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Transcriber's Office

Floor Debate
March 12, 2013

[LB23 LB44 LB55 LB104 LB170 LB216 LB225A LB296 LB343 LB361 LB420 LB505
LB561 LB573 LB590 LB613 LB644 LR41CA LR92 LR93 LR94 LR95]

SENATOR GLOOR PRESIDING

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

SENATOR AVERY: (Prayer offered.)

SENATOR GLOOR: Thank you, Senator Avery. I call to order the fortieth day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

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

ASSISTANT CLERK: I have no corrections this morning.

SENATOR GLOOR: Thank you, Mr. Clerk. And are there any messages, reports, or announcements?

ASSISTANT CLERK: Mr. President, there are. I have a motion to withdraw LB644 as offered by Senator Davis. I have a notice of committee hearing from the Transportation and Telecommunications Committee; as well as Health and Human Services, a series of confirmation reports from Health and Human Services; a designation of LB505 by Senator Coash. Your Committee on Enrollment and Review reports LB225A as correctly engrossed. Enrollment and Review reports LB170 to Select File with amendments. I have a notice of committee hearings from the Judiciary Committee. New resolution, LR92, offered by Senator Scheer; that will be laid over. A notice of committee hearings from the Appropriations Committee. And finally, an announcement that the Retirement Committee will meet in Executive Session in Room 2022 at 10:15; that's Retirement in Room 2022 at 10:15. That's all I have, Mr. President. (Legislative Journal pages 655-658.) [LB644 LB505 LB225A LB170 LR92]

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

ASSISTANT CLERK: Mr. President, LR41CA was introduced by Senator Lautenbaugh. It is a proposed constitutional amendment to provide for the enactment of laws relating to live, replayed, and delayed horse races. The bill has been considered previously by

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the body. There was a motion to recommit LR41CA to the General Affairs Committee. That item is currently pending, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Lautenbaugh, I would ask you to please refresh the body's collective memory about your LR41CA. [LR41CA]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. Simply put, what this constitutional amendment would do would be to authorize the use of historic horse racing machines at licensed racetrack facilities. What these machines would do, in a nutshell, would be to replay races which have previously taken place. At the time of wagering, the specifics as to the date, time, names of the horses and jockeys and whatnot, would not be available. Bets would be placed, the race would be run, and the wagers would be paid out...for the pari-mutuel method, I guess I should point out. There was a question as to whether or not, in our current constitutional authority which authorizes pari-mutuel wagering on horse racing, if races that were run in the past would be properly wagerable upon, authorized under our current constitutional language. This would clarify that and show that races that have previously been run would be the proper subject of pari-mutuel wagering. That is, in a nutshell, what this amendment seeks to accomplish. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Lautenbaugh. And, Senator McCoy, would you also refresh the body's memory on your motion to recommit. [LR41CA]

SENATOR McCOY: Thank you, Mr. President, and good morning, members. We're back on the recommit motion that was brought a number of days ago now, with the break over the weekend, a couple of days of discussion last week. As I've said before, I don't bring this recommit motion lightly. It's not something we do very often in this body, although it has been done in my tenure here. But I file it not as a means to kill this constitutional amendment but as a means to fix what I believe to be some very substantive issues. I would direct members' attention back to a number of areas of our constitution that we are also seeking to change in addition to sending to the voters ballot language that would authorize live, replayed, and delayed racing, or historic horse racing, instant racing terminals, however you want to talk about them. There are a number of different issues, whether it be the pari-mutuel method versus a pari-mutuel method, among many others. I continue to have concerns along these lines and believe that a recommit motion back to the General Affairs Committee is the best method to fix these problems and bring back to us a succinct and appropriate constitutional amendment to forward to the voters. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator McCoy. Mr. Clerk for an announcement. [LR41CA]

ASSISTANT CLERK: Mr. President, the Urban Affairs Committee is meeting under the

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north balcony at 10:15.

SENATOR GLOOR: Thank you, Mr. Clerk. Members, cookies are being handed out today to celebrate Senator Seiler's "51st" birthday which was held on Sunday. Congratulations, Senator Seiler. Members, you've heard a review of LR41CA and the motion to recommit. We now move to debate. Are there senators wishing to be recognized? Seeing none, Senator McCoy, you are recognized to close on your motion to recommit. [LR41CA]

SENATOR MCCOY: Thank you, Mr. President. Again, I believe this recommit motion is necessary as the only means at this point that I'm aware of...or I should say the best means to address the problems substantively within this constitutional amendment, LR41CA. And with that, I would close. Thank you. [LR41CA]

SENATOR GLOOR: Thank you, Senator McCoy. Members, the question is, shall LR41CA be recommitted to committee? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LR41CA]

ASSISTANT CLERK: 11 ayes, 16 nays on the motion to recommit to committee, Mr. President. [LR41CA]

SENATOR GLOOR: The motion does not pass. Mr. Clerk. [LR41CA]

ASSISTANT CLERK: Mr. President, there are a series of amendments that have been filed to LR41. As the primary introducer, Senator Lautenbaugh has the opportunity to present his amendment, AM581. (Legislative Journal pages 659-660.) [LR41CA]

SENATOR GLOOR: Senator Lautenbaugh, you are recognized to open on your amendment. [LR41CA]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And I'm hoping this amendment is available on your gadget. I have to confess, I filed my only copy of it so I don't even have a copy of it in front of me as I speak. But if I think hard enough, it'll probably come to me. Thank you, Senator McCoy. What this does is essentially strike the language of the constitutional amendment and simply insert in our constitution the language "live, replayed, and delayed horseraces." This was the product of negotiations and discussions to address concerns that had been raised. Because again, the point here is to make it clear in our constitutional framework that we authorize pari-mutuel wagering on historic horse races--races that have already been run. So this would, with the addition of "live, replayed, and delayed horseraces," I believe this language would adequately put that issue to rest and authorize historic horse racing in Nebraska. I think this is a good amendment. I think it is the product of considered discussion and compromise, and I would urge you to vote in favor of this

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amendment. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Lautenbaugh. Members, you've heard the opening on the motion for AM581. We now move to discussion. Senator McCoy, you are recognized. [LR41CA]

SENATOR McCOY: Thank you, Mr. President, and thank you again, members. You have before you AM581 from Senator Lautenbaugh as the principal introducer of LR41CA. I think that this amendment is appropriate at this time. It addresses the fundamental structural concerns that I've outlined over a number of days here on the floor. It leaves back in our constitution a number of measures that I believe are appropriate, given that they've been there since 1934 and 1988 respectively. I think it also, on page 3, if you were to look at the bottom Section 2 of page 3, it rewords the ballot language to go to the voters of Nebraska in an appropriate manner. I've made no bones about the fact that I don't care for this issue, but I've also said that if we are going to send something to the people of Nebraska to ask for their vote for or against, it ought to be in the most constitutionally sound manner. I think this amendment does that. I'm reminded of something I read over the weekend, over the long weekend, which I get the opportunity to catch up on a lot of reading, as I know a lot of you do as well. I'm reminded of the story that I think is applicable this morning on this issue that Senator Daniel Webster stood on the floor of the United States Senate in 1830 and delivered what still is described as one of the greatest speeches ever in the history of Congress. I would note, members, that he said something very important. He said, I don't rise today to support one disparate interest or another, but I rise today to legislate for the whole. Well, I believe that that also applies to our Nebraska Legislature, that we legislate for the whole. I'm not a fan of this issue, but this amendment takes care of the concerns that I have brought before this body over the last number of days of conversation. And with that, I will close. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator McCoy. (Visitors introduced.) Continuing with floor debate, Senator Chambers, you are recognized. [LR41CA]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Lautenbaugh a question or two. [LR41CA]

SENATOR GLOOR: Senator Lautenbaugh, would you yield to a question from Senator Chambers? [LR41CA]

SENATOR LAUTENBAUGH: Yes, I will. [LR41CA]

SENATOR CHAMBERS: Senator Lautenbaugh, when you said there were discussions or negotiations or whatever the term was, who were the parties involved, or would they rather not be disclosed? [LR41CA]

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SENATOR LAUTENBAUGH: Well, Senator, honestly, I didn't ask them if I could disclose, so I don't know if I should. It was a few of our colleagues, but no one asked me to keep it confidential, and no one said, please give me credit for this either. [LR41CA]

SENATOR CHAMBERS: So would you...do you feel that you can tell me who they were? [LR41CA]

SENATOR LAUTENBAUGH: I would assume so. Senator McCoy and Senator Karpisek and I met in Senator Adams' office. [LR41CA]

SENATOR CHAMBERS: So there were four of you. [LR41CA]

SENATOR LAUTENBAUGH: Yes, sir. [LR41CA]

SENATOR CHAMBERS: How many...have you heard of the Dalton Gang? [LR41CA]

SENATOR LAUTENBAUGH: Yes. [LR41CA]

SENATOR CHAMBERS: Were they brothers? [LR41CA]

SENATOR LAUTENBAUGH: I believe some were. [LR41CA]

SENATOR CHAMBERS: And how many were in that gang? [LR41CA]

SENATOR LAUTENBAUGH: Well, you seem to be tipping your hand. I'm going to say four. [LR41CA]

SENATOR CHAMBERS: That's true. Thank you. I'd like to ask Senator McCoy a question or two if I may. Thank you, Senator Lautenbaugh. [LR41CA]

SENATOR GLOOR: Senator McCoy, would you yield to questions from Senator Chambers? [LR41CA]

SENATOR McCOY: I would. [LR41CA]

