IS WILLING TO WORK AND COMPROMISE. THAT'S HOW LEGISLATION GETS PASSED. AND WE KNOW SENATOR CHAMBERS ISN'T GOING TO BE ON BOARD, AND HE'S A FRIEND AND I APPRECIATE THAT HE IS NOT ON BOARD, BUT WE CAN ALWAYS LOOK FOR WAYS TO IMPROVE THE CURRENT SITUATION. THINGS HAVE CHANGED OVER TIME. AND THIS IS NOT A VIOLATION OF A CONSTITUTIONAL RIGHT. IF IT WERE, FOLKS, WE'RE IN THE WRONG VENUE. IF THERE'S A CONSTITUTIONAL VIOLATION, THE PROPER VENUE IS THE COURTS, NOT THE LEGISLATURE. AND IF THERE WAS A VIOLATION...
[LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR HARR: THANK YOU...IT WOULD BE IN THE COURTS. THE FACT THAT IT HAS BEEN CHOSEN TO BE BROUGHT HERE INSTEAD OF THE COURTS, I THINK WE CAN...WE KNOW WHAT THAT MEANS. SO I LOOK FORWARD TO WORKING...TO SEEING SENATORS WORK TOGETHER TO FIND A RESOLUTION THAT WE CAN ALL AGREE WITH THAT IS NOT PERFECT, PROBABLY NEITHER SIDE IS GOING TO BE EXCITED ABOUT. BUT THAT'S GOING TO BE THIS SESSION, FOLKS. AND THAT'S WHY WE'RE GOING TO HAVE TO WORK TOGETHER. SO I WANT TO THANK ALL

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THE MEMBERS WHO ARE DOING WORK ON THIS. I WILL SIT BACK AND WATCH BUT I WANT TO THANK THOSE THAT ARE WORKING TOWARDS A COMPROMISE. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR MELLO, YOU'RE RECOGNIZED. [LB289]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'LL BE BRIEF. AS I MENTIONED EARLIER, I JUST WANTED TO READ INTO THE RECORD THE LETTER THAT I JUST PASSED OUT FROM THE OMAHA POLICE OFFICERS ASSOCIATION TO CLARIFY WHAT SOME ON THE FLOOR MAY OR MAY NOT HAVE SAID AND/OR BELIEVE IN REGARDS IF THERE IS A PUBLIC SAFETY CONCERN COMING OUT OF THE METROPOLITAN-CLASS CITY. IT STATES: WE'VE ALREADY EXPRESSED OUR OPPOSITION TO THE PROPOSED CHANGES TO LB289 REGARDING THE REGISTRATION OF A FIREARM. THE CITY OF OMAHA ORDINANCE IN ITS CURRENT FORM IN NO MEANINGFUL WAY RESTRICTS LEGALLY VALID CONCEALED CARRIERS FROM CARRYING A FIREARM. IN ITS CURRENT FORM, THE REGISTRATION PROCESS ALLOWS FOR THE POLICE DEPARTMENT TO HAVE THE ABILITY TO DENY THE MENTALLY ILL OR THOSE INVOLVED IN DOCUMENTED GANG ACTIVITY FROM NOT ONLY CARRYING A CONCEALED FIREARM, BUT FROM POSSESSING ONE IN THE FIRST PLACE. THE PROPOSED CHANGES WOULD VERY LIKELY INCREASE THE POSSESSION OF ILLEGAL FIREARMS PARTICULARLY BY GANG MEMBERS WHO COULD USE THE RUSE OF I'M, QUOTE, NOT FROM OMAHA, INSULATING THEM FROM THE PROSECUTION OF POSSESSING A FIREARM ILLEGALLY. FURTHERMORE, IT COMES TO OUR ATTENTION THAT THESE PROPOSED CHANGES WOULD ELIMINATE THE ABILITY TO ARREST AND BRING CRIMINAL CHARGES AGAINST JUVENILES WHO ARE FOUND TO BE IN POSSESSION OF A HANDGUN. THIS HIGHLY DANGEROUS PROPOSITION GIVES FREE REIN TO JUVENILE GANG MEMBERS WHO WE ALREADY KNOW WITH NUMEROUS AVAILABLE EXAMPLES ENGAGE IN CARRYING OF ILLEGAL FIREARMS TO COMMIT VIOLENT CRIMES TO INCLUDE ROBBERY, FELONY ASSAULT, AND HOMICIDE. GANG ORGANIZATIONS FREQUENTLY USE YOUNGER JUVENILES TO CARRY WEAPONS AND ENGAGE IN THE COMMISSION OF VIOLENT CRIMES, KNOWING THEY ARE NOT SUBJECT TO THE SAME SERIOUS CRIMINAL CONSEQUENCES AS AN ADULT OFFENDER. WE WOULD SEE AN INCREASE IN THIS METHOD OF COMMITTING CRIME UNDER THE PROPOSED CHANGES IN LB289. YOUR BILL IS NOW SET TO GIVE DANGEROUS GANG MEMBERS TO INCLUDE JUVENILES A FREE PASS IN THE CITY OF OMAHA. THE PROPOSED CHANGES ARE DANGEROUS PUBLIC POLICY THAT IN NO WAY PROVIDE ADDITIONAL GUN RIGHTS TO THOSE LEGALLY POSSESSING FIREARMS,

