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Floor Debate
January 30, 2014

[LB33 LB56 LB76 LB161 LB174 LB215 LB272 LB278 LB371 LB382 LB399 LB403
LB446 LB470 LB513 LB514 LB597 LB656 LB657 LB658 LB659 LB688 LB691 LB700
LB715 LB717 LB754 LB755 LB788 LB815 LB834 LB947 LB1024 LB1079 LB1097
LR415 LR417 LR418 LR419 LR420 LR429 LR430 LR431]

PRESIDENT HEIDEMANN PRESIDING

PRESIDENT HEIDEMANN: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixteenth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor Jim Kiningham, from the Fellowship Bible Church in Newman Grove, Nebraska, which is in Senator Scheer's district. Please rise.

PASTOR KININGHAM: (Prayer offered.)

PRESIDENT HEIDEMANN: Thank you, Pastor Kiningham. I call to order the sixteenth day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT HEIDEMANN: Thank you. Are there any messages, reports, or announcements?

CLERK: Your Committee on Banking, Commerce and Insurance, chaired by Senator Gloor, reports LB688, LB700, LB715, LB717, LB755, LB788, and LB815 to General File. That's all that I have, Mr. President. (Legislative Journal page 407.) [LB688 LB700 LB715 LB717 LB755 LB788 LB815]

PRESIDENT HEIDEMANN: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR415, LR417, LR418, LR419 and LR420. We now proceed to the first item on the agenda. Mr. Clerk. (Legislative Journal page 408.) [LR415 LR417 LR418 LR419 LR420]

CLERK: Mr. President, several confirmation reports, the first of which is offered by the Government Committee, chaired by Senator Avery, and it involves the appointment of Daryl Bohac as Adjutant General for the Military Department. (Legislative Journal page 354.)

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

Floor Debate
January 30, 2014

PRESIDENT HEIDEMANN: Senator Avery, you're recognized to open on the confirmation report.

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. The Government, Military and Veterans Affairs Committee is pleased and honored to recommend to you the confirmation of General Daryl Bohac to be Adjutant General of the Military Department, state of Nebraska. This appointment started at July 14, 2013, and will continue at the pleasure of the Governor. During the hearing, we discussed General Bohac's, his...I can't get it right...his qualifications for this job. They're outstanding. He is an outstanding citizen of this state. He has been active in the National Guard for most of his adult life. He has been the Assistant Adjutant General. He has a Ph.D in clinical psychology from the University of Nebraska. He has a number of awards including the Legion of Merit, the Meritorious Service Medal, and many, many others. We believe, wholeheartedly, that he is well-qualified for this position and are pleased to tell you that we recommended his confirmation on a vote of 7-0 with one person absent. With that, Mr. President, I recommend the confirmation of General Daryl Bohac to be Adjutant General of the Military Department in the state of Nebraska. Thank you very much.

PRESIDENT HEIDEMANN: Thank you, Senator Avery. Is there any discussion on the report? Seeing none, Senator Avery, you're recognized to close on the report. Senator Avery waives. The question is the adoption of the report offered by the Government, Military and Veterans Affairs Committee. All those in favor vote aye; all those opposed vote nay. Have all of those voted who wish to vote? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 408.) 28 ayes, 0 nays, Mr. President, on adoption of the Government Committee confirmation report.

PRESIDENT HEIDEMANN: The report is adopted.

CLERK: Mr. President, Natural Resources, chaired by Senator Carlson, reports on appointments...two appointments to the Nebraska Oil and Gas Conservation Commission. (Legislative Journal page 356.)

PRESIDENT HEIDEMANN: Senator Carlson, you are recognized to open on these reports.

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. We do have a number of appointments today. And the first is for the Nebraska Oil and Gas Conservation Commission. We voted on these two individuals together. Robert Goodwin is an attorney from Sidney. The majority of his private practice has been in the areas of real estate, business, and estate planning, and oil and gas and mineral leases.

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

Floor Debate
January 30, 2014

He serves on the Supreme Court's Commission on Children in the Courts and the former member of the Governor's Commission for the Protection of Children. Tim Wistrom from Kimball is self-employed as an oil operator since 1975, working seven days a week in the oil field. And in addition, he began a farming operation in 2008. The committee was unanimous to recommend approval of Robert Goodwin and Tim Wistrom and I would ask for your vote. Thank you.

PRESIDENT HEIDEMANN: Is there any discussion on the report? Seeing none, Senator Carlson, you're recognized to close on the report. Senator Carlson waives. 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. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 408-409.) 31 ayes, 0 nays, Mr. President, on the adoption of the report.

PRESIDENT HEIDEMANN: The report is adopted.

CLERK: I have a second report from Natural Resources Committee. Senator, this involves the appointment of Chuck Haase to the Nebraska Power Review Board. (Legislative Journal page 356.)

PRESIDENT HEIDEMANN: Senator Carlson, you're recognized to open on this confirmation report.

SENATOR CARLSON: Thank you, Mr. President. Chuck Haase from Grand Island is a new appointment and a lay member of the board. He's a facilities and fleet manager for Charter Communication, serves on the Grand Island City Council, serving as president for 2014. He's retired from the Nebraska Army National Guard after serving 22 years. The committee was unanimous to recommend the approval of Chuck Haase to the Nebraska Power Review Board. I would ask for your support. Thank you.

PRESIDENT HEIDEMANN: Senator Gloor, you're recognized.

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. I'd like to speak in favor of Mr. Haase, has an extensive financial background, very intelligent man. Obviously, a community servant serving on the city council. He'll be an excellent member and I encourage his ratification. Thank you.

PRESIDENT HEIDEMANN: Is there any other discussion on this report? Seeing none, Senator Carlson, you're recognized to close on these reports. Senator Carlson waives. 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 of you voted who wish to vote? Mr. Clerk, please record.

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

Floor Debate
January 30, 2014

CLERK: (Record vote, Legislative Journal pages 409-410.) 29 ayes, 0 nays on adoption of the report.

PRESIDENT HEIDEMANN: The report is adopted.

CLERK: Mr. President, third report from Natural Resources Committee involves the appointment of Rick Morehouse to the Nebraska Power Review Board. (Legislative Journal page 356.)

PRESIDENT HEIDEMANN: Senator Carlson, you're recognized to open on the confirmation report.

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. Rick Morehouse is an appointment to the Nebraska Power Review Board. He's from Scottsbluff. This is a reappointment. He's the accountant representative on the board and he's a financial advisor employed with the Platte Valley Financial Services and this would be his second term on the board. The committee was unanimous recommending the approval of Rick Morehouse. I ask for your support. Thank you.

PRESIDENT HEIDEMANN: Thank you, Senator Carlson. Is there any discussion on this report? Seeing none, Senator Carlson, you're recognized to close on the report. Senator Carlson waives. 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. Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal page 410.) 27 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

PRESIDENT HEIDEMANN: The report is adopted.

CLERK: Natural Resources reports on two appointments to the Environmental Quality Council. (Legislative Journal page 369.)

PRESIDENT HEIDEMANN: Senator Carlson, you're recognized to open on the confirmation report.

SENATOR CARLSON: Thank you, Mr. President, members of the Legislature. For the Nebraska Environmental Quality Council, Dr. Mohamed Dahab of Lincoln is a new appointment. He's a graduate of the University of Iowa with a B.S. degree in civil engineering, in Iowa State University M.S. and Ph.D degrees in environmental engineering. Primary areas of expertise include the development of sustainable systems for environmental management, including biological treatment for nutrient removal,

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

Floor Debate
January 30, 2014

residuals, and biosolids management, renewable energy production and recovery, and the use of natural systems for wastewater treatment. He's a Fulbright research professor engaged with the university program in several countries and I think that we're very fortunate to have him be willing to serve on the Nebraska Environmental Quality Council. We also have John Dilsaver from Ralston, which would be a new appointment. He's representing the auto and petroleum industry. He's a chief financial officer of Rite Way Oil and Gas. He's a president-elect of the Nebraska Petroleum Marketers Association and he's a member of the Shell National Wholesale Council. These are good individuals. The committee was unanimous in recommending the approval of Dr. Mohamed Dahab and John Dilsaver. I ask for your support.

PRESIDENT HEIDEMANN: Thank you, Senator Carlson. Is there any discussion on the report? Seeing none. 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 of you voted who wish to vote? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 410-411.) 31 ayes, 0 nays, Mr. President, on the adoption of the report.

PRESIDENT HEIDEMANN: The report is adopted.

CLERK: Mr. President, the Revenue Committee chaired by Senator Hadley reports on the appointment of Nancy Salmon to the Tax Equalization and Review Commission. (Legislative Journal page 384.)

PRESIDENT HEIDEMANN: Senator Hadley, you are recognized to open on this confirmation report.

SENATOR HADLEY: Mr. President and members of the body, Ms. Nancy Salmon appeared before the committee. Nancy has served on the TERC, the Tax Equalization Review Committee, since 2007, so this would be her second appointment. It was a unanimous vote out of the committee to recommend her to be reappointed. Thank you, Mr. Chairman.

PRESIDENT HEIDEMANN: Thank you, Senator Hadley. Is there any discussion on this report? Seeing none, Senator Hadley, you're recognized to close. Senator Hadley waives. The question is the adoption of the report offered by the Revenue Committee. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 411-412.) 31 ayes, 0 nays, Mr. President, on adoption of the report.

PRESIDENT HEIDEMANN: The report is adopted.

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

Floor Debate
January 30, 2014

CLERK: Mr. President, the Revenue Committee offers a confirmation report on the appointment of Kim Conroy as Tax Commissioner. (Legislative Journal page 385.)

PRESIDENT HEIDEMANN: Senator Hadley, you're recognized to open on the confirmation report.

SENATOR HADLEY: Mr. President and members of the body, Ms. Kim Conroy appeared before the committee. She has been the Deputy Tax and Revenue Commissioner for a number of years. She has an outstanding background in tax law in both the public sector and private sector. Her nomination was approved unanimously by the committee. I would recommend a green vote. Thank you, Mr. President.

PRESIDENT HEIDEMANN: Is there any discussion on this confirmation report? Seeing none, Senator Hadley, you're recognized to close. Senator Hadley waives closing. The question is the adoption of the report offered by the Revenue Committee. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 412.) 30 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

PRESIDENT HEIDEMANN: The report is adopted.

CLERK: Mr. President, the next item I have, Senator Mello would move to withdraw LB1024. [LB1024]

PRESIDENT HEIDEMANN: Senator Mello, you are recognized on your motion to withdraw. [LB1024]

SENATOR MELLO: (Microphone malfunction)...Legislature. Last week I introduced LB1024 at the request of the Nebraska Tourism Commission. This bill which should have been a noncontroversial piece of legislation would have repealed statutory language from 1963 which adopted "Welcome to Nebraskaland, where the west begins," as the Nebraska's official state slogan and symbol, and giving the Tourism Commission the authority to adopt a new state symbol and slogan that would be in line with their ongoing branding efforts. Unfortunately, initial media reports gave the mistaken impression that the slogan LB1024 would have repealed, was "The Good Life" slogan, a branding slogan that was used in the early 1970s and made popular by its inclusion on state highway signs when you enter Nebraska. These initial stories resulted in numerous phone calls, e-mails, and social media communications to my office as well as the Nebraska Tourism Commission. Like most Nebraskans, I was also unaware that our official state symbol and slogan was "Welcome to Nebraskaland, where the west begins," until my office started researching the issue. Since state statutes also require

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

Floor Debate
January 30, 2014

that this slogan be imprinted on all state letterheads and the reverse side of envelopes, state agencies appear to be unaware of this as well and have likely been violating state law for decades as a result. While the initial response to LB1024 has subsided, this week I met with the Tourism Commission and officials who requested that I withdraw the bill in order to prevent further confusion on the issue of their ongoing state branding campaign. Regardless of whether LB1024 becomes law, the Tourism Commission will still be able to move forward with their branding and marketing efforts planned for later this spring, and I look forward to working with them in the future. I would appreciate your support on the motion to withdraw LB1024. Thank you, Mr. President. [LB1024]

PRESIDENT HEIDEMANN: Thank you, Senator Mello. Senator Chambers. [LB1024]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'd like to ask Senator Mello a question or two about this. [LB1024]

PRESIDENT HEIDEMANN: Senator Mello, will you yield? [LB1024]