SENATOR CHAMBERS: Senator McCoy, I was doing some work here and I heard you say something about one of the greatest speeches of all time. Were you describing the one that you gave this morning? [LR41CA]

SENATOR McCOY: No. No, sir, I was not. I was describing the 1830 Senator Daniel Webster speech to the U.S. Senate, Senator. [LR41CA]

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SENATOR CHAMBERS: Okay. Now I was there not in the Chamber but I was nearby and I didn't think it was the greatest, but people can differ on that. Do you think that your speech that you gave this morning was one of your greatest speeches? [LR41CA]

SENATOR McCOY: I doubt it, Senator. I don't know if any of my speeches could be deemed noteworthy, probably. [LR41CA]

SENATOR CHAMBERS: Okay. Now at these negotiations you were present, correct? [LR41CA]

SENATOR McCOY: Well, I wouldn't describe it as a negotiation, Senator Chambers. We had a meeting... [LR41CA]

SENATOR CHAMBERS: Capitulation. At this capitulation, were you present? [LR41CA]

SENATOR McCOY: Well, I wouldn't deem it a capitulation either, Senator. I would be happy to outline more of the details if you'd allow me. I can hit my light and do that or if you'd like to give me a little bit of liberty to describe it, I'd be happy to do it, however you would wish. It's your time. [LR41CA]

SENATOR CHAMBERS: I would like to ask a question and then I will let you answer, and then I'll turn my light on, too, because I think we need to discuss this for the record. How would you characterize whatever this gathering was? [LR41CA]

SENATOR McCOY: Well, Senator, it's no secret to you. You've been here. I've brought up, so have you, a number of very substantive and I believe important constitutional concerns with this constitutional amendment, and that isn't even to talk about the constitutionality of historic horse racing, because that's the fundamental premise of this constitutional amendment. But my staff and I spent a great deal of time the last four or five days putting together the amendment that you see before you that Senator Lautenbaugh has introduced under his name. [LR41CA]

SENATOR CHAMBERS: All right. So this was a matter of Senator Lautenbaugh. Who convened the meeting? [LR41CA]

SENATOR McCOY: That would be Speaker Adams, Senator Chambers. [LR41CA]

SENATOR CHAMBERS: And you were called by phone? Were you contacted by carrier pigeon, by e-mail, or just how were you contacted? [LR41CA]

SENATOR McCOY: I received a phone call yesterday, Senator Chambers, requesting that I be present. [LR41CA]

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SENATOR CHAMBERS: And where was the meeting conducted? [LR41CA]

SENATOR McCOY: In the Speaker's Office, Senator. [LR41CA]

SENATOR CHAMBERS: And when you came, there were three other people present? [LR41CA]

SENATOR McCOY: There would be...it would have been a couple more than that, Senator: legal counsel from General Affairs Committee, Senator Karpisek, Senator Lautenbaugh,... [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR McCOY: ...and the Speaker, along with a member of his staff as well, and myself. [LR41CA]

SENATOR CHAMBERS: Who determined the invitees? [LR41CA]

SENATOR McCOY: I don't know the answer to that question, Senator. You may want to direct that to someone else. I apologize. [LR41CA]

SENATOR CHAMBERS: Thank you. My time is up on this time around. [LR41CA]

SENATOR GLOOR: Thank you, Senator Chambers. Mr. Clerk for an announcement. [LR41CA]

ASSISTANT CLERK: Mr. President, Judiciary will have an Executive Session in Room 2102 at 10:30.

SENATOR GLOOR: Thank you, Mr. Clerk. Continuing floor debate, Senator Karpisek, you are recognized. [LR41CA]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I apologize that I missed talking about the recommit motion, but it went faster than I thought and we were having an Exec. So we have, a few of us, as we've heard, have gotten together and talked about the issues in this CA that Senator McCoy had raised last week. Senator Lautenbaugh, the last I knew, was talking to people and thinking about the proposed changes and the amendment, and he obviously seems that they are okay. I am okay with them, if that helps. I guess I will still stand by my points of last week, saying that, in my opinion--and that's only my opinion--it was okay the way it was. But maybe I was wrong and...because that's happened before. We all know that. But if this helps the questions by Senator McCoy and everyone is okay with it, I am more than happy to be okay with it and support the amendment. I know that that doesn't get us

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past the issue at the...what the LR really does. So my thought is that we don't need to send this back to committee, as I had said last week; that we can do it on the floor. That's what the AM does, and I would ask that you support the amendment. And however you feel on the bill underlying is your opinion. And we hopefully will not talk this part over too much, but hopefully move on to different parts of the LR. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Karpisek. (Visitors introduced.) Continuing with the discussion, Senator Murante, you are recognized. [LR41CA]

SENATOR MURANTE: Thank you, Mr. President. Good morning, colleagues. As we all know, sometimes in the midst of filibusters, senators stand up and speak and have to make stretches to connect what they want to say to the subject at hand, and I'm going to make that stretch. So LR41CA, Senator Lautenbaugh is trying to improve the future of Nebraska. And today we have future leaders of Nebraska in the form of the Girl Scouts. Several of them are going to be in my office selling Girl Scout cookies for the remainder of the day, so if you'd like to get your Girl Scout cookies, please go down to my office. And they also will also be traveling office to office, seeing if you're interested in supporting their cause. It's a good organization. It's an organization that I support. As many of you know, my wife Melissa has worked for the Girl Scouts for a number of years. I'd hope you would support their cause. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Murante. (Doctor of the day introduced.) Senator Chambers, you are recognized. [LR41CA]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, before I go into some additional questioning, I would like to ask Senator Lautenbaugh another question. [LR41CA]

SENATOR GLOOR: Senator Lautenbaugh, would you yield? [LR41CA]

SENATOR LAUTENBAUGH: Yes. [LR41CA]

SENATOR CHAMBERS: Senator Lautenbaugh, if this amendment is adopted, does it do everything that you wanted the original form of the amendment to do? [LR41CA]

SENATOR LAUTENBAUGH: I believe so. [LR41CA]

SENATOR CHAMBERS: And you had said if this is advanced, you would not pursue LB590. Is that correct? [LR41CA LB590]

SENATOR LAUTENBAUGH: That is correct. [LR41CA]

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SENATOR CHAMBERS: And you intend not to pursue it? [LR41CA]

SENATOR LAUTENBAUGH: That is correct. [LR41CA]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I'd like to ask Senator Karpisek a question or two if I may. [LR41CA]

SENATOR GLOOR: Senator Karpisek, would you yield? [LR41CA]

SENATOR KARPISEK: Of course. [LR41CA]

SENATOR CHAMBERS: Senator Karpisek, you had said that you thought that the original form of this amendment was all right, but you could be wrong. Is that what you said? [LR41CA]

SENATOR KARPISEK: That is what I said, Senator Chambers. [LR41CA]

SENATOR CHAMBERS: Have you ever heard of an artist named Billy Joel? [LR41CA]

SENATOR KARPISEK: Yes, I have. [LR41CA]

SENATOR CHAMBERS: He sang a song that said, "You may be right. You say I'm crazy but it just might be a lunatic you're looking for. Turn out the light, don't try to save me. You may be wrong but for all I know you may be right." Now do you think they're calling you a lunatic by rejecting your position that the original form of the bill was all right? [LR41CA]

SENATOR KARPISEK: They may be, Senator. [LR41CA]

SENATOR CHAMBERS: Would you say they're right or wrong if that were their characterization of your support of what they brought to the floor? [LR41CA]

SENATOR KARPISEK: I would say that they would be wrong. [LR41CA]

SENATOR CHAMBERS: And since they brought it to the floor, were you, since you supported what they were doing, entitled to believe that with that "brain trust" working on it, they had put the amendment in a form that was acceptable? Were you entitled to believe that? [LR41CA]

SENATOR KARPISEK: Yes, I was, along with our committee. [LR41CA]

SENATOR CHAMBERS: And you did believe that. Not only were you entitled to believe it; you did, in fact, believe that, didn't you? [LR41CA]

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SENATOR KARPISEK: Yes, I did. [LR41CA]

SENATOR CHAMBERS: And the ones in whom you put your trust decided that the approach they took was wrong. Isn't that correct? [LR41CA]

SENATOR KARPISEK: I don't know if they've said that they're wrong, but this would be acceptable. [LR41CA]

SENATOR CHAMBERS: If they were going down path A and said it was the right path, then they switched drastically and went down path B, wouldn't that be saying that path A was wrong? [LR41CA]

SENATOR KARPISEK: That would, but I don't feel that we've switched drastically on this. [LR41CA]

SENATOR CHAMBERS: So you're trying to be a diplomat now and say that even though they've changed, they haven't really changed. [LR41CA]

SENATOR KARPISEK: They have changed, I don't think significantly. [LR41CA]

SENATOR CHAMBERS: And what would it take for you to feel that the change was significant? [LR41CA]

SENATOR KARPISEK: For there to be completely new language put in or stricken from the statute...or the constitutional amendment, originally or the bill. [LR41CA]

SENATOR CHAMBERS: They stripped away most of the language that they were proposing originally. Isn't that true? [LR41CA]

SENATOR KARPISEK: That is, but I contended last week that the new language took care of what was stricken. [LR41CA]

SENATOR CHAMBERS: So you were the one who was the driving force to adopt this new language or substitute this new language? Is that true? [LR41CA]

SENATOR KARPISEK: No. [LR41CA]

SENATOR CHAMBERS: Who was the driving force? [LR41CA]