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WHILE ENDANGERING THE CITIZENS WHO EXPECT THE POSSESSION OF AN ILLEGAL FIREARM TO BE A PROSECUTABLE OFFENSE. FRANKLY, THE PROPOSED CHANGES ARGUABLY COME ACROSS NOT SO MUCH AS PRO-GUN BUT PRO-GANG. SINCERELY, PRESIDENT JOHN WELLS, THE OMAHA POLICE OFFICERS ASSOCIATION. COLLEAGUES, I READ THAT INTO THE RECORD BECAUSE I WANT TO REITERATE THE CONCERN THAT I THINK A NUMBER OF OMAHA AREA SENATORS HAVE IN REGARDS TO THIS LEGISLATION. AS WE DISCUSSED BEFORE, A NUMBER OF US, SENATOR EBKE, SENATOR SCHNOOR, MORFELD, MYSELF, AND OTHERS ARE GOING TO BE MEETING BETWEEN NOW AND TOMORROW MORNING TO TRY TO FIND A WAY TO ADDRESS WHAT I'VE UNDERSTOOD IT, FROM E-MAILS, FROM SENATORS OUTSIDE OF THE METROPOLITAN-CLASS AND PRIMARY-CLASS CITIES, AS AN ISSUE IN REGARDS TO HAVING SAFE HARBOR TRANSPORTING FIREARMS FROM A COMMUNITY THAT DOES NOT HAVE AN ORDINANCE TO A COMMUNITY THAT DOES HAVE AN ORDINANCE. THE REALITY IS THIS. YOU'VE HEARD NOW FROM LAW ENFORCEMENT MULTIPLE TIMES, THAT THE ISSUE OF GUN VIOLENCE AND GANG VIOLENCE, WHICH IS PREVALENT IN SENATOR CHAMBERS' DISTRICT, SENATOR COOK'S DISTRICT, MY DISTRICT, AND SENATOR FOX'S DISTRICT, IS A REAL CONCERN. AND IF WE'RE GOING TO TRY TO TACKLE WHAT WE KNOW IS A SIGNIFICANT PUBLIC POLICY FACING THIS STATE WHICH DEALS WITH GUN VIOLENCE AND GANG VIOLENCE IN AN AREA OF THE STATE WHICH HAPPENS TO BE VERY LOW INCOME, WHICH HAPPENS TO BE A HIGH-CRIME AREA, AND JUST SO HAPPENS TO BE PREDOMINANTLY MADE UP OF MINORITIES, IF WE'RE GOING TO TURN A BLIND EYE TO LAW ENFORCEMENT TELLING US THIS IS A SERIOUS ISSUE, WHAT ARE WE GOING TO DO IN THE FUTURE? HOW DO WE REALLY LOOK OURSELVES IN THE MIRROR AND SAY WE WANT TO ADDRESS THE INEQUITIES, THE INTERGENERATIONAL POVERTY, THE LACK OF OPPORTUNITY IN CERTAIN AREAS OF THE STATE? BUT WHEN LAW ENFORCEMENT SAYS WE'RE TRYING TO KEEP PEOPLE JUST SAFE FROM CRIME IN THIS AREA OF THE STATE, NAH, WE'RE GONNA TURN A BLIND EYE TO THAT. COLLEAGUES,... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR MELLO: ...I CAN APPRECIATE PEOPLE HAVING PHILOSOPHICAL DISAGREEMENTS WHEN IT COMES TO THE CONSTITUTION, WHETHER THE STATE OR THE U.S. CONSTITUTION. BUT I THINK SENATOR MORFELD MORE THAN ADEQUATELY EXPLAINED THIS IS NOT AN UNCONSTITUTIONAL ISSUE WE'RE TALKING ABOUT. THIS IS AN ISSUE OF LOCAL CONTROL, AND I LOOK AT THIS AS AN ISSUE OF PROTECTING CONSTITUENTS. IT'S NOT IMPEDING LAW-ABIDING REASONABLE GUN OWNERS. THIS IS PROTECTING PEOPLE WHO ARE BEING