SENATOR MELLO: Of course. [LB1024]

SENATOR CHAMBERS: Senator Mello, you stated why opposition developed to the bill, what was that opposition that you said was, that developed? [LB1024]

SENATOR MELLO: The opposition to LB1024 started, I think, with the impression that a media report gave that LB1024 was going to eliminate the state's slogan and the thought that the state's slogan was "Nebraska, The Good Life," which actually, statutorily in Section 90, Chapter 90 of our statutes it shows that it's actually "Welcome to Nebraskaland, where the west begins," and our official state symbol is a covered wagon. [LB1024]

SENATOR CHAMBERS: So then this bill doesn't really as its drafted, even if it were enacted, touches anything in the way of a slogan because it's not the slogan anyway. Is that correct? [LB1024]

SENATOR MELLO: That is correct, Senator Chambers. [LB1024]

SENATOR CHAMBERS: Could it be amended to get rid of that other one that you mentioned in that other section of statute? [LB1024]

SENATOR MELLO: (Laugh) [LB1024]

SENATOR CHAMBERS: That's all right. You answered my questions. I'm satisfied. Thank you. [LB1024]

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

Floor Debate
January 30, 2014

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Is anyone else wishing to discuss the motion to withdraw? Seeing none, Senator Mello to close on your motion. Senator Mello waives closing. The question before the body is, shall the motion to withdraw advance? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1024]

CLERK: 30 ayes, 2 nays on the motion to withdraw. [LB1024]

PRESIDENT HEIDEMANN: The motion to withdraw is successful. Mr. Clerk. [LB1024]

CLERK: Mr. President, Select File. Senator Murante, I have LB656 with E&R amendments pending, Senator. (ER124, previously adopted, Legislative Journal page 357.) [LB656]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB656]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB656]

PRESIDENT HEIDEMANN: You've heard the motion. All those in favor say aye. All those opposed say nay. They are adopted. [LB656]

CLERK: I have nothing further on the bill, Senator. [LB656]

PRESIDENT HEIDEMANN: All those in favor of advancing LB656, say aye. All those opposed say nay. LB656 is advanced. Mr. Clerk. [LB656]

CLERK: Mr. President, LB657. Senator, I have no amendments to the bill. [LB657]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB657]

SENATOR MURANTE: Mr. President, I move to advance LB657 to E&R for engrossing. [LB657]

PRESIDENT HEIDEMANN: All those in favor say aye. All opposed say nay. It is advanced. [LB657]

CLERK: Senator, LB658. I have no amendments to the bill. [LB658]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB658]

SENATOR MURANTE: Mr. President, I move to advance LB658 to E&R for engrossing. [LB658]

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

Floor Debate
January 30, 2014

PRESIDENT HEIDEMANN: You've heard the motion. All those in favor say aye. All opposed say nay. LB658 is advanced. [LB658]

CLERK: LB659, Senator, I have no amendments to the bill. [LB659]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB659]

SENATOR MURANTE: Mr. President, I move to advance LB659 to E&R for engrossing. [LB659]

PRESIDENT HEIDEMANN: You've heard the motion. All those in favor say aye. All those opposed say nay. LB659 is advanced. [LB659]

CLERK: Mr. President, LB174. Senator, I have no E&Rs. I do have an amendment from Senator McGill, AM1765. But first she would move to suspend Rule 7, Section 3(d), the germaneness rule, to permit consideration of AM1765 as an amendment to LB174. (Legislative Journal pages 413-414.) [LB174]

PRESIDENT HEIDEMANN: Senator McGill, you're recognized to speak on your motion to suspend. [LB174]

SENATOR MCGILL: Mr. President, members of the body, thank you for your consideration on this motion to suspend the germaneness rule. We have a bill, LB161, if you want to pull it up on your viewfinders, that was advanced out of Judiciary last year dealing with cities of a metropolitan class and zoning violations that I'm asking the body to suspend the rules so that I can amend it on to Senator Mello's bill that's before us here today. It's a bill that had some opponents originally in the testimony, but we were able to clear up all the problems with them. We were able to come to consensus on what the penalties should be for these certain types of zoning violations. Again, this is just in Omaha, just as Senator Mello's bill is, which is why I'm trying to attach it here. It's a bill that was originally brought to me last year by a different administration in Omaha, but even with the changeover of the mayor up there in Omaha, she has still decided to make this a priority for the city of Omaha. So I'm hoping we can get this attached on to there and passed through. With that, I ask for your support. [LB161 LB174]

PRESIDENT HEIDEMANN: Thank you, Senator McGill. Is anyone...Senator Chambers, you're recognized. [LB174]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I would like to ask Chairperson McGill a question or two. [LB174]

PRESIDENT HEIDEMANN: Senator McGill, will you yield? [LB174]

Floor Debate
January 30, 2014

SENATOR MCGILL: Yes. [LB174]

SENATOR CHAMBERS: Madam Chair, you generally, because of your position as Chair, are opposed to any motion to pull a bill from committee. Is that true or is that false? [LB174]

SENATOR MCGILL: That's true and this bill is advanced out of committee. [LB174]

SENATOR CHAMBERS: You're getting ahead of me. [LB174]

SENATOR MCGILL: Okay. (Laugh) [LB174]

SENATOR CHAMBERS: Madam Chair, your motion is allowed under the rules, is that correct? [LB174]

SENATOR MCGILL: Correct. [LB174]

SENATOR CHAMBERS: Madam Chair, did you vote for or against adoption of the permanent rules? [LB174]

SENATOR MCGILL: I voted for them. [LB174]

SENATOR CHAMBERS: Madam Chair, are you aware of the fact that I made a great show of saying, I would vote against the adoption of the permanent rules, and then carried it out and voted against adoption of the permanent rules? [LB174]

SENATOR MCGILL: I do remember that. [LB174]

SENATOR CHAMBERS: Now, I'm going to make a statement because you may not remember this. I had pointed out that those who vote for adoption of these rules cannot work within the rules in the way that I can and that when they make a motion to suspend the rules that they adopted, then I'm going to call attention to that fact. Madam Chair, would you yield to a question? [LB174]

PRESIDENT HEIDEMANN: Senator McGill, will you yield? [LB174]

SENATOR MCGILL: Yeah. [LB174]

SENATOR CHAMBERS: Without this suspension of the rules, your motion would be out of order...I meant, your amendment would be out of order. The motion can be made, but your amendment would not be allowed to be attached to this bill. Is that correct? [LB174]

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

Floor Debate
January 30, 2014

SENATOR MCGILL: Most likely. I decided to not even risk the germaneness issue and just ask for this. [LB174]

SENATOR CHAMBERS: Okay. And now I want to get to actually the amendment. What...does this amendment deal with a certain classification of cities? [LB174]

SENATOR MCGILL: It does. [LB174]

SENATOR CHAMBERS: And what class would that...? [LB174]

SENATOR MCGILL: A metropolitan class. [LB174]

SENATOR CHAMBERS: And what does it do? [LB174]

SENATOR MCGILL: It increases the zoning violation fee from just the...right now it can only be \$10 to \$100 and raises it to be a Class IV misdemeanor for the first couple of offenses and a Class II misdemeanor for third or fourth violations. [LB174]

SENATOR CHAMBERS: Thank you. I would like to ask Senator Pirsch a question. [LB174]

PRESIDENT HEIDEMANN: Senator Pirsch, will you yield? [LB174]

SENATOR PIRSCH: I will. [LB174]

SENATOR CHAMBERS: Senator Pirsch, are you in favor of increasing these fees and doing something about a criminal penalty on this bill? [LB174]

SENATOR PIRSCH: You know, this is, obviously, somewhat unexpected insofar as it's not part of the original matter that was to be undertaken today, so I do understand that it was voted out of Judiciary Committee and so I'm not on that committee, so I have questions about the, I guess, the nature of...it seems to me to be increasing from a small fine to a larger fine. Certain penalties for zoning violations, but I don't know the background of what type of zoning violations to form, at this point in time, an opinion as to whether or not I support the heightening of those. So I'll look forward to asking those questions of, what is the substantive offense that is taking place here such that we're hiking the penalties? [LB174]

SENATOR CHAMBERS: Thank you. Madam Chair, that is all that I have to ask of you. And, Senator Pirsch, I'm going to listen very attentively to your questions and the answers that you elicit. That is all I have to say at this point, Mr. President. Thank you. [LB174]

Floor Debate
January 30, 2014

PRESIDENT HEIDEMANN: Senator Pirsch, you are recognized. [LB174]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I guess having that opening, I'll address a question to the senator who is bringing this motion. Senator McGill, could you talk about the specific zoning? This does apply from your opening, I understand, to certain zoning violations and if you could address exactly what the particulars of those zoning violations are in nature, and then what the penalty increase would be in particular, I think that would be helpful too. [LB174]

PRESIDENT HEIDEMANN: Senator McGill, will you yield? [LB174]

SENATOR MCGILL: Absolutely. And I'm happy to bring that up. I didn't read my opening. I was waiting until we were finished with this motion, but I can go ahead and do some of that as I explain it. I mean, this bill would increase the penalty for conviction of a zoning violation in the city of the metropolitan class. Currently, that penalty in statute is a fine of just \$100...or, I mean, \$10 to \$100 for each and every day of the violation. What we're seeing in Omaha is that we have folks who are just continually repeating their violations because they don't see that there's any teeth to this current penalty. This limit...the penalty hasn't been changed in almost a hundred years since the 1920s and, therefore, this isn't much of a deterrent. The zoning violations certainly have become a problem for the city of Omaha. They're harming neighborhoods and bringing down living conditions. As I told Senator Chambers, the bill increases these penalties to a Class IV misdemeanor for the first or second violation which raises that maximum fine to \$500 or in the case of a third or subsequent violation, it would be a Class II misdemeanor which could carry up to six months' imprisonment or a \$1,000 fine or both. [LB174]

SENATOR PIRSCH: Wonderful. Could you...is there a distinction between certain types of zoning violations or is this for every zoning violation on the books now? [LB174]

SENATOR MCGILL: Yeah, it's...Omaha has several different zoning classifications. They include residential use, office use, commercial use, civic use, parking use, transportation use, industrial use, and (inaudible)...those you can see and a couple more. This is...it would have to fall within the...the violation would have to happen in relation to each of those individually. For instance, if someone is living in a home that's in a residential zoning area and yet they've changed it over to a business, then that is a problem. That is a zoning violation. [LB174]

SENATOR PIRSCH: Yeah. So it would be across the board every...uniformly every type of zoning violation, then? [LB174]

SENATOR MCGILL: Yes. [LB174]

Floor Debate
January 30, 2014

SENATOR PIRSCH: Okay. That's helpful. Thanks. I don't have any further questions. I'd yield back my time. [LB174]

PRESIDENT HEIDEMANN: Does anyone else wish to discuss the motion to suspend rules on germaneness? Seeing none, Senator McGill, your close on your motion to suspend rules on germaneness. [LB174]

SENATOR MCGILL: I'll simply ask for your support and I'll go into a little bit more detail on the bill if this does advance. [LB174]

PRESIDENT HEIDEMANN: Members, you have heard the motion to suspend rules on germaneness. All those in favor vote aye; all those opposed vote nay. It does take 30 votes. Mr. Clerk, please record. [LB174]

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to suspend the germaneness rule. [LB174]

PRESIDENT HEIDEMANN: The motion is successful. Mr. Clerk. [LB174]

CLERK: Senator McGill would offer AM1765. (Legislative Journal pages 413-414.) [LB174]

PRESIDENT HEIDEMANN: Senator McGill to open on AM1765 to LB174. [LB174]

SENATOR MCGILL: Thank you, Lieutenant Governor and members of the body. I'll try not to be too repetitive but this bill, LB161, again, in case you want to look it up on the viewfinder, was brought by the city of Omaha to help them resolve some problems they have with violations in their zoning ordinances. Zoning usually refers to issues such as the permitted use that can occur on a property in a permissible size and location of improvements on that property. The purpose of zoning ordinances include protecting public health, safety, and general welfare of the city, to classify property in a manner that reflects its suitability for specific uses, and promote sound and attractive development within the city. I've already gone through the list of different types of zoning classifications as well as the penalties that we're looking to address. I just want to give you a few examples of some of the violations that are happening so you can get a better idea of this. And this is one instance that didn't become a problem, but a gentleman built a deck on the back of his house and it crossed the lines of his property into his neighbor's. That is a zoning violation. If a person has broken-down cars piled up in their backyard and the property is zoned residential, it cannot be used as a junkyard. This is a public safety hazard and hence, a zoning violation. Residential lots being used for businesses or industrial purposes, like I mentioned to Senator Pirsch, buildings being used that have not been approved for occupancy by the fire department including unsafe exits and no fire protection. This can even include things like inadequate parking