SENATOR KARPISEK: The driving force? It's Senator Lautenbaugh's bill... [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

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SENATOR KARPISEK: ...and Senator McCoy had raised the issues. So I don't know, Senator, that I would say there was a driving force. [LR41CA]

SENATOR CHAMBERS: Who offered the language? [LR41CA]

SENATOR KARPISEK: Senator McCoy. [LR41CA]

SENATOR CHAMBERS: So it becomes now Senator McCoy's bill, in effect. [LR41CA]

SENATOR KARPISEK: If you want to say that, I won't argue that point. I still think it's Senator Lautenbaugh's. [LR41CA]

SENATOR CHAMBERS: Thank you. I would like to ask Senator McCoy a question. [LR41CA]

SENATOR GLOOR: Senator McCoy, would you yield? [LR41CA]

SENATOR McCOY: Yes. [LR41CA]

SENATOR CHAMBERS: Senator McCoy, you now are prepared to take co-ownership of this constitutional amendment. Is that true? [LR41CA]

SENATOR McCOY: No, Senator, it's not true. I'm not prepared to take ownership of it. [LR41CA]

SENATOR CHAMBERS: Well, do you support it? [LR41CA]

SENATOR McCOY: No, I do not, and I will not be voting for it. I will however be voting for this amendment. [LR41CA]

SENATOR CHAMBERS: Do you think this amendment improves the bill? [LR41CA]

SENATOR McCOY: I do. I think it makes it constitutionally more sound. My light is on next, Senator, and I'm going to outline why... [LR41CA]

SENATOR GLOOR: Time, Senators. [LR41CA]

SENATOR CHAMBERS: Thank you. [LR41CA]

SENATOR GLOOR: Thank you, Senator McCoy and Senator Chambers. And, Senator McCoy, you are next in the queue. [LR41CA]

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SENATOR McCOY: Thank you, Mr. President. And I beg Senator Chambers' indulgence. Obviously, I'll continue with what I believe to be his question; and if that is not fully what his question was, I'd be happy to talk about with him further on the mike. Let me talk about, members, again what this language is and why I believe, and a little bit of contradiction to Senator Karpisek, why I believe what we're doing in AM581 is very significant. I'll repeat that: very significant. It's my belief that when we send a constitutional amendment to the people of Nebraska, every jot and tittle matter. Every comma matters. Every word matters. And we shouldn't be trivial about it. That's what this amendment is about. You will recall I mentioned a number of times last week some changes that were made that I believed to go well far and beyond the mere authorization, if the voters were to approve, of historic horse racing. You know, you recall I mentioned that we were removing the two words "wherever run." Members, those two words, you could go back to multiple Attorneys General Opinions, several Supreme Court decisions before and after the 1988 election when simulcasting was authorized for the people of Nebraska. Members, "wherever run" is very significant. That was very specifically added to our constitution to authorize simulcasting, and it seems to me...I'm not an attorney, but it seems to me pretty simple why. It's not enough to say within or without the site of the state, because when you're talking about simulcasting, you could be talking about a race that you're watching in simulcasting in Dubai, in Europe, wherever, South America. The "wherever run" was the clearest and most concise way to put into our constitution to allow simulcasting. I would humbly submit that the only member that I'm aware of...well, I guess I shouldn't say this, I guess. Potentially two of our members of the current Legislature were here in 1988 when that...well, when that came through the Legislature. That would be Senator Chambers and Senator Ashford, unless I'm mistaken. Perhaps either one of them could give some perspective, although I know Senator Ashford is away from the floor at the moment, some perspective on that. That is one very significant change that you now see "wherever run" added...left back in the constitution. You also heard me talk about that the "by licensees" was stricken from our constitution. I have a list of over 20 statutes, members, in our statute that deals with licensees. In places, it talks about licensed racetracks being the licensee. In places it's individuals. I would submit to you, members, to our knowledge we do not have a statutory definition of a licensee as it pertains to pari-mutuel wagering and racetracks. Perhaps we need one. That's a topic for another day. That language would be left in. We don't then tinker with violating our membership with the Interstate Compact on Pari-Mutuel Wagering. We also, members, don't get into some tricky areas in reference to licensure of all pari-mutuel employees, which I believe is something that's not intended under this constitutional amendment. And if it is, it shouldn't be. [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR McCOY: Thank you, Mr. President. I would also go back to another several areas that I think that are important and I probably will talk about this perhaps at length

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here later. It changes back and leaves the language "the" pari-mutuel method, instead of "a" pari-mutuel method. And some might say, well, what difference does "the" or "a" make? Well, there isn't a statutory definition of "the parimutuel method." It's my understanding, as a nonattorney--perhaps some of the attorneys could correct me if I'm wrong--that the Supreme Court interprets the literal meaning if there isn't a statutory meaning. We've had "the parimutuel method" has been in our constitution since 1934. I submit to you that would be interpreted as the statutory definition. This changes it back and leaves that. And I'll wrap up with that, Mr. President. [LR41CA]

SENATOR GLOOR: Time, Senator. [LR41CA]

SENATOR McCOY: Thank you. [LR41CA]

SENATOR GLOOR: Senator McCoy, you are next in the queue, although please note this is your third time, Senator. [LR41CA]

SENATOR McCOY: Thank you. It will be my final time. Again, so we'll leave in...this leaves in "the" pari-mutuel method, instead of changing it to "a." I would also direct your attention to what I believe to be vastly improved language that would go to the voters. And that would say, as all of you can see, on page 3, "A constitutional amendment to provide for enactment of laws providing for licensing and regulation of wagering on live, replayed, and delayed horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure." This addresses my constitutional concerns on this matter. My philosophical and personal views are still at issue, but I don't expect, members, for...that's up to all of us to vote for or against issues based upon our own views and the views of our individual districts. But at the end of the day, we are state legislators and we do legislate for the whole. That's why I, along with my staff, have invested an inordinate amount of time on this issue, not to kill it. Perhaps the voters of Nebraska will carry this forward, I don't know. I don't want to speculate on that. I think that would be unwise and probably unfair. But if we're going to submit something to the people of Nebraska, whether it's a constitutional amendment on hunting and fishing, as we've done lately, or any other matter, it ought to be done right. It's my opinion that AM581 works towards that goal that ought to be the goal of us all, I believe. And again I support it, but I will not be voting for the advancement of the underlying constitutional amendment when and if we get to that point. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator McCoy. Senator Schumacher, you are recognized. [LR41CA]

SENATOR SCHUMACHER: Thank you, Mr. Chairman, members of the Legislature. I agree with Senator McCoy that every comma and every word makes a difference. And the proposed amendment says "live, replayed, and delayed horseraces." I'm kind of

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scratching my head to try to figure out how something can be live and delayed at the same time. I recognize there's principles in physics called Schrodinger's cat, where he's alive and dead in the box for...until the box is opened. But I didn't know that applied to this. So, Senator Lautenbaugh, would you yield to a question? [LR41CA]

SENATOR GLOOR: Would you yield? [LR41CA]

SENATOR LAUTENBAUGH: Yes, I will. [LR41CA]

SENATOR SCHUMACHER: Senator Lautenbaugh, why was the word "and" chosen instead of "or"? [LR41CA]

SENATOR LAUTENBAUGH: Senator, as you point that out, I am standing here contemplating it and I think I might prefer the word "or." [LR41CA]

SENATOR SCHUMACHER: I think I might too. Thank you, Senator Lautenbaugh. That's all that I'd have on this for right now. I'm still scratching my head how you can bet on something that happened in the past, but that's for another moment. Thank you. [LR41CA]

SENATOR GLOOR: Thank you, Senator Schumacher. Senator Lautenbaugh, you are next in the queue and are recognized. [LR41CA]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I know that people are probably growing weary of this topic and, you know, I've been on this horse, so to speak, for several years now. But it remains important. And it was brought home to me, I guess, in the committee hearing on this when the representative of the Farm Bureau showed up and pledged their support for this measure and the one to follow. And I think that's an acknowledgement of things about this industry that I have tried to underline in the past, maybe not artfully enough, and I don't have, as some of you may know, the most comprehensive ag background of all the members in the body here. I think at one point I referred to the people that grow the things that horses eat, and that might be the extent of my knowledge as far as what horses actually eat. Hay, if I had to struggle for a more precise term. There might be oats in there too, for all I know. Maybe some corn, although I think that's bad for them, so probably not. In any event...now I'm going to have the corn growers after me, I recognize, so I probably better look into that before I say more. But this is an important industry and I don't want to sound like I'm always beating up on keno, but I don't see the jobs associated with keno, really. I do see them associated with horse racing, because we have the people that actually raise the horses, the horsemen, the breeders out on the farms, the people who care for the horses. And then when you have live racing, there's so many attendant jobs with that at the track. Most of them I didn't even know what they were for sure, there were so many of them. But they're important and there are a lot of them. And I