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VICTIMS OF GUN CRIMES IN SOUTH OMAHA, VICTIMS OF GUN CRIMES IN NORTH OMAHA, MIDTOWN AND OTHER AREAS OF THE CITY. I THINK WE CAN FIND A REASONABLE WAY TO PROTECT GUN OWNERS' RIGHTS ACROSS THE STATE WITH THE SAFE HARBOR CONCEPT AND NOT THROW THE BABY OUT WITH THE BATHWATER, WHICH IS WHAT YOU JUST HEARD FROM LAW ENFORCEMENT OFFICIALS IN MY CITY. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. ITEMS FOR THE RECORD, MR. CLERK? [LB289]

CLERK: I DO, MR. PRESIDENT. YOUR COMMITTEE ON BANKING REPORTS LB731, LB853 TO GENERAL FILE, AND LB778 TO GENERAL FILE WITH AMENDMENTS. I HAVE A SERIES OF HEARING NOTICES: TRANSPORTATION COMMITTEE, AND HEALTH AND HUMAN SERVICES, SIGNED BY THEIR RESPECTIVE CHAIRS. SENATOR KOLTERMAN OFFERS LR423. THAT WILL BE LAID OVER. AMENDMENTS TO BE PRINTED: SENATORS MORFELD TO LB289; MELLO, LB289; SENATOR JOHNSON TO LB136; SMITH TO LB977. I HAVE ANOTHER HEARING NOTICE FROM THE HEALTH COMMITTEE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 422-425.) [LB731 LB853 LB778 LR423 LB289 LB136 LB977]

MR. PRESIDENT, I HAVE PRIORITY MOTIONS. I HAVE A MOTION TO ADJOURN, BUT A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO RECESS THE BODY UNTIL 12:30 TODAY.

PRESIDENT FOLEY: FOR CLARIFICATION, THERE WAS A MOTION TO ADJOURN BUT THE HIGHER RANKING MOTION IS THE MOTION TO RECESS AND RETURN AT 12:30. ALL THOSE IN FAVOR OF RECESS AND RETURN SAY AYE. THOSE OPPOSED SAY NAY. THE MOTION FAILS. THE QUESTION NOW IS THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. A MACHINE VOTE HAS BEEN REQUESTED. ALL THOSE IN FAVOR OF ADJOURNING VOTE AYE; THOSE OPPOSED VOTE NAY. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK.

CLERK: 15 AYES, 18 NAYS TO PLACE THE HOUSE UNDER CALL, MR. PRESIDENT.

PRESIDENT FOLEY: THE MOTION FAILS. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE ON THE QUESTION OF WHETHER OR NOT TO ADJOURN.

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

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CLERK: (ROLL CALL VOTE TAKEN.) 17 AYES, 8 NAYS TO ADJOURN.

PRESIDENT FOLEY: WE ARE ADJOURNED.