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

Floor Debate
January 30, 2014

facilities, illegal signs, illegal fences, noise violations, holding large outdoor concerts without permits with no parking available. That's a real situation that the cities faced in the last couple of years. So I ask for your support on this bill so that we can really put some teeth into the penalties associated with zoning violations so that the city can be more effective in cleaning up some of these problems and making these neighborhoods more safe. Thank you, Mr. President. [LB161 LB174]

PRESIDENT HEIDEMANN: Thank you, Senator McGill. You've heard the opening on AM1765. Senator Chambers. [LB174]

SENATOR CHAMBERS: Mr. President, members of the Legislature, there are things that I will do for the purpose of making a point and I made it clear when I voted against adoption of the permanent rules that the point I wanted to make was what I said that it was. But I know, and I've stated this also, you cannot always facilitate successfully the movement of legislation or the process itself if you're going to be hidebound by all of the rules that are in that book. You have to have an opportunity and the means to suspend the rules that would cripple the Legislature in a set of circumstances where it is essential that something be achieved. And rather than just ignore the rules, pretend that they're something other than what they are, acknowledge that this rule stands in the way, therefore, I'm asking that we suspend it. Not repeal it, but suspend it for this particular purpose. And the understanding always should be there when a suspension motion is made that this is an extraordinary set of circumstances, therefore, support the suspension, which I did. I'll support the bill, but I want these Chairpersons to recognize that for them to be hidebound and say, I've taken a hard and fast position just because I've taken the position, could come back to bite them if a person such as myself wanted to put on the plate...they give us a plate. There is a portion of food that they want us to eat, but if you turn that plate around, they don't want to eat what they wanted us to eat. So despite the fact that I will fight hard for what I believe, fight hard against what I disbelieve, I will not take a hidebound position simply because I've taken it and stick by it when there's no reason to. This is one of those issues which is not earthshaking. If it's not passed this session, I don't think even Omaha would come to an end and maybe if it did, I would do what I could to facilitate that. But while I'm on Senator...oh, this is not Senator Pirsch's bill. This is Senator McGill's bill. While I'm on Senator McGill's bill, I'm going to try to get some more money for my favorite charity. And by the way, Peyton Manning, for those who don't know, is the quarterback for the Denver Broncos and they will be playing in the "Ice" Bowl, in what's known as the Super Bowl. Omaha, Omaha, a cue 17, hurry, hurry, Omaha. That's three more times. If the Chamber of Commerce does me like they're doing that guy who doesn't even live here, I got \$3,000 on tap to go to Hearts United for Animals. In all seriousness, and I was very serious about that, too, at a different level, I will try whenever I can to facilitate what needs to be done to maintain the integrity of the Legislature and its process. I'm going to repeat that point over and over and over. Not only sometimes do we handle the process, in my opinion, in a way that is not appropriate, but we travel cheap, we let outsiders in the other

Floor Debate
January 30, 2014

branches of government and in some agencies demean the Legislature as an institution. If they go after a particular individual, that individual has to speak up for himself or herself. But when it comes to the institution, there are things which in my opinion... [LB174]

PRESIDENT HEIDEMANN: One minute. [LB174]

SENATOR CHAMBERS: ...require protection and to the extent that I can, I will offer it. This little bill that Senator McGill wants to add to the one pending now could set a precedent, if it's done, for people later on in the session who will be similarly situated. I'm going to support what she is trying to do and I will support the bill. Thank you, Mr. President. [LB174]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Senator Crawford, you are recognized. [LB174]

SENATOR CRAWFORD: Thank you, Mr. President, Lieutenant Governor. I just have a couple of questions for Senator McGill if she will yield to questions. [LB174]

PRESIDENT HEIDEMANN: Senator McGill, will you yield? [LB174]

SENATOR MCGILL: I'd be happy to. [LB174]

SENATOR CRAWFORD: Thank you, and I apologize if I missed this in your opening earlier. Just wondered, does this apply to only cities in the metropolitan class or does it apply more broadly? [LB174]

SENATOR MCGILL: Yeah, it's just cities of the metropolitan class. [LB174]

SENATOR CRAWFORD: Thank you. Was...and...so it applies just to cities of the metropolitan class at this time and that is the city that, in fact, came in, in support of it? [LB174]

SENATOR MCGILL: Yes, under two different administrations. [LB174]

SENATOR CRAWFORD: Thank you. And the language...we as a body here are the ones who decide the appropriate punishments for this? This is not something that we could put a range for and allow them to decide, but we are the ones that need to decide the appropriate type of penalty, the type of whether this is a misdemeanor or which class it is, that happens in state statutes? [LB174]

SENATOR MCGILL: It is, unbelievably. But, yeah, their charter up in Omaha does not allow them to do this. It is in state statute, which is probably why it hasn't been changed

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

Floor Debate
January 30, 2014

since the 1920s. [LB174]

SENATOR CRAWFORD: Excellent. So really, if the city of Omaha wants to make this change, we are the ones that have to make this change for them and they have asked for this change and so we are working in cooperation with the city of Omaha in this case. [LB174]

SENATOR MCGILL: Correct. And we were able to work with other folks who were at first concerned about some of the fees and fines and worked it out in a way that everybody could be happy with it. [LB174]

SENATOR CRAWFORD: Can you tell us just a little bit about what kind of cooperation happened there that made them more comfortable with it? [LB174]

SENATOR MCGILL: Oh, yeah, it was the statewide property owners, the developmental council of Nebraska Association for Commercial Property Owners, they were concerned with the original language we used, which is why we went to specific misdemeanors instead of the kind of the ranges that were in there before. But we, like I said, we were able to work through it and make those penalties appropriate to what everyone felt comfortable with. [LB174]

SENATOR CRAWFORD: Excellent. And I thank you, Senator McGill, for your work and the work of the committee to work with the city to...and to work with the builders and other people who were interested parties to come up with that solution. And I look forward to supporting the amendment. Thank you. [LB174]

SENATOR MCGILL: Thank you. [LB174]

PRESIDENT HEIDEMANN: Thank you, Senator Crawford and Senator McGill. Is anyone else wishing to discuss AM1765? Seeing none, Senator McGill, you're recognized to close on your amendment. Senator McGill waives closing. The question is, shall the amendment to LB174 be adopted? All those in favor vote aye; all those opposed vote nay. Have all of those voted? Mr. Clerk, please record. [LB174]

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the amendment. [LB174]

PRESIDENT HEIDEMANN: The amendment is adopted. [LB174]

CLERK: Senator Murante, I have nothing further on the bill, Senator. [LB174]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB174]

SENATOR MURANTE: Mr. President, I move to advance LB174 to E&R for engrossing.

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

Floor Debate
January 30, 2014

[LB174]

PRESIDENT HEIDEMANN: You've heard the motion. All those in favor say aye. All those opposed say nay. LB174 is advanced. [LB174]

CLERK: Senator, LB446 does have Enrollment and Review amendments pending. (ER116, Legislative Journal page 279.) [LB446]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB446]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB446]

PRESIDENT HEIDEMANN: You've heard the motion. All those in favor say aye. All those opposed say nay. The E&R amendments are adopted. [LB446]

CLERK: I have nothing further on the bill, Senator. [LB446]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB446]

SENATOR MURANTE: Mr. President, I move to advance LB446 to E&R for engrossing. [LB446]

PRESIDENT HEIDEMANN: Members, you've heard the motion. All those in favor say aye. All those opposed say nay. LB446 is advanced. [LB446]

CLERK: LB33, Senator, does have Enrollment and Review amendments. (ER118, Legislative Journal page 285.) [LB33]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB33]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB33]

PRESIDENT HEIDEMANN: Members, you've heard the motion to adopt the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. [LB33]

CLERK: I have nothing further on the bill, Senator. [LB33]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB33]

SENATOR MURANTE: Mr. President, I move to advance LB33 to E&R for engrossing. [LB33]

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

Floor Debate
January 30, 2014

PRESIDENT HEIDEMANN: Members, you've heard the motion to advance LB33. All those in favor say aye. All those opposed say nay. LB33 advances. [LB33]

CLERK: Mr. President, LB56, I have no E&Rs. Senator Mello would move to amend with AM1686. (Legislative Journal page 399.) [LB56]

PRESIDENT HEIDEMANN: Senator Mello to open on AM1686 to LB56. [LB56]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. AM1686 is a compromise that I appreciate Senator Larson, Senator Murante, and Senator Lautenbaugh, and Senator Avery's office working on this in regards to the discussion we had about LB56 on General File. The issue that was raised on General File is, if we eliminate the ability for partisan county races to have an...to essentially move automatically to the general election, that we would be eliminating the opportunity for someone to do a write-in campaign. There were two options that we had discussed essentially on General File as well as conversations with the Secretary of State's Office afterwards. The preferred method in which we had looked at was trying to provide a two-week window of time after that March 1 filing deadline to allow someone, if they wanted to do a write-in campaign, to be able to be a certified write-in candidate with their local county election commissioner and ultimately with the Secretary of State. In conversations with the Secretary of State's Office, though, due to our filing deadline now which ends on March 1, and in part mostly due to the turnaround time that's needed for the state to be able to print and mail out oversea absentee ballots for members in the military service, there wasn't a two-week window for us to be able to add to LB56. The turnaround time, as the Secretary of State's Office said, was so tight for them to be able to print ballots, get them sent out to those in our Armed Services for them to be able to vote. The date and time that they gave us in regards to being able to push that back was what you have in front of you, which is AM1686, which is a two-day window for someone to be able to file as a write-in candidate after the March 1 deadline. I know in talking with Senator Bloomfield that...I promised Senator Bloomfield between General and Select we'd do everything we could to look at the issue to try to provide a larger window frame. Unfortunately, I have to take the Secretary of State at their word in respects to this is the only time that they have to be able to get those military ballots out the door and in the mail to a veteran who wants to vote in an upcoming primary election...primary election ballot. That's what you have in front of you is AM1686, is a two-day window after the March 1 filing deadline for someone if they want to do a write-in campaign against an incumbent partisan county officer, that they can file as a certified write-in. Otherwise, it would simply keep intact the original concept that LB56 does which if there's no one who files against a partisan county office, they automatically move on to the general election, are no longer on the primary ballot. As Senator Murante had mentioned on LB382, the winner take all bill, there's a bill that he introduced that Senator Lautenbaugh, Avery, and myself cosponsored which deals with our political party conventions and our political party ballots as it relates to presidential

Floor Debate
January 30, 2014

elections. And an issue that may come up and an issue we may have to deal with and address is our state's filing deadline and when we hold our primary election which is in the second...it's the first Tuesday of May, which as I know is a separate piece of legislation and I don't want LB56 to get brought into Senator Murante's bill. But that is another possibility and avenue that I discussed with Senator Murante, Senator Larson, and Senator Lautenbaugh as we were looking at options for LB56 which is changing the filing deadline for all candidates across the state from that March 1 deadline to a February 15 deadline to give that two-week window that I had discussed with Senator Bloomfield on General File that I feel more comfortable with of giving candidates or voters a longer period of time if they want to do a write-in against in a partisan and incumbent office holder at a county level. Unfortunately, I conceded the argument to some extent to, I think some of the concerns is, that's a fairly big policy change, to change the state filing deadline for all candidates, not just those who are running in partisan county offices. And if we were to move down that path, the likelihood is that we may have to do a separate public hearing on trying to change that filing deadline for all candidates in respects to what we have in front of us, which is dealing just with automatic advancement for partisan county offices. Personally I'm okay, I think, with the original concept of having that two-week window. And as Senator Murante and myself have talked with his piece of legislation, there may be an opportunity to explore that filing deadline issue and maybe there's an opportunity to explore changing the state's primary election from May to April to coincide with what we're trying to address in Senator Murante's bill regarding presidential elections and presidential convention issues in statute. But I gave my word, I think to Senator Larson on General File in our conversations, that we were going to try to work out a solution with the Secretary of State. This was the solution the Secretary of State's Office gave us right now without changing the filing deadline and without changing the state primary, which I believe is an opportunity we have further this session with Senator Murante's bill. So I'd urge the body to adopt AM1686 in the spirit of the compromise that we said we would work on and discuss from General to Select, the Secretary of State's Office gave us their word and did their best to explore the opportunities of extending that period of time. I know the opponents of this bill won't probably support the amendment and probably will still oppose the bill purely because this is not amount of time that they may feel is necessary for someone to wage a write-in campaign. But I think there's opportunity and I'm working with Senator Murante on a separate bill to see if that...that other opportunity in his piece of legislation, we could change the filing deadline and change the primary which I think would then allow us to be able to change LB56 later down the road in regards to giving that two-week window that ideally I'd like to see for someone who wants to file as a write-in candidate against a partisan county official. With that, colleagues, I'd urge the body to adopt AM1686 which, as to boil it back down, gives a two-day window after our filing deadline for anyone who wishes to do a write-in campaign against a partisan county official. Thank you, Mr. President. [LB382 LB56]

PRESIDENT HEIDEMANN: Thank you, Senator Mello. (Doctor of the day introduced.)