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think it's important that we support this industry and continue to support this industry and signal that these jobs are important; by last count, I think almost 3,000 directly related to horse racing. That's not something I'm willing to turn my back on and these are not...I know you've heard them described as a certain type of gaming device, but they are not that. I looked at one of the terminals. I watched the horse race on it. The results are determined by how the race came out whether or not you win or lose. You see the odds ahead of time. I guess I should say you see the tendencies of the horse, winning percentage, the jockey winning percentage, that kind of thing, and you make your bet. It is like betting on a horse race because that's what you are, in fact, doing. And this is an important part of our tradition. Senator Ashford spoke last year, movingly, about the history of Ak-Sar-Ben and the history of horse racing in our state, and I hope people were paying attention when he said what he said. And I hope people are still paying attention to this, because this is not casinos. This is not keno. This is not a lottery. This is a part of our traditions here in Nebraska, and I would urge you to support this amendment, support the underlying constitutional amendment, and please continue to support this very important industry in Nebraska. This can go on. They're not asking for a handout. They're just asking for us to get out of their way and let them continue to do what they do and help so many people throughout the state. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Lautenbaugh. Senator Chambers, you are recognized. This is your third time, Senator. [LR41CA]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Schumacher is...I'm going to call him the "Thunder Stealer." If you vote for this amendment, then you're going to have to repair it. The brain trust met, minds like steel traps. And when those steel-trap jaws slammed shut, they take hold and won't let go, no matter what. But Senator Schumacher, in his low-key, calm, well-modulated way, pointed out a correction that needed to be made. Now in this amendment, as it's drafted, everything will be stricken, and I'm going to count for you the number of words in the new language that will become this amendment: "live," which is one; "replayed," which is two; "and," which is three; "delayed," which is four. And out of the four, one of the words is not appropriate. They couldn't see the words for the words. A constitutional amendment should be crafted with care. This was not a flaw that I would have brought up this early in the discussion. Let them get their amendment. Let it be discussed, and then point out why do you put "and." I'm opposed to the gambling, no matter how they configure this particular constitutional proposal. But it shows the desperation of the gambling interests and also their cunning. If they obtained this language, they probably think that those machines would automatically be authorized. But that would not necessarily follow, because there is nothing which indicates how this particular amendment will be carried out. It is not self-executing, in my opinion. I would like to ask Senator Lautenbaugh a question if he's available. [LR41CA]

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SENATOR GLOOR: Senator Lautenbaugh. [LR41CA]

SENATOR CHAMBERS: Let me ask Senator McCoy, because he is a co-conspirator. [LR41CA]

SENATOR GLOOR: Senator McCoy, would you yield for a question? [LR41CA]

SENATOR McCOY: I would. [LR41CA]

SENATOR CHAMBERS: Senator McCoy, did you hear Senator Schumacher's point about the inclusion of that word "and"? [LR41CA]

SENATOR McCOY: I did, Senator. [LR41CA]

SENATOR CHAMBERS: Now "and" is a conjunction, not a disjunctive word. It's not separating out. It's tying all three of these elements together. Would you agree with that? [LR41CA]

SENATOR McCOY: I guess I would, Senator. The one thing I would mention to you, if you look at the green copy of this constitutional amendment, which I think you have sitting there, Senator, the "and" part of it versus the "or," the "and" was there with the green copy. This amendment that you see before us doesn't change that. So I would say to the...that I'm happy to answer questions along those lines, but I think it would be better directed to the proponents of this underlying legislation rather than me, since I've already made it clear... [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR McCOY: ...I'm not a fan of the underlying constitutional amendment (inaudible). [LR41CA]

SENATOR CHAMBERS: Senator McCoy, when you say the "and" is in the green copy, is it new language or existing language where the "and" appears? [LR41CA]

SENATOR McCOY: It would be new language. [LR41CA]

SENATOR CHAMBERS: So if it was an error here, it would have been an error there, wouldn't it,... [LR41CA]

SENATOR McCOY: Absolutely correct. [LR41CA]

SENATOR CHAMBERS: ...because it's not the original... [LR41CA]

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SENATOR McCOY: Yes. [LR41CA]

SENATOR CHAMBERS: Thank you. And we'll have plenty of time to discuss this, because I intend to continue with my opposition. And just wonder, without requiring a response, why none of those who are opposed on the basis of opposition to gambling would have been at that particular meeting. Now Senator McCoy will be able to tell me if he is actually opposed to the gambling. I didn't have time to ask that. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Chambers and Senator McCoy. Mr. Clerk for an announcement and then an amendment. [LR41CA]

ASSISTANT CLERK: Mr. President, the Natural Resources Committee will hold an Executive Session under the south balcony at 11:00. The next amendment on the bill is an amendment to the Lautenbaugh amendment, FA23, offered by Senator Karpisek. (Legislative Journal page 660.) [LR41CA]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Karpisek, you're recognized to open on your floor amendment to AM581. [LR41CA]

SENATOR KARPISEK: Thank you, Mr. President. The floor amendment simply strikes the "and" and inserts an "or," as Senator Schumacher brought up and as Senator Chambers has talked about. It sounded like Senator Lautenbaugh was okay with that. So now on page 15...sorry, page 3, line 15 (sic) of the bill, it will read, "...regulation of wagering on the results of live, replayed, or delayed horseraces." Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Karpisek. And, Senator Karpisek, you are next in the queue. Do you wish to continue? Senator Karpisek waives. Senator Chambers, you are recognized. [LR41CA]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I'd like to ask Senator Karpisek a question. [LR41CA]

SENATOR GLOOR: Senator Karpisek, would you yield? [LR41CA]

SENATOR KARPISEK: Yes, I will. [LR41CA]

SENATOR CHAMBERS: Senator Karpisek, what does your amendment do, briefly? [LR41CA]

SENATOR KARPISEK: Briefly, it changes the "and" to an "or," as Senator Schumacher brought up. [LR41CA]

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SENATOR CHAMBERS: Thank you. Senator Karpisek, it seems that you've decided to put your "oar" in the water now. Is that true? [LR41CA]

SENATOR KARPISEK: I was just trying to help out. [LR41CA]

SENATOR CHAMBERS: Have you decided to put your oar in the water, yes or no? [LR41CA]

SENATOR KARPISEK: Oh, I think my oars have both been in the water on this. [LR41CA]

SENATOR CHAMBERS: Now let us examine this language. When you put "or," that means the racing can be live, it can be replayed, or delayed. If it's replayed, must it be delayed? How can you replay something that is live? If you're replaying it, it has to be delayed. Isn't that true? [LR41CA]

SENATOR KARPISEK: That does sound true. [LR41CA]

SENATOR CHAMBERS: Then how can you have replayed and delayed...how can you have one without the other? [LR41CA]

SENATOR KARPISEK: I can't give you that one right off the top of my head, Senator Chambers. I'm thinking though. [LR41CA]

SENATOR CHAMBERS: Then, Senator Karpisek, why did you offer this amendment? [LR41CA]

SENATOR KARPISEK: To put the "or" in because Senator Schumacher thought that was a good idea. [LR41CA]

SENATOR CHAMBERS: Well, if Senator Schumacher thinks it would be a good idea to kill the bill, will you agree to kill it? [LR41CA]

SENATOR KARPISEK: No. [LR41CA]

SENATOR CHAMBERS: Okay, now let's analyze a bit. Can you have...if you are replaying a race, has that word "re" in front of "play," let you know that the race has occurred previous to the time when you're wagering on it? If you are replaying it, it has already been played somewhere. [LR41CA]

SENATOR KARPISEK: Correct. Well, has it been played or has it just been run? [LR41CA]

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SENATOR CHAMBERS: The language says replayed. It doesn't say a rerun. This race has been played somewhere before. How are these playbacks to occur? [LR41CA]

SENATOR KARPISEK: Senator, I would just say that maybe the race was not played; that it was just run. So it is not being replayed. [LR41CA]

SENATOR CHAMBERS: So then you can't have a replayed race, right? [LR41CA]

SENATOR KARPISEK: Yeah, you got me on that one. [LR41CA]

SENATOR CHAMBERS: I haven't got you. You didn't put this word in there. [LR41CA]

SENATOR KARPISEK: I got myself. (Laugh) [LR41CA]

SENATOR CHAMBERS: Can you have a delayed race? [LR41CA]

SENATOR KARPISEK: Yes. [LR41CA]

SENATOR CHAMBERS: Now does delayed mean that the race had already been run? [LR41CA]

SENATOR KARPISEK: Yes. [LR41CA]

SENATOR CHAMBERS: Suppose the starting time is 2:00 p.m., and the equipment malfunctions and the race cannot be run until 3:00 p.m. Are you with me? [LR41CA]

SENATOR KARPISEK: Yes. [LR41CA]

SENATOR CHAMBERS: Has that race been delayed? [LR41CA]

SENATOR KARPISEK: Yes. [LR41CA]

SENATOR CHAMBERS: All right. You don't need a constitutional amendment to do that, do you? [LR41CA]

SENATOR KARPISEK: No, I'd say that's a different sort of delayed. [LR41CA]

SENATOR CHAMBERS: That's not what the constitutional amendment says. [LR41CA]

SENATOR KARPISEK: I'm sure there are many different things in the constitution, Senator, that we could look up and say, oh, well, that doesn't pertain to that. [LR41CA]

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SENATOR CHAMBERS: Didn't you hear all of that discussion about every jot, every tittle, every comma having meaning when it appears in the constitution? [LR41CA]

SENATOR KARPISEK: Yes, I did. [LR41CA]

SENATOR CHAMBERS: I'm putting this to you because you offered the amendment that is before us. Would you agree to withdraw your amendment and let somebody else offer it? [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR KARPISEK: I would, Senator. That would be fine. [LR41CA]

SENATOR CHAMBERS: Then I'm going to give you the remainder of my time to see what you want to do. [LR41CA]

SENATOR GLOOR: Fifty seconds, Senator. [LR41CA]

SENATOR KARPISEK: Thank you, Mr. President. I can withdraw it and let Senator Lautenbaugh reintroduce it if he would like to. It's his bill. I knew he was on the mike. I knew that was the question and I thought I would get it in so it's there, so we don't have to talk about that part anymore. So, Mr. President, I would like to withdraw FA23. Thank you. [LR41CA]

SENATOR GLOOR: Thank you, Senator Karpisek. So ordered. Continuing with floor debate on the underlying amendment, AM581. Senator Lautenbaugh, you are next in the queue. Senator Lautenbaugh waives. Senator Karpisek, you are next in the queue. [LR41CA]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. As we have dug through this bill line by line, word by word, comma by comma, we have found many times where we can say, well, does that mean this employee or that employee or this licensee or that licensee? I think if we look at any bill, we can also do that; and I'm not proposing that I do that. And I do understand that when it's a constitutional amendment, we need to make sure that it, as Senator Chambers always says, it says what it does and does what it says. There are many different times that things can be interpreted in a different way; hence, why as I said before, that I would support AM581. Senator McCoy had some very strong feelings about issues that were in the LR. Again, I didn't have that strong of feelings about them, but as we talked things through, if that was that big of a sticking point, okay. So that's what we have done. We put in...Senator Lautenbaugh put in AM581. The "or" again I put in so we'd make sure that we had it in. If that's a sticking point, then let's fix it. If there is a problem between "delayed" and "replayed," then we should maybe fix that too and look at it. Line by line, word by word, can all mean

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different things. Tone of voice can mean different things. I don't think that we can always assume, as maybe I did, what it said. But I also don't think that you can assume that it doesn't mean that. Again, I'm very glad that we were able to sit down, say AM581 makes people feel better. Senator Lautenbaugh said he will withdraw...or IPP the enabling legislation. Senator Chambers I agree with. I know me saying he's right doesn't make a lot of difference to him, but of course, once this is done, if the LR is passed by a vote of the people, correct, there would have to be a bill next year with enabling legislation to say how it's going to work. I have had CAs that way and I also ran bills along with them to say this is how we intend this to work, never intending on passing that legislation that year but the next, to make sure that we knew how this was intended to go. Now there would be nothing to come along the next year and completely redo that bill, but I think that would be disingenuous and I don't think that that would happen. But as I've talked to Senator Lautenbaugh, that is exactly what that was for,... [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR KARPISEK: ...was to put in place a bill to say if this were to be voted out of the Legislature, voted on and approved by the people, this is how we intend this to work. I think that's the correct way to do it and I think Senator Lautenbaugh has been nothing but forthright to say I never intended, probably, to pass that; and he has said he would IPP it. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Karpisek. Senator Schilz, you're recognized. [LR41CA]

SENATOR SCHILZ: Thank you, Mr. President, members of the Legislature. Good morning. I would like to stand and just mention a couple things. I want to commend Senator Lautenbaugh and Senator McCoy and everyone else that was involved in the negotiations or whatever they had this morning to help move the process forward. It's important that we try to work together on all the issues that we can, and it's also important that we maintain, you know, a working relationship here on the floor of the Legislature. I think it's important to note, once again, that what we're really here about and what it is to me and what it means to everybody else to maintain and to have the horse racing industry in the state of Nebraska a viable industry. Some of us remember some of those days, going to the parks and watching the races and getting to go back into the barns and seeing how the horses were taken care of and what happened during those days, and how interesting it was and how enjoyable it was as a family affair. I want to see those things continue, those experiences continue, as well as the experiences of those other children that we've talked about here on the floor as well with the 4-H and FFA and other livestock shows that go on, and things like that, that can only be held at facilities like these. I don't want to see those disappear either. I think it's important that we maintain that culture, that we maintain that tradition of what's gone on. You know, for years, the horsemen have asked for opportunities to help themselves.

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That's what I see this as, is an opportunity for the horsemen to help themselves maintain their industry. So that's what I look at here. I support the amendment, I support the underlying constitutional amendment, and I will be voting for both as we move on. And I would hope that everyone would also support it as well. Thank you very much. [LR41CA]

SENATOR GLOOR: Thank you, Senator Schilz. Mr. Clerk for an amendment. [LR41CA]

ASSISTANT CLERK: Mr. President, Senator Lautenbaugh would move to amend AM581 with FA24. (Legislative Journal page 660.) [LR41CA]

SENATOR GLOOR: Senator Lautenbaugh, you're recognized to open on your floor amendment. [LR41CA]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. Simply put, this is the substitute for Senator Karpisek's floor amendment. It takes out "replayed, and delayed" and inserts "or replayed at a later date or time." This is to address the concerns that were expressed. I don't think it materially changes the intent and I would urge you to vote for the floor amendment. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Lautenbaugh. Members, you've heard the opening on the floor amendment. We now move to floor debate. Senator Chambers, you are recognized. [LR41CA]

SENATOR CHAMBERS: Mr. President, I would like to ask Senator Lautenbaugh a question. [LR41CA]

SENATOR GLOOR: Senator Lautenbaugh, would you yield? [LR41CA]

SENATOR LAUTENBAUGH: Yes, I will. [LR41CA]

SENATOR CHAMBERS: Senator Lautenbaugh, would you give me the language of your amendment? [LR41CA]

SENATOR LAUTENBAUGH: Yes. On page 3, line 10 of AM581, it would strike "replayed, and delayed" and insert "or replayed at a later date or time." [LR41CA]

SENATOR CHAMBERS: Thank you. That's "later date or time,"... [LR41CA]

SENATOR LAUTENBAUGH: Yes. [LR41CA]

SENATOR CHAMBERS: ..."or replayed at a later date or time"? Thank you. Members of the Legislature, I've been in this Legislature for a long time. People don't have respect

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for me and what I do. I'm well aware of that. If I acted and operated on the basis of the respect people have for me, I would have gone and dug a hole, jumped into it, and pulled it in after me. But frankly, as Clark Gable said, I don't give a whisker what people think. People's opinion, when it goes contrary to what I think is right, has as much impact on me as the sweat of a gnat has on the Rock of Gibraltar. But I read what is presented to us. I'm a member of this Legislature. I never thought when I came here to this white people's Legislature that I would have any concern about its reputation or how it functioned, because to me white people are basically incompetent when they get into positions like this because they don't have to have qualification to get here. When they want us as black people to vote, they want to talk about identification cards and so forth; but when they're talking about white people holding office, they don't have to be able to read, they don't have to be able to write, they don't have to have gone to school at all, none of those things, because it's for them. They want to be inclusive and they know that the education they received is not that good. But when they want to exclude then they start doing things such as one of my colleagues and the political party of which he is a member want to do. But he's going to have a fight on his hands this session, and he's not going to be Governor either. People don't want a one "idea-ed" individual as a Governor or who plays openly on their prejudices and fears. It might play well in a place like Fremont but it's not going to play well statewide, because the state is viewed by people outside of Nebraska and it will be commented on by people outside of Nebraska. We are dealing with this amendment that is before us with a change to a change. The first change was when the collaborators on this bill struck all of the language from that bill and substituted four little words: "live, replayed, and delayed." Senator Schumacher raised an issue about the conjunction "and" as opposed to "or." Senator Karpisek, trying to be helpful, offered that as an amendment. Pursuant to our discussion, he determined maybe that wasn't such a good amendment after all... [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR CHAMBERS: ...and he withdrew it, pursuant to my suggestion. I want to help out when there are people for whom I have regard and think they are acting in good faith, and I didn't want his name on that because it didn't make a bad thing better. It confused the issue. And whether you used "and" or the word "or," the issue was still confused. So now we have a change to that change. And I'll have a chance to discuss that the next time I'm recognized. [LR41CA]

SENATOR GLOOR: Thank you, Senator Chambers. (Visitors introduced.) We continue with debate on the floor amendment. Senator Chambers, you are recognized. [LR41CA]

SENATOR CHAMBERS: Mr. President, members of the Legislature, through a slow evolutionary process, I became what you might call an institutional thinker. I became concerned about the Legislature as one of the three branches of government, the Legislature as an institution. And I'm a part of the Legislature regardless of how the

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Legislature came into being, what the intentions of those who brought it into being may or may not have been. The fact is, I voluntarily became a part of it. Everything that it does is a reflection on me, one way or the other, as a member of the Legislature. So even when I see atrocious ideas, such as encouraging gambling, which has had devastating effects throughout this society, across all lines and levels of society, if that kind of trash legislation is brought, then I can be put in a position to point out that it's still trash. I was not going to offer any amendments to try to improve it. I wanted it to die. And whether it died clad as a king or died in the rags of a tramp, I wanted it to die. But now that the tinkering has begun, I want to show that I pay attention to what my colleagues bring to us and that the attention that I pay is closer, more analytical than these collections that I refer to as the "brain trust." I was not a part of their negotiations or whatever they want to call it. I was presented the four little words, as the rest of you all were. This discussion I'm having now was forced, thanks to Senator Schumacher; and now Senator Lautenbaugh, to his credit, has taken instruction, and that is a wise, intelligent move. I don't care how forcefully I may express a position and my belief in that position. If I'm shown facts that establish that I'm in error, I will stop, turn around, get on the right path, and follow it. Senator Lautenbaugh did not stand up and try to justify a sow's ear when he's trying to make a silk purse and say this is a silk purse. No, he's saying it's a sow's ear after all; we're going to discard it and I'm offering now what I deem to be a silk purse. There is nothing wrong when we're on this legislative floor to acknowledge that either we made an error or there's a better way to do what it is we're trying to do. That's why we have the discussions, the debates, to use our collective intelligence to come up with a product which even if I disagree with the underlying purpose of it, the "craftspersonship"--we say craftsmanship--would indicate that work was put into this. We didn't just take any old thing and throw it out there because it could get the number of votes. So now we're in the painstaking work of doing what we're supposed to do as a Legislature. Unlike other states, we do ours in a fishbowl, in the light of day. And even though the four Dalton Brothers, as I call them, got together someplace... [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR CHAMBERS: ...that has been disclosed now and collaborated--I say conspired--to bring something to beguile and mislead us, although that wasn't their intention, that's what would have happened if I hadn't decided to get into this. Anybody could do what I do. But just pay attention. Read the words and ask yourself, what are those words saying and what do they mean? And the words that were presented to us did not say what the ones offering them meant them to say. So now an attempt is being made to make them say what is meant. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Chambers. Senator Chambers, you are recognized and this is your third time, Senator. [LR41CA]