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

Floor Debate
January 30, 2014

Those wishing to speak on AM1686, we have Senator Larson and Senator Bloomfield. Senator Larson, you are recognized. [LB56]

SENATOR LARSON: Thank you, Mr. President. I rise in support of AM1686. As Senator Mello said, we worked hard with him and Senator Murante, and Lautenbaugh, and Avery to figure out what could be done to alleviate Senator Mello's concerns and find that window of opportunity for someone that wanted to wage this write-in campaign on the partisan races in county government. That is this compromise and I will support AM1686 and would ask that we move LB56. Again, it is a policy that we already practice in nonpartisan races at the city level, at school board level, NRDs, I think, and a number of other nonpartisan races and we're just extending that, the policy that we already have for those races, into county offices when no one is running against them. So this is unprecedented, something we already do for many races that are very similar to it and I appreciate Senator Mello and the hard work that he put in to AM1686. Thank you, Mr. President. [LB56]

PRESIDENT HEIDEMANN: Thank you, Senator Larson. And, Senator Bloomfield, you are recognized. [LB56]

SENATOR BLOOMFIELD: Thank you, Mr. President, and good morning, colleagues. I appreciate the work that Senator Mello has done in trying to draft an amendment here, but which of you, colleagues, decided in two days whether or not you were going to run for the Legislature. Two days is simply not enough and that's not my only problem with the bill. When we filed and ran, we all paid the 1 percent filing fee which is, in our case, \$120. If you are a county commissioner, they get paid a little better than we do. They're going to pay a \$350 filing fee roughly, if they're making \$35,000 a year. And if you were to pay that fee, I would think you should at least get your name on the ballot. We're talking about saving money here by not printing a two-inch strip of paper, the filing fee should cover that two inches of paper. I think what we're doing here, we're hurrying things. Without the emergency clause on here, there's no way this would take effect for this year's primary. We've got two years again before we get to another election. Let's push this thing back, take a good look at it next year when we can deal with these things without being more or less under the gun, as you would call it now. I don't think the amendment which gives us two days to decide if we're going to run, get the paperwork filed, and mount a campaign is sufficient. And I, furthermore, don't think the bill should progress any further than it has and I will oppose both of them. Thank you. [LB56]

PRESIDENT HEIDEMANN: Thank you, Senator Bloomfield. Senator Avery, you're recognized. [LB56]

SENATOR AVERY: Thank you, Mr. President. I just want to clarify one thing. This two-day window that Senator Mello is talking about is made necessary by, as he

Floor Debate
January 30, 2014

explained, current federal law relating to the voting window for military voters. Now, that two-day window is not for new candidates as suggested by Senator Bloomfield. You don't...you'd know, already, you were a candidate, you lost the coin flip, and you now have two days in order to make up your mind whether you want to run a write-in candidacy. I don't think that's enough time, but we don't have a choice on that. If we did, we would have opted for it. I can tell you that the legal counsel for the Government Committee worked very hard trying to find a way to provide a longer period to mount a write-in campaign. This is the best we can do. It's not for new candidates. It's for those who lost the coin flip. They have two days to make up their mind and to mount the campaign. So I think this is about all we can do and we should support this amendment and move on to get LB56 on Final Reading. Thank you, Mr. President. [LB56]

PRESIDENT HEIDEMANN: Thank you, Senator Avery. Senator Bloomfield, you're recognized. [LB56]

SENATOR BLOOMFIELD: Thank you, Mr. President. Would Senator Avery yield to a question? [LB56]

PRESIDENT HEIDEMANN: Senator Avery, will you yield to a question from Senator Bloomfield? [LB56]

SENATOR AVERY: Yes, I will. [LB56]

SENATOR BLOOMFIELD: Senator Avery, I may be somewhat confused here, but I think we're skipping around on two different bills. [LB56]

SENATOR AVERY: You're right. You're right. This is not the coin-flip bill. (Laugh) [LB56]

SENATOR BLOOMFIELD: Thank you. This does pertain to new candidates. This does not pertain to the loss of a coin flip. Let's... [LB56]

SENATOR AVERY: I was going to correct myself. Thank you for giving me the opportunity. [LB56]

SENATOR BLOOMFIELD: Thank you. I guess that's all I need to say at this point. [LB56]

PRESIDENT HEIDEMANN: Is there any other discussion on AM1686? Seeing none, Senator Mello to close. [LB56]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. AM1686 is a compromise that was struck between General and Select File that tries to address the issue that was raised in regards to the concern of not having any window of time

Floor Debate
January 30, 2014

when a candidate who files for a partisan county office runs unopposed and giving someone the ability to do a write-in campaign against that incumbent and/or sole candidate, partisan candidate in that county race. As Senator Avery just mentioned, we have to take the Secretary of State's Office at their word in respects to the time line that they gave us and gave the Government Committee's legal counsel in respects to the amount of time that's needed to prepare and mail out ballots to those in our Armed Services to get them the ballots by the primary election date. Ideally, as I will reiterate, I prefer a two-week window and the only other option that we have been able to discuss outside of what you have in front of you with AM1686, is moving the filing deadline back from March 1 to February 15 and then giving that two-week window between February 15 and March 1 for someone to do a write-in campaign against these partisan county officeholders. That's something that, arguably, I think we'll discuss later on this session in respects to Senator Murante's bill if it comes out of the Government Committee because there are circumstances that have arisen that we now have to address in his bill as it respects to when the state primary is and when the state filing deadline is. What LB56 is trying to do is to move automatic advancement for certain partisan offices in our state, county offices, to the general election, and I feel that while it, once again in the spirit of compromise, AM1686 gives some window of time for someone if they chose not to file and run against that officeholder by March 1, which give or take they've had a year and a half to almost make that decision and they chose not to make that decision on March 1, there is still an opportunity for them within a two-day period to make that determination and do a write-in campaign against them in the primary election. If they still want to run against that individual, there is still the opportunity for them to do a write-in campaign in the general election. I appreciate and respect Senator Bloomfield's opposition to this. We've talked about it and I give him a lot of credibility in respects to his argument of why he doesn't support the bill, but I think in regards to talking with Senator Larson, Senator Murante, Lautenbaugh, and Avery on the issue we have in front of us with AM1686, this right now without making wholesale changes to our election filing deadlines and our state primary, this is the best we can do. And so in that spirit of compromise that everyone came in to talk about in respects to this bill, I'd urge the body to adopt AM1686. Thank you, Mr. President. [LB56]

PRESIDENT HEIDEMANN: Thank you, Senator Mello. You've heard the closing on AM1686. The question is, shall the amendment AM1686 to LB56 be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB56]

CLERK: 28 ayes, 2 nays on the adoption of Senator Mello's amendment, Mr. President. [LB56]

PRESIDENT HEIDEMANN: The amendment is adopted. [LB56]

CLERK: I have nothing further on the bill, Mr. President. [LB56]

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

Floor Debate
January 30, 2014

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB56]

SENATOR MURANTE: Mr. President, I move to advance LB56 to E&R for engrossing. [LB56]

PRESIDENT HEIDEMANN: Members, you've heard the motion. All those in favor say aye. [LB56]

SENATOR CHAMBERS: Debatable motion. [LB56]

PRESIDENT HEIDEMANN: Excuse me, Senator Chambers, you're correct. Senator Chambers, you're recognized. [LB56]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, that happens, but usually the person will say just what you said, Senator Chambers, you are correct. And I appreciate that. But now that the serious business has been taken care of, the amendment has been adopted, I think the bill will move, I would like to ask Senator Mello a question if he will answer. [LB56]

PRESIDENT HEIDEMANN: Excuse me, Senator, I missed it. Were you finished or do you want somebody to yield? [LB56]

SENATOR CHAMBERS: I'm asking if Senator Mello would yield, yes. [LB56]

PRESIDENT HEIDEMANN: Excuse me. Senator Mello, will you yield? [LB56]

SENATOR MELLO: Of course. [LB56]

SENATOR CHAMBERS: Senator Mello, the number of your amendment was 1686, is that correct? [LB56]

SENATOR MELLO: That is correct. [LB56]

SENATOR CHAMBERS: Senator Mello, you work with numbers quite a bit as Chairperson of the Appropriations Committee. Is that correct? [LB56]

SENATOR MELLO: That is correct. [LB56]

SENATOR CHAMBERS: Senator Mello and members, I have a guru who calls things to my attention. Since I have to deal with the mundane issues before us on the floor of the Legislature, my guru, who can operate in the celestial regions of the esoteric, has brought something to me. Senator Mello, I'm going to take these four digits and ask you to add them as I give them to you. One plus six equals what? [LB56]

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

Floor Debate
January 30, 2014

SENATOR MELLO: Seven. [LB56]

SENATOR CHAMBERS: And when you add eight? [LB56]

SENATOR MELLO: Fifteen. [LB56]

SENATOR CHAMBERS: And when you add six? [LB56]

SENATOR MELLO: Twenty-one. [LB56]

SENATOR CHAMBERS: Thank you. That goes back to Agenda 21. So if that would have any impact on anybody with reference to this bill, you have been warned. I'm going to support it because I don't believe in superstitious or nonsense. Thank you, Mr. Chairman. [LB56]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Senator Bloomfield, you are recognized. [LB56]

SENATOR BLOOMFIELD: Thank you, Mr. President. It's become painfully obvious where this is going. We're going to play "hide the candidate." You file, your fee...you pay your fee, you file your name, you don't get on the ballot. We give someone two days to try to help that, and I can read the board. I could attempt to do as Senator Chambers here and spend eight hours on this, but I'm not going to. It, to me, is just bad policy that we do not put the candidates' names on the ballot, and I'll sleep well tonight knowing that I still think it's a bad idea not to put the candidate's name on the ballot. Thank you, Mr. President. [LB56]

PRESIDENT HEIDEMANN: Thank you, Senator Bloomfield. Seeing no one else wishing to speak on LB56, Senator Murante, once again for a motion. [LB56]

SENATOR MURANTE: Mr. President, I move to advance LB56 to E&R for engrossing. [LB56]

PRESIDENT HEIDEMANN: Members, you've heard the motion to advance LB56. All those in favor say aye. All those opposed say nay. LB56 does advance. LB399, at the Speaker's direction, will be passed over. We now move on to LB403. [LB56 LB403]

CLERK: Mr. President, LB403, I do have Enrollment and Review amendments, Senator. (ER125, Legislative Journal page 361.) [LB403]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB403]

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

Floor Debate
January 30, 2014

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB403]

PRESIDENT HEIDEMANN: Members, you've heard the motion to adopt the E&R amendments. All those in favor say aye. All opposed say nay. They are adopted. [LB403]

CLERK: Senator Seiler would move to amend with AM1769. (Legislative Journal pages 414-415.) [LB403]

PRESIDENT HEIDEMANN: Senator Seiler, you are recognized to open on your amendment. [LB403]

SENATOR SEILER: Thank you very much, Mr. Speaker, members of the Legislature. The amendment is the agreement that I...Jim Smith put together for me to close the filibuster that was going on and amendment complies with what we agreed to do. And basically, it changes two things. One, it says that a novelty lighter is one that has only one button, and the other thing it does is it says it has child safety features on it to be sold in the state of Nebraska. And other than that, I ask that you vote in favor of this amendment and then the bill can move. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Seiler. Is there anyone wishing to discuss AM1769 to LB403? Seeing none. Senator Seiler to close on AM1769. [LB403]

SENATOR SEILER: Waive. [LB403]

PRESIDENT HEIDEMANN: Senator Seiler waives closing. The question is, shall the amendment to LB403 be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB403]

CLERK: 25 ayes, 1 nay, Mr. President, on adoption of Senator Seiler's amendment. [LB403]

PRESIDENT HEIDEMANN: It is adopted. [LB403]

CLERK: I have nothing further on the bill, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB403]

SENATOR MURANTE: Mr. President, I move to advance LB403 to E&R for engrossing. [LB403]

PRESIDENT HEIDEMANN: Members, you've heard the motion to advance LB403. All those in favor say aye. All those opposed say nay. LB403 is advanced. [LB403]

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

Floor Debate
January 30, 2014

CLERK: Mr. President, LB215. Senator, I have no amendments to the bill. [LB215]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB215]

SENATOR MURANTE: Mr. President, I move to advance LB215 to E&R for engrossing. [LB215]

PRESIDENT HEIDEMANN: Members, you've heard the motion to advance LB215. All those in favor say aye. All opposed say nay. LB215 is advanced. [LB215]

CLERK: Mr. President, LB470. Senator, I have Enrollment and Review amendments, first of all. (ER126, Legislative Journal page 362.) [LB470]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB470]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB470]

PRESIDENT HEIDEMANN: Members, you have heard the motion to adopt the E&R amendments. All those in favor say aye. All opposed say nay. They are adopted. [LB470]

CLERK: Senator Carlson would move to bracket the bill until April 15, 2014, Mr. President. [LB470]

PRESIDENT HEIDEMANN: Senator Carlson, on your motion to bracket. [LB470]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. On the discussion of LB470 on General File and the vote was taken, the vote was 28-0, which meant there were 21 people who didn't vote. And I think that this is a bill that certainly can be argued in either direction. Senator Scheer knows that I was going to do this so that we could have some discussion on it. And the bill requires that the superintendent's salary be disclosed publicly. Many of us had lunch this past week with some superintendents and members of school boards from our districts. And they were a little bit disappointed with me that I had voted for the bill on the first round, told me why. And so I listened to them. Now those of us in this body that want to be known as conservatives, the political side, we are against unnecessary regulation. And I talk a lot about regulation that comes down to us from the federal government, regulation that's imposed by the state, regulation that interferes with the process of good quality business, regulation that causes public employees, teachers, superintendents, school boards, to go through a lot of things that maybe really aren't necessary. And the argument that I got from the...both, the board members and superintendents was, this is an example of some regulation that really isn't needed. Those that I talked to said, we

Floor Debate
January 30, 2014

make those superintendent salaries very open to the public, very accessible, and we don't think this is a necessary step. Now my first response to the school board members was to look them in the eye and say, you're the ones that make the decision on that salary. And if I were superintendent, I think I could understand why maybe my salary by itself shouldn't be out there for everyone to see unless it was requested. Part of the argument that this is appropriate is that these are taxpayer dollars that pay these salaries, and so it deserves to be known. So are all the rest of the faculty and employees in that school district. They're paid for with public dollars. What's the difference between the superintendent and the principal or principals, the athletic director? We can name several other possibilities in that district. What's the difference? They're all tax dollars. And so if we're going to require that the superintendent's salary be out there, I'm not necessarily opposed, but I'm uncomfortable that it's another layer of regulation that may not be appropriate, may not be necessary. And if we're going to have the superintendent's salary out there, why don't we have the top ten salaries in the school district or the top five? They're all tax dollars. And so I think it's appropriate to have further discussion on this bill. And if it comes to a vote today, then I will request certainly a record vote, maybe even a roll call vote. But I'm interested in what others feel about this and perhaps what's been shared with them as they've visited with their superintendents and school boards. Thank you, Mr. President. [LB470]

PRESIDENT HEIDEMANN: Thank you, Senator Carlson. Those wishing to speak on the bracket motion, we have Senator Chambers, Larson, and Scheer. Senator Chambers, you are recognized. [LB470]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the public's business should be conducted in public. It should be in full view of everybody who has any interest in knowing what is going on. If there is any person feeding at the public trough as we as legislators can be said derisively to be doing by accepting a salary comprising tax money, then we shouldn't be in the Legislature or anywhere else where the salary is going to be made public. If you have some people so weak, so fearful that they think something bad will happen to them if their salary is made public, they should find another avenue for making their living, such as bank robbing, housebreaking, or sneak thieving, so that...those are activities, except for bank robbing, which are done in secret. But even when you rob a bank you disguise yourself to the extent that you can. I heard what Senator Carlson had stated. I would like to ask him a question or two if he will yield. [LB470]

PRESIDENT HEIDEMANN: Senator Carlson, will you yield? [LB470]

SENATOR CARLSON: Yes, I will. [LB470]

SENATOR CHAMBERS: Senator Carlson, for point number one, do you think the public's business should be conducted in public? [LB470]

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

Floor Debate
January 30, 2014

SENATOR CARLSON: Yes. [LB470]

SENATOR CARLSON: Is the public's business inclusive of the salaries paid to public officials with public money? [LB470]

SENATOR CARLSON: Yes. [LB470]

SENATOR CHAMBERS: What is your answer? [LB470]

SENATOR CARLSON: I said yes. [LB470]

SENATOR CHAMBERS: Thank you. Now, so that we can get into a small capsule what your argument is, you think this part of the public's business should not be open to the public, is that true? [LB470]

SENATOR CARLSON: No. [LB470]

SENATOR CHAMBERS: So why then are you opposed to this bill? [LB470]

SENATOR CARLSON: Senator Chambers, in things like this as well as a lot of things that go on in the Legislature in bills that we either pass or don't pass, I think regulation is always better if it's voluntary and not mandated. And I don't know how extensive this problem is in the state of Nebraska. I think with most districts it's not a problem. [LB470]

SENATOR CHAMBERS: Thank you. [LB470]

SENATOR CARLSON: I think that information is public. [LB470]

SENATOR CHAMBERS: Thank you. Mr. President, one of the worst things that can happen is this notion of self-regulation by a group or an organization which wants to keep certain things secret and favor its members. For example, the Counsel for Discipline of the Nebraska Supreme Court thinks that a first-offense drunk driving by a lawyer should not be considered a violation of a lawyer's ethics. Yet they want to be a self-regulating body. Senator Carlson says regulation is good if it's voluntary. That's not really regulation. A regulation has to be something which is firmly stated and which carries a way of enforcing it. If these people who are the superintendents are self-regulating and they say, well, we'll do it ourselves if we want to, that is not regulation. This notion of blanket regulation is preposterous. When it comes to the use of water, there's state regulation. [LB470]

PRESIDENT HEIDEMANN: One minute. [LB470]

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

Floor Debate
January 30, 2014

SENATOR CHAMBERS: Shouldn't we have any state regulation? Should we say that the big operators who are able to draw the most water out of the ground should be able to do it? Should those upstream be able to take all of the water before any of it gets downstream? Or should there be regulation? I am growing weary of hearing people monkey hear, monkey say when these nuts like Rush Limbaugh and the rest of them say, I don't want regulation, unless they want regulation. They can say whatever they want to and its hilarious to me, except when it's going to be a basis to try to defeat legislation when there is no good argument according to which that defeat ought to occur. This is not regulation. This is purification. [LB470]

PRESIDENT HEIDEMANN: Time. [LB470]

SENATOR CHAMBERS: Thank you, Mr. President. [LB470]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Senator Larson, you are recognized. [LB470]

SENATOR LARSON: Thank you, Mr. President, and I rise in opposition of Senator Carlson's bracket motion, and on this case in agreement with Senator Chambers and Senator Scheer. I don't view LB470 as regulation. I view LB470 as transparency and it's as simple as that. And I'll...I have a small anecdote. Last year, I got a call from my alma mater high school, Weeping Water, and their superintendent just was offered a new package. And in that package there were members of the community that wanted to see what that package was. And he said, no, he didn't need to tell you what was in his package. And it took in a call from the Attorney General's Office to the Weeping Water superintendent to get him to release his package to the public. Now he hadn't signed the package yet, and Senator Scheer's bill operates on after he'd signed it. But once it was offered, and I think that just shows the...and he might just be one example, but it is a good example of, as Senator Chambers talks about, them wanting to be cloaked. In many small communities around in my district the superintendents are making \$105,000, \$110,000 a year. And the teachers are making \$28,000, \$29,000. And in a small community, a \$110,000 is a lot of money. And the school district, especially where property taxes are today, the taxpayers deserve to know what they're paying for these individuals to run their schools. And I was ashamed when I had to call the Attorney General's Office on that superintendent that he was running the high school I went to. This bill isn't about regulation; it's about transparency. So I'd urge the body to vote against Senator Carlson's bracket motion and move LB470. [LB470]

PRESIDENT HEIDEMANN: Thank you, Senator Larson. Senator Scheer, you are recognized. [LB470]

SENATOR SCHEER: Thank you, Mr. President. I rise to oppose the bracket bill, the amendment. I think I'd like to review just a little bit about LB470. The information that is

Floor Debate
January 30, 2014

asking to be provided, the local district already has available to them. It's just a matter of making it more public. The reason...one of the questions that Senator Carlson had asked me is, why a superintendent? Well, I will go back to my opening on LB470. To the extent that the superintendent is unique in a school district, when a school district negotiates with its clerical classified staff, they do it as a group. It is brought in front of the board. All the information is available and provided at that point in time. When they negotiate with their instructional staff, it is negotiated as a group. It is brought before the board. All the information is made available at that point in time when it is accepted. When they negotiate with the administrators other than the superintendent, it is negotiated as a group. It is brought before the school board. It is discussed and that information is made available at that point in time. It's voted on and approved. What happens with superintendents is that they are the one person, one individual in a school district normally that has a more than one year contract. And under normal circumstances, I will not say all, I'm not familiar with every school district in the state of Nebraska, but on January you will see an item on their agenda that will say to extend the superintendent's contract. No information in regards to the contractual points because that's not been discussed yet because the extension is probably two years away. So at some point in time in the next 24 months negotiations are had and agreed upon, but we don't really ever know when those are made public. Now I've also been accused of overreacting because this is a metro problem, the only reason I brought this bill was because it was something that happened in Omaha or Bellevue. Well, it's not why I brought it, but I think the case in point is it does and it can happen. And with this bill, all those items, all those other benefits or future payments upon retirement or resignation would have become public. The board at that time would know that. The public would have known what was going on. When I talked to superintendents last fall, one of them made the point to me that it's not necessary. And I said, well, why is that, because it's not readily available. They said, sure it is, it's on our association's Web site. I responded to him, well, that's really not public information, and would you please go home and ask your neighbor, your neighbor, not just somebody downtown, ask your neighbor if they know where they could find that information if it's so readily available. Of course it's not. This is only asking school districts and ESUs to provide that information on the most expensive personnel they have within a district. People already know that individual is paid well for the services they provide. If that person is not doing a good job, I would assume the board would find somebody to do a better job for that amount of money. [LB470]

PRESIDENT HEIDEMANN: One minute. [LB470]

SENATOR SCHEER: This is not adding burdensome regulatory concepts to what they are already providing. This information is readily available within the district. It just needs to become more accessible. It's accessibility and transparency. This isn't penalization. I would urge you to vote against the bracket motion and to support LB470. Thank you, Mr. President. [LB470]