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SENATOR CHAMBERS: Thank you. Mr. President, I appreciate your reminding me. But even though I went to OPS, I can count to three. Members of the Legislature, I'm going to continue speaking against this proposed amendment no matter what form it takes. I'm opposed to increased gambling, and this is going to increase gambling. The proponents will say it doesn't. With the kind of gambling they can do right now, they don't have enough revenue coming in. They cannot prettify what they're allowed to do now and bring in more suckers, so they have to take a different approach to get a different collection of suckers. And when you're trying to increase revenue from gambling and the current methods don't produce that revenue, you have to provide new and different means of gambling. So this constitutional amendment is designed to increase the amount and type of gambling that will be allowed in this state. Don't come talking to me anymore about Nebraska values...or as they say, vaaa-yuhz (phonetically). And I guess I'd spell that maybe v-a-a-a-y-u-h-z, vaaa-yuhz (phonetically), because they mispronounce values. Family values: Families comprise adults and children. You can't take your children to this. You don't want your children to be taught that this is the thing to do, that this is the way you get money--you get it without working. And the only ones who are going to be guaranteed a win are those who run the game, and others are going to be harmed by it. Are the words that Senator Lautenbaugh is presenting to us going to do what is it he wants to do? He has not joined in this discussion and he need not because he has a chance to close, and he doesn't even have to say anything then. He can just throw it out there and let you swallow it hook, line, and sinker. But I can be in a position to undo whatever you decide to do. So when the vote comes on his amendment, I'm not going to vote so that I can reconsider it if you decide to accept it. There are other things that I want to say about the importance of language and the meanings ascribed to words. There was a mayor named Richard Daley in Chicago, and he fractured the language worse than Samson did when he fractured 1,000 Philistines' heads with the jawbone of a jackass--which story I don't believe is true. But look at the fracturing he did. Richard Daley fractured the language more than that. And when reporters quoted him verbatim and it came out in the newspaper, and everybody was mocking and laughing at him, do you know what Richard Daley told the reporters? You shouldn't have written that...well, he said, you shouldn't have wrote that. They said, well, Mr. Daley, that's exactly what you said. He said, don't write what I say, write what I mean. Don't write what I say; write what I mean. How do I know what you mean... [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR CHAMBERS: ...other than by what you say and how you say it? I'm not through by a long shot, unless somebody takes a long shot at me and they've got good aim and maybe it's an AK-47. Thank you, Mr. President. [LR41CA]

PRESIDENT GLOOR: Thank you, Senator Chambers. Senator Lautenbaugh, you are recognized. Senator Lautenbaugh waives. Senator Schumacher, you are recognized.

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[LR41CA]

SENATOR SCHUMACHER: Thank you, Mr. Chairman, members of the body. As the struggle with the language continues, right now I think we're saying that you can bet on live races or, if this is adopted, ones that are replayed at a later time or date. So philosophically let's consider what we mean by "wagering," what we mean by "betting." Anybody want to bet who won World War II? Well, why not? I mean, we can replay the movie. Anybody want to bet on the outcome of Gone with the Wind? We can replay the movie. So what we've introduced here at "replayed at a later time or date" is, the results of this particular event are known, known by somebody. And if they're known by somebody, that somebody has a definite advantage in this game, because he can't lose. And if he can't lose, it isn't wagering. And we're getting into a semantic circle now, playing this particular game. Senator Lautenbaugh, would you yield to a question?
[LR41CA]

SENATOR GLOOR: Senator Lautenbaugh, would you yield? [LR41CA]

SENATOR LAUTENBAUGH: Yes, I will. [LR41CA]

SENATOR SCHUMACHER: Senator Lautenbaugh, would it be better, an improvement on this particular language that we're proposing to put in the constitution and take to a vote of the people and somebody spend probably millions of dollars trying to promote one way or the other, that after "or replayed at a later date or time" we insert the language, "the results of which are unknown to the wagerer at the time the wager is made"? Would that be better? [LR41CA]

SENATOR LAUTENBAUGH: Actually, no, I don't think that's necessary in the constitution, because the language below that talks about what the people will be voting on says that we would provide statutory authorization and licensing and regulation of it. And presumably when we authorized and regulated it we would not authorize a scheme whereby people could bet on something that others know the outcome of already. So we're authorizing the Legislature to authorize this, if you will. I don't think we need to put all the...dot all the i's and cross all the t's of the specifics in the constitution itself. I think that should be left for statutory or regulatory clarification. [LR41CA]

SENATOR SCHUMACHER: Well, then, Senator Lautenbaugh, if that is what we're proposing to do, what criteria in that legislation would you suggest that would prevent people from...or this mechanism from creating winners and losers based upon prior knowledge? [LR41CA]

SENATOR LAUTENBAUGH: Well, it would have to be something that would be approved...there would still have to be statutory authorization and regulatory authorization for any particular mechanism, I guess, Senator. And nothing that would

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work in the way you've suggested would be authorized, presumably. [LR41CA]

SENATOR SCHUMACHER: Would we be looking at conducting these races at a secret racetrack secured by all kinds of security so nobody understood what happened inside the box? [LR41CA]

SENATOR LAUTENBAUGH: I don't believe we would authorize something like that, no. [LR41CA]

SENATOR SCHUMACHER: So if we had, then, a set of films or race results, how would we keep them confidential so nobody knew that the race in which the third horse won is the next one up on the machine? [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR LAUTENBAUGH: Senator, that would not be part of what we would authorize, presumably. You're assuming that this would authorize everything under the sun. And that's not what it says. It says that there would be a method of wagering on previously run races authorized statutorily. [LR41CA]

SENATOR SCHUMACHER: Thank you, Senator. Basically, the way you would do this is you would have all the races programmed in a machine and you would randomly pick races; and the races would represent eight numbers, and the numbers would be programmed by a random-number generator as to which film or which race was pulled. At that point, it's not horses. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Schumacher. Chair recognizes Senator Schilz. [LR41CA]

SENATOR SCHILZ: Thank you, Mr. President. Well, here we are, another morning, time to talk about historic horse racing again. And it's...you know, and I'm just going to keep, you know, hammering on the drums and letting people know my side of the issue. As I said before, my family...my wife's family was involved in horse racing for quite a few years. And the experiences that I got to partake in with the horse races, and especially at Fonner Park in Grand Island, were something to behold. I learned a lot about different industries around the state, different ag industries that most people don't get a glimpse into, and what that really meant to the families that are involved, what that really meant to the people that are doing the work out there every day, whether it's the guys that take care of the horses in the morning, train the horses, ride them; concessionaires; vendors; people that sell the horses' feed, hay; restaurateurs; hotels; all sorts of ramifications of these jobs and what they mean to the people of the state of Nebraska, the people within this industry, as well as of the state of Nebraska themselves. I think it's important that as we look back and we see what horse racing has meant to the state, it was a big enough

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issue that the people of the state of Nebraska decided to put it and place it within their constitution. And we've heard a number of times here on the floor people talking about how important that constitution is and that what's in that constitution is meaningful. And I believe it is. And I believe that, as a state, we shouldn't shackle these industries, but rather we should give them the opportunity to help themselves, to move forward, and to benefit from that from which they do, which is horse racing wagering that has been around for...well, gambling has been around for centuries; horse racing has been in the constitution, I believe, since 1934. Somebody can correct me if that's wrong. But I believe it's important that we maintain this industry. They're not asking for a handout. They don't want a bunch of money given to them by the state. But, rather, they want to be successful on their own. They don't want anybody to help them out of the hole; they just want the tools to be able to do it themselves. And I think it's within our grasp and we should give them the opportunity to do this. For decades, I believe, the Legislature has held the horse racing industry back, whether you believe the industry is on a downhill slide or whatever. Is it our place--and this is a question that everyone has to answer, and this is the philosophical question--is it our place to be doing to the horse industry what we're doing? And if you ask what that is, what we've done is over the years we've stuck our feet in the sand, as a Legislature, and we've said we aren't going to give them any more tools than what they have already. And we've done this...we've given them other tools in the past to keep them going. So it's not like we haven't set a precedent, whether it's simulcasting or whatever you might say. [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR SCHILZ: Thank you. So we've set a precedent before of trying to help these folks. Only in the last 15 years or so have we decided that nothing should be done and that this industry should be allowed to just waste away. I don't believe that's what should happen. Thank you very much, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Schilz. Senator Nelson, you are recognized. [LR41CA]