Floor Debate
January 30, 2014

PRESIDENT HEIDEMANN: Thank you, Senator Scheer. Senator Schumacher, you are recognized. [LB470]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Just wanted to take a moment to point out that I seem to remember when I was a village and city attorney that every year the city had to publish...and I don't think this may apply to Omaha and Lincoln, but every year the city had to publish a list of the jobs and a list of the salaries. As a practical matter even in our smallest community when you publish the job title of city maintenance man and the salary, everybody knows exactly who that is because there's only one city maintenance man. So it is not completely unheard of that the salaries that public employees are paid is published. Also, most of us realize, particularly if we've held any county office, that when the county board of supervisors publishes their...or county commissioners publish their meeting minutes and the warrants that are approved, the individual's name and what their pay is also published. So this isn't a new element of secrecy. It is certainly the kind of thing that is well done within other realms of government and probably the public has become accustomed to expect. Additionally, what I think is relevant here is sometimes people without information talk, and bar talk and street talk blows things way out of proportion as to what somebody may be getting, what kind of perks or things may be happening, and often that lends a bit of skepticism and a bit of distrust of government and then they start accusing board members of trying to keep things secret, cutting special deals. And a little information goes a long way to just get rid of that stuff. But this is not an unusual thing when it comes to government payroll and a lot of other people involved in government at a much lesser position than a school superintendent have to put up with. And it's probably just a fact of life. Thank you, Mr. President. [LB470]

PRESIDENT HEIDEMANN: Thank you, Senator Schumacher. Senator Avery, you are recognized. [LB470]

SENATOR AVERY: Thank you, Mr. President. I heard some discussion about this bill being unnecessary. And I would remind you that recently a national organization that is...takes the name Sunshine Review, it's a nonprofit that monitors transparency in government at all levels, recently ranked Nebraska dead last in the nation in government transparency. This was reported by the Platte Institute. In particular, Nebraska's transparency score was dinged on the very issue we're discussing here, a lack of transparency and openness on school district matters, particularly school district contracts. You may remember last year the OPS School Board was surprised to learn that their retiring superintendent had in his contract a million dollar extra bonus, a retirement benefit that the OPS School Board somehow wasn't aware of. That was shocking to a lot of people, not the least of which was the school board. More transparency might have avoided that. And that was one of the issues that put in motion the reforms that this Legislature insisted on requiring the OPS School Board to

Floor Debate
January 30, 2014

undertake. I can tell you as someone who has been involved in openness issues both inside this body and outside over many years, I can tell you that seldom do you have transparency legislation come before this body that does not have opposition from the very people the transparency is aimed at. In fact, it is often the case when you're trying to expand transparency to require government officials, public employees, to behave in ways that allow the public to know more about what they do, they're the ones that usually resist. Last year, we passed a public records law that tightened up our access to public records, made it easier for the public to know what government is doing. I can't tell you how many hours I and my staff had to spend with the people who would be affected by this in order to get agreement. And we still had people grumbling and I still have people grumbling now of what we did last year. There are people in government that would prefer to operate in the murky shadows of secrecy and deny the public the right to know. Now I'm not saying that this bill is going to end all of our problems with transparency in government. But I can tell you that this is something that if you're only hearing from superintendents, don't be surprised because they're the ones who are being affected by this. And so it does not surprise me that they're the ones complaining. This is something we need to do. It's the right thing to do, and often the right thing to do is resisted by the very people who ought to be championing the... [LB470]

PRESIDENT HEIDEMANN: One minute. [LB470]

SENATOR AVERY: ...exposure and the openness or the expansion of transparency. This is a good bill. It's one that has been given serious and adequate consideration. I urge my colleagues to vote for this bill and to resist the temptation to vote for the bracket. Thank you, Mr. President. [LB470]

PRESIDENT HEIDEMANN: Thank you, Senator Avery. Senator Chambers on the motion to bracket. [LB470]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to ask Senator Janssen a question. [LB470]

PRESIDENT HEIDEMANN: Senator Janssen, will you yield? [LB470]

SENATOR JANSSEN: Yes. [LB470]

SENATOR CHAMBERS: Senator Janssen, you are going to be a candidate for Governor, and I think you would agree with me that that is the chief executive officer in this state. Do you agree with that? [LB470]

SENATOR JANSSEN: Yeah, that would be an appropriate title. [LB470]

SENATOR CHAMBERS: Senator Janssen, have you followed the discussion on this

Floor Debate
January 30, 2014

bill? [LB470]

SENATOR JANSSEN: Not intensely, no. [LB470]

SENATOR CHAMBERS: I didn't understand you. [LB470]

SENATOR JANSSEN: Not really that much, no. [LB470]

SENATOR CHAMBERS: Well, let me ask you this question to put it in a nutshell. This bill would require the salaries of certain superintendents...well, superintendents to be made public. Do you agree with this bill or do you disagree with it? [LB470]

SENATOR JANSSEN: Oh, I think the salaries should be public, yes. [LB470]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator McCoy a question. [LB470]

PRESIDENT HEIDEMANN: Senator McCoy, will you yield to a question? [LB470]

SENATOR CHAMBERS: I understand he's coming, so I will speak a little bit until he gets here and I hope he makes it before I finish. Members of the Legislature, the comments that have been made so far have been right on point. The answers that Senator Carlson gave in his and my earlier exchange answered every necessary question as to why this bill is valid, why we ought to support it. What shocks me, I use that word hyperbolically, I'm not shocked by anything someone connected with a school bureaucracy would say, but that superintendents would have the nerve to let the words come out of their mouth saying, I don't want the public to know the amount of my salary. Is Senator Carlson here? I would like to ask... [LB470]

PRESIDENT HEIDEMANN: Senator McCoy is here now if you would like him to yield. [LB470]

SENATOR CHAMBERS: Oh, Senator McCoy, if you would yield I'd like to ask you a question or two. [LB470]

SENATOR McCOY: No, I will not. [LB470]

SENATOR CHAMBERS: Thank you very much. No more than I expected. Members of the Legislature, this is one of those situations where when it comes to the public's business certain people who are running for offices suddenly will not even comply with the courtesies that we have in the Legislature. But I'm going to address questions of Senator McCoy whether he likes it or not, and if he's off the floor and he's offended, then he'll just have to be offended. And I think it says a great deal about an individual who is running for the top executive office in this state but he's still a member of the

Floor Debate
January 30, 2014

Legislature. Now if because of petulance or pique, p-i-q-u-e, a state senator who is still on the payroll for a senator is going to behave in that manner, what would somebody like that do in the Governor's Office if a serious issue of great magnitude is presented? No, I'm not going to deal with that. Uh-uh, I'm the Governor. Senator McCoy and nobody else is compelled to yield to a question. But I feel that I've succeeded in doing something nobody has ever succeeded in doing on this floor: striking such terror into the heart of a senator that he or she was afraid to answer a question. [LB470]

PRESIDENT HEIDEMANN: One minute. [LB470]

SENATOR CHAMBERS: He can probably figure what the question is that I would ask, but he doesn't want to answer. He doesn't want the public to know. Maybe he'll turn on his light and enlighten all of us on what his position is on this bill. He doesn't even know what I was going to ask him. He has an idea of what I was going to ask him. But the only way he can find out is to yield and answer the question. But he doesn't have to. I've got a rhyme formulating in my mind right now. And the two key words that will rhyme are hilarious and nefarious. Look up nefarious, and you know what hilarious means. And every now and then there's jocularly on the floor, hilarity on the floor... [LB470]

PRESIDENT HEIDEMANN: Time. [LB470]

SENATOR CHAMBERS: Thank you, Mr. President. [LB470]

PRESIDENT HEIDEMANN: Senator Chambers, you are next in the queue, and this is your third time. [LB470]

SENATOR CHAMBERS: Thank you, and somebody probably says, phew, thank goodness for that. Mr. President and members of the Legislature, we are all adults. I'm going to comment by way of a paraphrase of what the constitution of Nebraska says about the Governor. The Governor is the chief executive officer of this state. The Governor's job is to see that the laws of this state are faithfully and efficiently administered. That's what the constitution says. I read that document. If I'm going to read the "Holly Bible" you know I'm going to read the "Bible" of state government. And there are people who will run for offices and they have no idea what the constitution says about that office. But here's one thing we do know, that there are certain protocols not only in this state Legislature but in legislatures all over the country. But nobody is compelled to do that. A senator on this floor is free to speak or not speak as he or she sees fit, free to yield to answer questions, free to not yield. But when one violates, breaches, ignores the protocol, it causes a question mark to float above the head of every individual who saw that display. There is nobody--nobody--who could pose a question to me on any issue before us that would strike such terror into me--I don't say heart, I don't have one--that I would refuse to yield to answer a question. I can characterize what I think that is. I'm speaking in general terms now. I think it's small. I

Floor Debate
January 30, 2014

think it's petty. I think it is hurtful because what we do here is watched by the people in this state. And there are going to be some people who are going to say, why is somebody running for Governor afraid of Senator Chambers, somebody needs to stand up to him. Oh, but by the way, Senator Janssen answered a question. He's running for Governor. Senator Pirsch when he's here will answer a question. Senator McGill answers questions. Senator Carlson is answering a question or two. And they are all running for another office. They have no fear. Now if the intent was to show contempt for me, Senator McCoy didn't have to do it that way because he's done it on other occasions, so I know what his attitude is. I'm going to smoke him out before this session is over. Did I tell him to run for Governor? No. I'll tell you what he's angry about. Last session I asked him was he going to run for Governor, and he said, well, I'm not running now. Do you intend to run? I can't say. He knew what he was going to do. Everybody knew. He doesn't like me to ask him direct questions where he should give a direct answer. But when you're going to put yourself out there in politics where you play hardball, be ready. I'll tell him and every other senator on this floor like I told those who represent the Catholic church, their lobbyists, Jim Cunningham, and all of them... [LB470]

PRESIDENT HEIDEMANN: One minute. [LB470]

SENATOR CHAMBERS: ...you don't want me to say things about the church, let the church keep its nose out of the Legislature's business. If they stay in church, they don't worry about me. But if you come into this Legislative Chamber, I will give you the admonition that is given by the referee to two pugilists before they ever start pugilating with each other. Protect yourself at all times, and even if it's by running, ducking, and dodging. But as Joe Louis said, you can run but you can't hide. Thank you, Mr. President. [LB470]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Senator Janssen, you are recognized. [LB470]

SENATOR JANSSEN: Thank you, Mr. President and members. Would Senator Chambers yield to a question? [LB470]

PRESIDENT HEIDEMANN: Senator Chambers, will you yield? [LB470]

SENATOR CHAMBERS: After what I've said I have no choice. (Laughter) Yes, I will. [LB470]

SENATOR JANSSEN: That's why I pushed my button to maybe push your buttons. Have you...how are you feeling today, Senator? [LB470]

SENATOR CHAMBERS: I wasn't doing as well five minutes ago as I am right now. I'm

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

Floor Debate
January 30, 2014

in the peak of health, my mood is uplifted, and I see that all is well with the world.
[LB470]

SENATOR JANSSEN: Have you changed your mind on LB382, the winner take all?
[LB470 LB382]

SENATOR CHAMBERS: Senator Janssen, you have now stopped inquiring of my health and started meddling. I'm unable to make that change though. [LB470]

SENATOR JANSSEN: Okay. Well, I just...I figured I would ask and, well, since we're probably not going to get there today, I'll yield the balance of my time to Senator Chambers if he'd like it. [LB470]

PRESIDENT HEIDEMANN: Senator Chambers, you do have four minutes and six seconds if you wish. [LB470]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Janssen. Senator Janssen has given a demonstration of a classic tactic. It's called defanging or disarming your foe. If a person is ready for a knock-down-drag-out fight and the one he is intending to fight has his hand behind his back, and you get ready to face a knife, a gun, a brick, a stick, or a stone, and you say, let me see what's behind your back, you rascal, and out comes a bouquet of roses, what can you do? What can you do other than smile? Members of the Legislature, all that we deal with in this place are words. Words. But sometimes the reactions of our colleagues show that words indeed have power. Words can be like daggers. Sometimes if a person perceives himself or herself to be vulnerable, he or she will want to duck and dodge and avoid words. Now Senator Janssen asked me about a very bad bill. In my view, it's a very bad bill. I cannot change my mind on it because I can't think any worse of it than I do and nothing can persuade me to think better of it. He and I both know we disagree on that. There are other issues on which we will disagree. Sometimes I will have a proposal with which I know he disagrees. It doesn't surprise me, yet we still communicate in our own way. And he does frequently inquire after my health, and I appreciate that. When you reach my age and a young whippersnapper such as that for any reason thinks enough to ask you, how are you doing, and unlike Pilate who asked Jesus what is truth and he didn't hang around to get an answer, Senator Janssen will wait for my answer. And that is appreciated. But his opponent who sits across the aisle from him does not get that kind of a report card from me. I'd like to ask Senator Bloomfield a question. [LB470]