SENATOR NELSON: Thank you, Mr. President, members of the body. I'd like to come back to FA24 and discuss that a little bit and perhaps offer a little different version of what Senator Lautenbaugh has. I...this is probably not on the floor to be...I mean the place to be, on the floor, to be hashing this out. It probably should be done at a later time, and perhaps they will be able to do that. But I find the language that has been offered under this floor amendment both rather ungrammatical and awkward, and I've expressed that to Senator Lautenbaugh. What we're talking about here is horse racing and what versions of horse racing. So it seems to me, in a way, we've gotten the cart before the horse here. We ought to talk about horse races. And I would say that instead of Floor Amendment...the language there, that we ought to say, referring to line 10: the regulation of wagering on the results of horse races, whether live or replayed at a later

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date or time, wherever run, either within or outside... So then I think it's clear that you've got live horse races or it would be horse races that are replayed at a later date or time. I think the floor amendment the way it is now would be difficult to interpret, or questions could be raised. We ought to make our language just as clear as we possibly can. So I'd like to address a question to Senator Lautenbaugh, realizing that probably my suggestion here isn't going to address the concerns of Senator Schumacher about somebody knowing the results of races. But, Senator Lautenbaugh, would you yield? [LR41CA]

SENATOR GLOOR: Senator Lautenbaugh, would you yield? [LR41CA]

SENATOR LAUTENBAUGH: Yes, I will. [LR41CA]

SENATOR NELSON: I'll read this again, that my version would say: wagering on the results of horse racing...or horse races, rather, whether live or replayed at a later date or time. Does that make a little more sense? [LR41CA]

SENATOR LAUTENBAUGH: It is a little cleaner, I'll grant you that. [LR41CA]

SENATOR NELSON: All right. We can talk about this a little further. But perhaps other people will speak up on it and see if that makes a little more sense to them, and maybe we could effect a change which at least would make this a little more clear. Thank you, Senator Lautenbaugh. [LR41CA]

SENATOR LAUTENBAUGH: Thank you. [LR41CA]

SENATOR NELSON: Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Senator Lautenbaugh, it is my understanding you wish to withdraw the floor amendment and substitute with another floor amendment. [LR41CA]

SENATOR LAUTENBAUGH: Yes, I do, Mr. President, and thank you. I did draft a substitute... [LR41CA]

SENATOR GLOOR: No, just a second, Senator Lautenbaugh. Seeing no objections, so ordered. Senator Lautenbaugh, go ahead and open on your substituted floor amendment. (FA26, Legislative Journal page 661.) [LR41CA]

SENATOR LAUTENBAUGH: Thank you, Mr. President. This is very similar to what we just did. I noted down below, in the language regarding the amendment, there was another section where it said, "live, replayed, and delayed," so I took out "and delayed" in both places in the amendment, on page 3. So it simply says, "live or replayed," in both places: live or replayed. I think this addresses the concern that Senator Nelson just

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expressed in that now the language on line 10, page 3, simply says, "the results of live or replayed horseraces." And down below, on line 24 and 25, it says, "wagering on live or replayed horseraces." I think that's simpler and cleaner. And I would urge you to adopt this floor amendment. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Lautenbaugh. Turning to floor discussion, Senator Bloomfield, you are recognized. [LR41CA]

SENATOR BLOOMFIELD: Thank you, Mr. President. And I'd like to yield my time to Senator Chambers. [LR41CA]

SENATOR GLOOR: Senator Chambers, 4 minutes 55 seconds. And then you are the following speaker, Senator Chambers. I will let you know when you're on your time. [LR41CA]

SENATOR CHAMBERS: Thank you. And, members of the Legislature, this does not count against my three times because "Johnny" Bloomfield gave it to me. Members of the Legislature, do you see what happens when I get in the discussion and I start looking at what you're presenting and I don't talk about my principles and my beliefs? It shows that you come up with "bunglesome" language. You act in haste; then you repent at leisure. The constitution should not be trifled with. You are watching the savaging of the constitution by the gambling interests. You think they care about this constitution? The constitution consists of words on paper. Let's say that this is the constitution. Now, I tore up a copy of the constitution, if this were the constitution. But does that which the constitution stands for cease to exist because I tore up a copy of it? No. But if I could get some fools in Congress, of a sufficient number, to offer an amendment to the Constitution and we got some states to ratify it, then the Constitution itself would have been altered, probably for the worst, and not "worse," meaning the midway, but "worst," w-o-r-s-t, because those changes occur usually in the heat of emotion. And people don't care about the constitution; they care about their ideology. The gambling interests don't care about this state's constitution; they don't care about this state; and they don't care about you. You could become a compulsive gambler; a member of your family could be. And when you look at the existing language in the portion of the constitution we're tinkering with this morning, it talks about compulsive gambling. And you're going to create more of it. How rational is that? When you do something which is contrary to the principles of right reasoning, that is idiocy. This that's being presented is idiotic. You should get rid of the provision in the constitution to provide funds for compulsive gambling. And I'm going to offer an amendment, if you accept what the gamblers are presenting, to strike that from the constitution so you won't look like a bunch of fools. And that's exactly what you look like. You are supposed to be interested in the welfare of the people in this state. You're offering something that is going to damage them. And in the same document where you're offering this damage, you're saying, but we're going to offer something over here to correct the damage that we're doing. Brothers and

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sisters, friends, enemies, and neutrals, if you have a substance, a liquid, you want somebody to drink, don't put it in a container... [LR41CA]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: One minute, Senator. [LR41CA]

SENATOR CHAMBERS: ...emblazoned with the skull and crossbones. That signifies poison or toxic. The gambling is toxic. And you make it clear by putting language in the constitution to deal with compulsive gambling, to deal with that which you're putting in the constitution. You're not doing this to help the people; the industry you're doing it to help is the gambling industry. Senator Schilz, poor, sincere but misguided Senator Schilz, talks about the racing industry not wanting a handout, they want to do it on their own. This, we're talking about, is gambling. This isn't the racing industry doing it on its own. It has all of the laws and constitutional underpinnings it needs now to do it on its own. [LR41CA]

SPEAKER ADAMS: Time, Senator. And, Senator Chambers, you are next in the queue. [LR41CA]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, this is not the racetrack...the horse racing industry doing it on its own. Senator Schilz said you should not shackle the industry. You're talking about horses. I'd like to ask Senator Schilz a question. [LR41CA]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Senator Schilz, would you yield? [LR41CA]

SENATOR SCHILZ: Yes. [LR41CA]

SENATOR CHAMBERS: Senator Schilz, what animals are essential to the horse racing industry? [LR41CA]

SENATOR SCHILZ: Horses. [LR41CA]

SENATOR CHAMBERS: Now, what is the word you use if you want to restrict a horse's ability to walk, run, or move by way of locomotion? And it starts with an "h." [LR41CA]

SENATOR SCHILZ: Hobble. [LR41CA]

SENATOR CHAMBERS: Hobble. So shouldn't you be saying, "Don't hobble the industry," instead of "shackle"? Shackles are on people. [LR41CA]

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SENATOR SCHILZ: Absolutely. And I think if you look at it, that's what we're talking about, is the shackles on the people, of being able to run their industry, not the horses, necessarily. [LR41CA]

SENATOR CHAMBERS: But you weren't thinking about people, were you? You should have said, "hobble" the industry, shouldn't you? [LR41CA]

SENATOR SCHILZ: It would have been a little neater, yes. (Laugh) [LR41CA]

SENATOR CHAMBERS: That's my job: I neaten things up, even when I don't like them. But here's the question that I want to put to you. You said the horse racing industry is not looking for a handout; it wants to do it on its own. Did you say that? [LR41CA]

SENATOR SCHILZ: Yes, I did. [LR41CA]

SENATOR CHAMBERS: Don't they have, right now, all the constitutional authorization and all of the laws necessary to conduct horse races right now? [LR41CA]

SENATOR SCHILZ: Yes, they do. [LR41CA]

SENATOR CHAMBERS: Now this has nothing to do with horse racing itself, does it, because live horse racing is in the constitution right now, isn't that true? [LR41CA]

SENATOR SCHILZ: Correct, yes. [LR41CA]

SENATOR CHAMBERS: We're talking about something that does not involve live horse racing, aren't we? [LR41CA]

SENATOR SCHILZ: There is a question of that. But, okay, for your purposes, yes. [LR41CA]

SENATOR CHAMBERS: Right. So this is a handout to the racing industry, you would say; but it's really helping the gambling industry, isn't it? [LR41CA]

SENATOR SCHILZ: Yes, if you're looking at it that way, absolutely, that's what this is about. [LR41CA]

SENATOR CHAMBERS: Thank you, Senator Schilz. Members of the Legislature, I want to keep us focused on what it is we are doing here. We are expanding gambling, and it's a type which is alluring, pernicious, and able to beguile and ensnare people before they even realize what is happening to them. They won't realize it until after it has happened. Then they go into denial and say they don't have a habit, they don't have a problem,

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they don't have a compulsion. Yet they spent the rent money; they spent the utility money; they did not pay, if they're buying a house, they did not pay the mortgage. They missed paying the car insurance premium; they missed paying the life insurance premium. They have stolen; if they work for a company, they have embezzled money. And that's what the people on this floor, who pray every morning, in their hypocrisy, are wanting to put out there on the public. You are a bunch of hypocrites; that's what you are. What do you pray about in the morning? To whom do you pray? Do you pray to the god of gambling? If that's to whom you're praying, then you are very zealous, you're devoted, and you're honoring your god, because you are creating more ways for that god to be honored, worshiped, and submitted to. Now if you know anybody with a gambling compulsion... [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR CHAMBERS: ...you ask that person what kind of master gambling is. You will submit, you will degrade yourself, you will demean yourself, you will shame your family. If you're an elected official, you will shame and disgrace those who voted for you; you will disgrace and shame the office that you hold...for gambling. And then these hypocrites on this floor, doing the work of the gambling industry, say besmirch and taint the constitution further. Then they have the nerve to come in here and pray every morning. Senator Avery, I believe, prayed this morning. I didn't hear him say, I'm praying to ace, king, queen, jack, ten; he didn't say that. He didn't even say he's praying to Hoyle...or some people say Hoy-lee (phonetically). He prayed to some strange god that does not rule the Legislature. [LR41CA]