PRESIDENT HEIDEMANN: Senator Bloomfield, will you yield? And there is one minute remaining. [LB470]

SENATOR BLOOMFIELD: Yes, I will. [LB470]

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

Floor Debate
January 30, 2014

SENATOR CHAMBERS: Senator Bloomfield, you answered the question. Thank you very much. Actions speak louder than words. Anybody who has been here knows that Senator Bloomfield and I disagree on any number of issues, and sometimes the agreements are relatively sharp. I'm not going to ask "General" Garrett a question because I don't have enough time to pursue the issue I'm going to pursue with him before it's over because I read it in the paper. And to give him a hint, cocaine is a part of a statement that he made. So gird up the loins of your mind, "General", get your weaponry ready, and be ready to protect yourself at all times. But because there's not a lot of time left, I won't do it this morning. Thank you, Mr. President. [LB470]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. On the motion to withdraw, we have Senator Karpisek and Senator Lautenbaugh. Senator Karpisek, you are recognized. [LB470]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I thought I would try to help Senator Chambers understand maybe why Senator Janssen always asks how he's feeling, because every time we go home, everyone always says, hey, how's your buddy Ernie. So that...I appreciate Senator Janssen asking. And some days I say that Ernie is fine and some days I say that he's been kind of rough to be around. But everyone always wants to know, Senator Chambers, how you are. Would Senator Carlson yield, please? [LB470]

PRESIDENT HEIDEMANN: Senator Carlson, will you yield? [LB470]

SENATOR CARLSON: Yes, I will. [LB470]

SENATOR KARPISEK: Thank you, Senator Carlson. I know we've been on this awhile, and as you said when this passed off General File, I thought maybe the amendment just kind of appeased everyone and I thought it went rather quickly and I didn't vote on it. So I do appreciate you bringing it up. And I could ask Senator Scheer this, but just to get to the bottom on this. The superintendents now have their salaries public, correct? [LB470]

SENATOR CARLSON: That's what this law is about, makes it mandatory. [LB470]

SENATOR KARPISEK: Correct. It is...right now they're public. [LB470]

SENATOR CARLSON: Most would argue that they're public. [LB470]

SENATOR KARPISEK: And does this kind of get into more of the benefits that go along with that? And I'm...this isn't any trick questions, I'm trying to learn. [LB470]

SENATOR CARLSON: I don't know that. I know it's salary and I don't know beyond that in benefit package. [LB470]

Floor Debate
January 30, 2014

SENATOR KARPISEK: Okay. I'll ask Senator Scheer. Thank you, Senator Carlson. Would Senator Scheer yield, please? [LB470]

SENATOR MCGILL PRESIDING

SENATOR MCGILL: Senator Scheer, will you yield? [LB470]

SENATOR SCHEER: Yes, I will, Madam President. [LB470]

SENATOR KARPISEK: Thank you, Senator Scheer. And I've probably been tuned out a little more on this than I should have been, so just trying to cut to the chase. LB470, would it make anything more public than already is? [LB470]

SENATOR SCHEER: It does not make anything that is not technically public information public information. It simply puts all information in an easy and uniform place for the public to find. [LB470]

SENATOR KARPISEK: Would you say that maybe when people see the salary of a superintendent they don't see the benefits package that's also included in their salary and maybe this is part of LB470? [LB470]

SENATOR SCHEER: Well, certainly more times than not the salary is probably more exclusively the one that is discussed rather than the benefit package. This also would cover those things, those items that would be...funds that would be provided at the termination or resignation or end of a contract that sometimes are not necessarily disclosed or available to the public. [LB470]

SENATOR KARPISEK: So this just makes it maybe easier to find those sort of things for the public. [LB470]

SENATOR SCHEER: This makes it easy for the public because it becomes uniform. It doesn't make any difference what school district you are residing in, that information would be on your local public school's Web site regardless of which one you reside in. [LB470]

SENATOR KARPISEK: Thank you, Senator Scheer. I really appreciate getting it down for me to think about what it is. I don't know how I really feel about the bill. I think it's all out there already for people, however, if it's easier for them to find, that's...transparency is a good thing too. I know there's a lot of angst among taxpayers... [LB470]

SENATOR MCGILL: One minute. [LB470]

Floor Debate
January 30, 2014

SENATOR KARPISEK: ...what superintendents make. They, most of them, make a good salary but they've had to get there. They've had to work to get there. It's kind of like a doctor or a lawyer I guess. You have to work your way up, you have to put your time in. Do we put everyone else on the Web site and all their benefits? I don't know. I definitely appreciate what Senator Scheer is getting at. The transparency is a good thing. Do we want to shine a spotlight just on superintendents, as I understand? I don't know. I appreciate you answering my questions. And I don't know that I know where I'm going, but now I know more about it. Thank you, and thank you, Madam President. [LB470]

SENATOR MCGILL: Thank you, Senator Karpisek. Senator Lautenbaugh, you are recognized. [LB470]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. I do rise in opposition to the bracket motion and in support of the underlying bill. Again, I don't think anyone here is raising any concern that isn't valid. Yeah, it is another regulation, that much is certain, but it's not what you'd call an onerous regulation by any measure because this is something that's already public information. But I do think people have the right to know and I do think that maybe some districts haven't always been forthcoming. I'm not going to cast stones or name names or cite personal history or anything like that. I'm just saying that this is a good thing. And certainly some of this will irritate people if they take the time to go look it up. That's fine. But it also has the virtue of if properly reported being the truth. And I think people have the right to know, and this should be put forth in a straightforward and readily identifiable and transparent manner, and that's all Senator Scheer is trying to do and I applaud him for doing it. I think this is an important effort, it's an important bill, and I would urge you to support it yet again on Select File here. And I'll give the rest of my time to Senator Howard. [LB470]

SENATOR MCGILL: Senator Howard, you have been yielded 3 minutes and 40 seconds. [LB470]

SENATOR HOWARD: Thank you, Madam President, and thank you, Senator Lautenbaugh, for the opportunity to speak in favor of my colleague Senator Scheer's bill. I believe this, in concert with my colleague Senator Larson who is a fantastic speaker, this bill does provide transparency and gives us the opportunity to better understand where taxpayer funds are going in regards to our superintendent salaries. So thank you, Senator Lautenbaugh. Thank you, Senator Scheer, for this legislation. And thank you, Madam President. [LB470]

SENATOR MCGILL: Thank you, Senator Howard and Senator Lautenbaugh. Senator Janssen, you are recognized. [LB470]

SENATOR JANSSEN: Thank you, Madam President and members. I appreciate

Floor Debate
January 30, 2014

Senator Chambers getting me engaged in this bill. I arrived a little bit late today and got up to speed on this. I can't...I rise in opposition to this bracket motion. I do support the underlying bill. I find it odd that we wouldn't want taxpayer money to be transparent, and that's what we're talking about. That's how I feel about it. I feel about that in any agency of government, it should be transparent. So I do support this bill and I just wanted to go on record with that. And if Senator Chambers has any more vigor, I would yield the remaining of my time to him. [LB470]

SENATOR MCGILL: Thank you, Senator Janssen. Senator Harms, you are recognized. I'm sorry (laughter). Senator Chambers, you have four minutes. [LB470]

SENATOR CHAMBERS: Thank you, Madam President. I was certainly hoping you were not getting on that train because you're running for a higher office where Senator Chambers is going to be ignored. But I understand and I forgive you. But here is something that I will point out. I have always been in favor of athletes being compensated for the hard work they do, the risk of injury, the huge amounts of money they bring into the university system, the enhancement of the university's name and image, or to use the cliché now, its brand throughout the country, but those who benefit from all this hard work of the athletes are rock solid against the athletes being given any compensation. I would point out that coaches can get shoe contracts. They get paid for doing interviews. They get paid for doing programs. They get a high salary. They get fringe benefits. They get access to a car. As it turned out with Tom Osborne, the university foundation had a slush fund for him and it only became public when he ran for the U.S. House and the federal disclosure laws required him to expose that money. He even had interest in a company that was laying the artificial sod in the stadium. So what I did was brought some of those issues to the attention of my colleagues and said that along with the listing of other people who are on the public payroll and have to list certain items, coaches would have to do that too. So now if you look at the accountability and disclosure law you'll see that coaches are required to make those disclosures. As much of a religion as football is to some people in this state, my goodness, when the coach has to make a disclosure you know everybody below the level of coach has to do that. And so some of you will understand the first one under the level of coach is god. Then it goes down from there. The coach is above all. So I am pleased that there has been just about universal acceptance and recognition of the fact that these amounts of money should be a matter of public disclosure and nobody should have to go to the Attorney General to seek enforcement of the open meeting...I meant the public records law to get this information. I told Senator Larson that I really was surprised that a superintendent would be as dismissive of a state senator as this man in Weeping Water as the superintendent was to Senator Larson. I imagine it might have been in secret that superintendent wept some of the water that constitutes the term "Weeping Water." [LB470]

SENATOR MCGILL: One minute. [LB470]

Floor Debate
January 30, 2014

SENATOR CHAMBERS: Getting beyond that, unlike Senator Lautenbaugh I will mention OPS by name. There are things that are done and kept secret by the bureaucracy in that school district which the public has a right to know. And as I become aware of more things, I may bring a bill similar to the one Senator Scheer is offering us today. So I am very strongly in favor of this bill. And Senator Carlson knows that I'm opposed to his bracket. Thank you, Madam President. [LB470]

SENATOR MCGILL: Thank you, Senator Chambers and Senator Janssen. Senator Harms, you are now recognized. Senator Harms, you're recognized. [LB470]

SENATOR HARMS: Thank you, Madam President. Appreciate that. Senator Scheer, would you yield for a question, please? [LB470]

SENATOR MCGILL: Senator Scheer, will you yield? [LB470]

SENATOR SCHEER: Yes, I will, Madam President. [LB470]

SENATOR HARMS: Senator Scheer, I think you and I previously had this conversation, and that's in regard to the punitive damage that could happen to a public school if they don't abide by the rules. Could you help me walk through that, what power the commissioner has, and what actually takes place in this process? If they don't...if they choose not to place the salary up on the Web, what actually happens to them and how will that function? [LB470]

SENATOR SCHEER: Certainly. The portion of the bill that you're talking about, Senator, either the county treasurer or the Commissioner of Education has the ability to withhold state aid payments or property taxes that are collected for the district. That is a fairly routine penalty that is incorporated in many educational statutes and compliances. The process in which this would happen is the information is due to be provided to the Department of Education on or before August 1 of each year. If it is not provided, then a letter goes out to the superintendent telling they are delinquent. That same letter, however, Senator, goes to every board member in that district. So in case it might have been intentional or unintentional, at least not only the superintendent knows but as well the school board knows that that information has not been provided. That district then has up until October 1 to provide that information to the Department of Education, and if they have a problem that would be unforeseen or they have a concern or something that would not make them available to do this, they can always make an application for a hearing before the commissioner to grant them either a waiver or an excuse or a later date. [LB470]

SENATOR HARMS: Senator Scheer, is the length of this going to be 30, 60, 90 days that it goes through this whole process or is it just immediately in regard to withholding

Floor Debate
January 30, 2014

and going through this whole process of hearings? How long does that actually take?
[LB470]

SENATOR SCHEER: That does not take place until after the last resort by the school districts. So if they do not ask for a hearing in front of the commissioner, then that would be effective after October 1. But the school districts are notified several times between that. [LB470]

SENATOR HARMS: Thank you, Senator Scheer. Thank you, Madam Chair. [LB470]

SENATOR MCGILL: Thank you, Senator Harms and Senator Scheer. Senator Johnson, you are recognized. [LB470]

SENATOR JOHNSON: Thank you, Madam President. I speak in opposition to the bracket. I sat in on the same...in the same room the other day as Senator Carlson. At our table, the discussion focused on different things. And so maybe this should have come up but it didn't. There were two superintendents present in the meeting. When I sat as mayor, we had to make sure that when we created our new budget that the names and salaries...not the name but the salary of our city administrator and all of our department head appointments that are made by the mayor, those salaries are published. We also published by category and by bracket the ranges for all of our other employees of which we had probably about 40 of them. So there is transparency there. I believe there should be transparency also in the public school system. I support LB470. Thank you. [LB470]