SENATOR GLOOR: Time, Senator. Thank you, Senator Chambers. (Visitor introduced.) Continuing with discussion on the floor amendment, Senator Chambers, you're next in the queue. [LR41CA]

SENATOR CHAMBERS: Thank you. And, Mr. President, if all of them wait until after my third time, I've got assistants who will aid me in the way that people aided Rand Paul, because they know what I'm saying is right. They know that we're dealing with a moral, ethical issue, and they know we're dealing with something that has devastated this society, various members of it. Didn't Bill Clinton get famous for saying, "I feel your pain"? You all will say that, but you're going to inflict the pain. You don't care. You do not care. The gambling industry has got you beguiled. It has you firmly in its clutches. I would like to ask Senator Lautenbaugh a question. [LR41CA]

SENATOR GLOOR: Senator Lautenbaugh, would you yield to questions from Senator Chambers? [LR41CA]

SENATOR LAUTENBAUGH: Yes, I will. [LR41CA]

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SENATOR CHAMBERS: Senator Lautenbaugh, if the original form of your amendment to the constitution, as proposed, was "strike one" and what you brought us this morning originally was "strike two," and then that amendment that you offered, which you've now withdrawn, is "strike three," if you were playing baseball and you had three strikes, what would that make you? [LR41CA]

SENATOR LAUTENBAUGH: Well, I'm more of a football player. I think of this as "fourth down," and I'm just working hard to get your vote, Senator. [LR41CA]

SENATOR CHAMBERS: But if what Senator Karpisek had would be thrown into the mix, that was the fourth down. So you have turned the ball over, however you phrase it. But what I want to ask you is if you will read your amendment, and I'm going to follow along to see what...where it's located. I think you said it's on page 3 and it starts with line 10. [LR41CA]

SENATOR LAUTENBAUGH: Yes, Senator. And I apologize, it was a floor amendment, and my gadget shut off here. Okay, here we go. On page 3, line 10, strike "replayed, and delayed," and in... [LR41CA]

SENATOR CHAMBERS: So you would leave "live." [LR41CA]

SENATOR LAUTENBAUGH: Yes. [LR41CA]

SENATOR CHAMBERS: Okay, you strike "replayed, and delayed"; I got it. [LR41CA]

SENATOR LAUTENBAUGH: And insert just "or replayed." [LR41CA]

SENATOR CHAMBERS: And that's your entire amendment. [LR41CA]

SENATOR LAUTENBAUGH: Yes...no, there's more. And then on line 25, again strike "replayed, and delayed." [LR41CA]

SENATOR CHAMBERS: Just a minute. Well, we're not looking at your amendment that you offered us this morning, then, are we? [LR41CA]

SENATOR LAUTENBAUGH: No, this is the substitute one from a few moments ago. [LR41CA]

SENATOR CHAMBERS: Well, on line 25...okay, replayed, or (sic) delayed, we strike those too? [LR41CA]

SENATOR LAUTENBAUGH: Yes, and just... [LR41CA]

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SENATOR CHAMBERS: Okay. [LR41CA]

SENATOR LAUTENBAUGH: ...put "or replayed." [LR41CA]

SENATOR CHAMBERS: And just put "or replayed." [LR41CA]

SENATOR LAUTENBAUGH: So the language is consistent above and below. [LR41CA]

SENATOR CHAMBERS: And do you strike the two words "and delayed" on line 25?
[LR41CA]

SENATOR LAUTENBAUGH: Strike "replayed, and delayed" and insert simply "or
replayed." [LR41CA]

SENATOR CHAMBERS: So on line 25, the two words that we will have, that we're
considering, are "or" and "replayed." [LR41CA]

SENATOR LAUTENBAUGH: Yes. [LR41CA]

SENATOR CHAMBERS: Okay. And the same on line 10... [LR41CA]

SENATOR LAUTENBAUGH: Yes. [LR41CA]

SENATOR CHAMBERS: ...we would have, "the results of live or replayed horse races."
And on line 25, we would have, "or replayed horse races." [LR41CA]

SENATOR LAUTENBAUGH: Yes. [LR41CA]

SENATOR CHAMBERS: And "at a later date" would be superfluous, because to be
"replayed" means that it has been "played prior." [LR41CA]

SENATOR LAUTENBAUGH: Yes, I agree. [LR41CA]

SENATOR CHAMBERS: Okay, now that I do understand what the amendment is, I'm
still opposed to it. And when I get...how much time do I have, Mr. President? [LR41CA]

SENATOR GLOOR: One minute. [LR41CA]

SENATOR CHAMBERS: I'm going to turn on my light again, and I think we can do
some more work on this. Senator Nelson said we shouldn't be doing this on the floor.
He's right. All of the brainy people have had this their way for four days. Then the
"Dalton Brothers" got together and came up with something, and that didn't work.
Senator Karpisek tried something; that didn't work. Senator Lautenbaugh tried

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something; that didn't work. And we come to something now: Will it work or will it not? We'll have a chance to see. But in any case, do you see what the gambling industry has done to this Legislature? I haven't done it to you. I'm just pointing out how foolish you are appearing. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Chambers. You're next in the queue for your last 5 minutes. [LR41CA]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this Legislature is tied in knots this morning. And the ones who have the greater number of speakers on their side are the ones in favor of the gambling. And they can't get it right. How do you know if...I'll wait and talk about those machines when I get a chance to offer a reconsideration motion, because I know you all are going to swallow what he's giving you. And I'm not going to say anything by way of the language he has selected. You're not paying attention; you would have accepted the original. You would have because it doesn't make you any difference; you're not going to be held to account. You will slip into the mob, partake of the mob psychology, and in the mob no individual bears personal responsibility. The mob takes on a collective identity, and everybody is responsible; therefore, no individual is responsible. People on this floor can say, I didn't do it; I didn't participate in it. But the record is going to be clear how many changes you had to make. You had the field to yourself; you could do anything that you wanted to. And you did the best you could, and your best was not good enough. And we're going to continue, continue down this path. Why? Not because we're doing something for the children. Not because we're doing something for the family. Not because we're doing something to advance Nebraska vaaa-yuhz (phonetically), Nebraska values. You're doing this because the gambling industry insists. Mr. President, thank you; but you don't have to hit on my account. They're not going to pay attention if they're quiet, anyway. The brains are not working this morning. So it makes me no difference. But my job is to compile a legislative record, a legislative history. And that's what I intend to do to show how silly this Legislature is, to show how bungling this Legislature is, to show how foolish this Legislature is, to show how incompetent this Legislature is. Can you read? Read? To read means more than just to let your eyes pass over a page and you recognize the words. To actually read means to comprehend what those words are saying. You've had clumps of words presented to you this morning, and you didn't pay attention to what they said. So now you're coming back again and again and yet again. And you know why that is perfect for this bill? Because it is a metaphor for what gambling does. You play and you lose; you play again and you lose; you play to win this time, you lose yet again. That's what the supporters of this proposed amendment have done. They played, they lost; they played, they lost; they played again, and they lost. If you cannot even do it when you're dealing with words, what are these people who have a gambling compulsion going to do when they're in a position that you created for them? You created the temptation; you are the tempter. And don't tell me everybody makes freewill... [LR41CA]

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SENATOR GLOOR: One minute. [LR41CA]

SENATOR CHAMBERS: ...choices, therefore, they're responsible. If that's true, don't regulate gambling at all; don't regulate alcohol at all; don't regulate anything, and let everybody's free will prevail. But you know that people need protection from certain bad forces. And that's what gambling is. But you will not stand up, because you fold in the face of the gambling industry. That's what we're observing played out this morning. And it is a tragedy, even though there might be some comedy mixed in. Thank you, Mr. President. [LR41CA]

SENATOR GLOOR: Thank you, Senator Chambers. (Visitors introduced.) Mr. Clerk, items for the record? [LR41CA]

ASSISTANT CLERK: Mr. President, I do. New resolutions: LR93 by Senator Sullivan, LR94 by Senator Larson. Your Committee on Revenue reports LB55, LB573, LB104, LB296 all to General File. The Executive Board reports LB613 to General File with amendments. Health and Human Services reports LB361, LB23, LB216, LB343, and LB420 all to General File. New resolution: LR95 by Senator Scheer; that will be laid over. A designation by the Judiciary Committee of LB561 and LB44 as Judiciary Committee priority bills. Amendment to be printed to LR41CA from Senator Chambers. (Legislative Journal pages 661-673.) [LR93 LR94 LB55 LB573 LB104 LB296 LB613 LB361 LB23 LB216 LB343 LB420 LR95 LB561 LB44 LR41CA]

Finally, I do have a priority motion. Senator Dubas would move to adjourn until Wednesday, March 13, 2013, at 9:00 a.m.

SENATOR GLOOR: Members, you've heard the motion to adjourn until 9:00 a.m. tomorrow morning. Those in favor say aye. Those opposed say nay. We stand adjourned.