SENATOR MCGILL: Thank you, Senator Johnson. Senator Janssen, you are recognized, and this is your third time. [LB470]

SENATOR JANSSEN: Thank you, Madam President. Again, I rise in support of LB470 and against the bracket motion. And yesterday during debate over winner take all, you know, the question came up from, as he's sometimes called, Professor Avery, Senator Avery about the public purpose. And while Professor Avery is a great friend and colleague, he's not a great listener because I went through the entire public purpose of the particular legislation I am proposing in my opening. But he perhaps was not listening at that time which is fair. But with that said, would Senator Scheer yield to a question?
[LB470]

SENATOR MCGILL: Senator Scheer, would you yield? [LB470]

SENATOR SCHEER: Of course, Madam President. [LB470]

SENATOR JANSSEN: Thank you, Senator Scheer. I think this is actually the first time I've engaged you on the microphone since you've been down here the last couple of

Floor Debate
January 30, 2014

years. So this is not a Mount Rushmore moment by any means, but certainly something. Public purpose of this policy, from what I can see it just getting engaged in it this morning is people want to know where their taxpayer money is going and that's the way I see it. And that's why I agree with it. Is there a different public purpose other than that? [LB470]

SENATOR SCHEER: No, this is exactly what you said, Senator. It's to provide the information to the public in a method and a manner that is easily accessible. Some districts may already have it posted on their Web site. I don't know. There are other districts that I might think that perhaps if you went into the office, the administrative office and asked what the superintendent made as a salary, they may tell you they would have to find out if it's okay to give to you or they may tell you that they'll have to look and find that information. Many times the contract of the superintendent is actually held by the superintendent of schools. There's nothing wrong with that and I'm not trying to imply that there's unethical or improper, but it's not very accessible as far as public information. This simply provides the use of public funds, be it either a salary or a benefit that is paid to the superintendent of schools, which is a unique position in any school district, is now available on the Web site of every local school district as well as the Department of Education on an annual basis. [LB470]

SENATOR JANSSEN: Thank you, Senator Scheer. And I guess I apologize. I'm not much different than Senator Avery who was not listening to my opening when I gave the public purpose of my bill dealing with winner take all, and so I did not hear your opening on this. But if I could ask you one more question: What would be the reason for somebody not wanting their taxpayer-funded pay to be public? [LB470]

SENATOR SCHEER: I can't think of a reason, Senator, and nor do I assume that any of the superintendents are not in support of the public having access to public information. I think the discussion perhaps has perhaps taken a life of its own. I think superintendents in the state of Nebraska are fine and honorable people. He or she in any district know that they are the highest paid individual in that school district. From the vantage point, it is not the superintendent that needs to defend the salary of the superintendent. Their compensation is directed by the Board of Education. So if public has concerns about the compensation of those people that is now being more publicly provided, it's the Board of Education that is responsible to defend their actions not the superintendent. [LB470]

SENATOR JANSSEN: Thank you, Senator Scheer, for clearing that up to me. Thank you, Madam President. [LB470]

SENATOR MCGILL: Thank you, Senator Janssen and Senator Scheer. Senator Bloomfield, you are recognized. [LB470]

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

Floor Debate
January 30, 2014

SENATOR BLOOMFIELD: Thank you, Madam President. A couple of years ago when the superintendent thing in Omaha kind of blew up in everybody's face I asked my staff to contact the superintendents' offices in my district to find out what our superintendents were being paid. It wasn't very...they weren't very forthcoming with that information. So I am going to oppose the bracket motion and I will continue to support LB470. And if Senator Scheer would like a little time, he could have the rest of mine or he can waive it. [LB470]

SENATOR MCGILL: Senator Scheer waives that time. Thank you, Senator Bloomfield. Senator Carlson, you are recognized to close on the bracket motion. [LB470]

SENATOR CARLSON: Thank you, Madam President and members of the Legislature. This is an important bill. LB20 (sic - LB470) affects every school district in the state, every superintendent in the state, every school board in the state, every school board member in the state. It's an important issue because it deals with appropriate, necessary regulation. And I think this deserved more discussion, and I appreciate what's come forth this morning. I will accept the decision of the Legislature concerning this bill and I would request that the bracket motion be withdrawn. [LB470]

SENATOR MCGILL: The motion is withdrawn. [LB470]

CLERK: I have nothing further on the bill, Madam President. [LB470]

SENATOR MCGILL: Senator Murante...Senator Carlson, you are recognized. [LB470]

SENATOR CARLSON: Thank you, Madam President. I request a call of the house and a roll call vote in reverse order. [LB470]

SENATOR MCGILL: There has been a request for the call of the house. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB470]

CLERK: 27 ayes, 0 nays to place the house under call. [LB470]

SENATOR MCGILL: Members, the house is under call. Please report back to the Chamber and check in. Any unauthorized personnel please leave the floor. Senator Christensen, Senator Nordquist, Senator Lathrop, Senator Burke Harr, please record your presence. Senator Davis, please return to the Chamber. All members are now accounted for. The question is the advancement of LB470 to E&R for engrossing. There has been a request for a roll call vote, Mr. Clerk, in reverse order. [LB470]

CLERK: (Record vote read, Legislative Journal pages 415-416.) 45 ayes, 0 nays, Madam President, on the advancement of LB470. [LB470]

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

Floor Debate
January 30, 2014

SENATOR MCGILL: LB470 is advanced. Mr. Clerk, we proceed to the Select File LB76. And the call has been raised. [LB470 LB76]

CLERK: LB76, Senator Murante. I have E&R amendments pending, Senator. (ER127, Legislative Journal page 365.) [LB76]

SENATOR MCGILL: Senator Murante. [LB76]

SENATOR MURANTE: Thank you, Madam President. I move to adopt the E&R amendments. [LB76]

SENATOR MCGILL: The question is the adoption of the E&R amendments. All those in favor say aye. All those opposed say nay. The amendments are adopted. [LB76]

CLERK: I have nothing further on the bill. [LB76]

SENATOR MCGILL: Senator Murante. [LB76]

SENATOR MURANTE: I move to advance LB76 to E&R for engrossing. [LB76]

SENATOR MCGILL: You've heard the motion. All those in favor say aye. All those opposed say nay. LB76 is advanced. Mr. Clerk, proceeding on Select File. [LB76]

CLERK: LB371, Madam President. Senator Murante, I have some E&R amendments pending, first of all. (ER128, Legislative Journal page 365.) [LB371]

SENATOR MCGILL: Senator Murante. [LB371]

SENATOR MURANTE: I move to adopt the E&R amendments. [LB371]

SENATOR MCGILL: The question is the adoption of the E&R amendments. All those in favor say aye. All those opposed say nay. The amendments are adopted. [LB371]

CLERK: Senator Mello would move to amend with AM1710. (Legislative Journal page 398.) [LB371]

SENATOR MCGILL: Senator Mello, you are recognized to open on your amendment. [LB371]

SENATOR MELLO: Madam President, members of the Legislature, AM1710 addresses a drafting error in the committee amendment that was discovered during the E&R process. In its current form for LB371 requires that the Department of Administrative Services submit the new procurement report on September 1 of each year, but the

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

Floor Debate
January 30, 2014

language incorrectly states that the report should be on contracts for the fiscal year ending on that date. AM1710 would change this language so the report is on DAS contracts from the most recent fiscal year that ended prior to the September 1 deadline. I'd urge the body to adopt AM1710. [LB371]

SENATOR MCGILL: Thank you, Senator Mello. Seeing no one else in the queue, Senator Mello waives closing. The question is the adoption of the amendment. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB371]

CLERK: 31 ayes, 0 nays on the adoption of Senator Mello's amendment. [LB371]

SENATOR MCGILL: The amendment is adopted. [LB371]

CLERK: I have nothing further on the bill, Madam President. [LB371]

SENATOR MCGILL: Senator Murante. [LB371]

SENATOR MURANTE: Madam President, I move to advance LB371 to E&R for engrossing. [LB371]

SENATOR MCGILL: You've heard the question. All those in favor vote aye. All those opposed. The bill advances. Mr. Clerk, proceeding to Select File, LB272. [LB371 LB272]

CLERK: LB272, Senator, I have Enrollment and Review amendments, first of all. (ER129, Legislative Journal page 373.) [LB272]

SENATOR MCGILL: Senator Murante. [LB272]

SENATOR MURANTE: I move to adopt the E&R amendments. [LB272]

SENATOR MCGILL: The question is the adoption of the E&R amendments. All those in favor say aye. All those opposed say nay. The amendments are adopted. [LB272]

CLERK: I have nothing further pending on that bill, Senator. [LB272]

SENATOR MCGILL: Senator Murante. [LB272]

SENATOR MURANTE: I move to advance LB272 to E&R for engrossing. [LB272]

SENATOR MCGILL: The question is the advancement of LB272. All those in favor say aye. Senator Chambers, you are recognized. [LB272]

SENATOR CHAMBERS: Thank you. Madam President, and I was a little slow on the

Floor Debate
January 30, 2014

uptake so I don't fault anybody for that. Is Senator Carlson here? I would like to ask Senator Carlson a question. [LB272]

SENATOR MCGILL: Senator Carlson, would you yield? [LB272]

SENATOR CARLSON: Yes, I will. [LB272]

SENATOR CHAMBERS: Senator Carlson, this bill and the one-liner deals with permits and fees. Are these permits and fees in connection with the regulation of this activity? [LB272]

SENATOR CARLSON: Yes, they are. [LB272]

SENATOR CHAMBERS: Thank you. Madam President, if he will yield, I would like to ask Senator Kintner a question or two. [LB272]

SENATOR MCGILL: Senator Kintner, will you yield? [LB272]

SENATOR KINTNER: Reluctantly, yes. [LB272]

SENATOR CHAMBERS: But you did, nevertheless, Senator Kintner, and for that, I thank you. You are well-known to be opposed to governmental regulation. Is that true or false? [LB272]

SENATOR KINTNER: False. [LB272]

SENATOR CHAMBERS: All right. What kind of regulation are you opposed to? [LB272]

SENATOR KINTNER: You know what, you can't give a blanket statement. I think we are a little excessive sometimes, but certainly there's a role for government in regulation, yes. [LB272]

SENATOR CHAMBERS: And when do you think regulation becomes excessive, since we're speaking in general terms? [LB272]

SENATOR KINTNER: Probably when it infringes on our liberty. [LB272]

SENATOR CHAMBERS: And what liberty is it that would be infringed upon? [LB272]

SENATOR KINTNER: Oh, I don't know, freedom of speech, freedom of religion, a right to bear arms. Those are the big ones. [LB272]

SENATOR CHAMBERS: Those are the only liberties which... [LB272]

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

Floor Debate
January 30, 2014

SENATOR KINTNER: No, I'm just...I mean, we can go on all day, but I'm just throwing some big ones out that cover a lot of stuff. [LB272]

SENATOR CHAMBERS: Have you looked at this bill? [LB272]

SENATOR KINTNER: Have I looked at the bill? Yes, I've looked at the bill. [LB272]

SENATOR CHAMBERS: This bill, this particular bill. [LB272]

SENATOR KINTNER: Yes. [LB272]

SENATOR CHAMBERS: Do you know what it does? [LB272]

SENATOR KINTNER: Yes. [LB272]

SENATOR CHAMBERS: And it involves regulation, doesn't it? [LB272]

SENATOR KINTNER: Can you repeat that, please? [LB272]

SENATOR CHAMBERS: I didn't understand you. [LB272]

SENATOR KINTNER: Can you repeat that? I'm sorry, I didn't hear that. [LB272]

SENATOR CHAMBERS: I still didn't understand you. [LB272]

SENATOR KINTNER: The question. [LB272]

SENATOR CHAMBERS: It involves regulation, correct? This bill that's before us now, it involves regulation, correct? [LB272]

SENATOR KINTNER: I think so, yeah. [LB272]

SENATOR CHAMBERS: Do you think the regulation is excessive? [LB272]

SENATOR KINTNER: No. [LB272]

SENATOR CHAMBERS: What does it regulate? [LB272]

SENATOR KINTNER: Why are you asking me what it regulates? [LB272]

SENATOR CHAMBERS: Because I'm...I want to know. If you don't want to answer, just do like Senator McCoy and say, I don't want to answer any questions, I'm tired of this.

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

Floor Debate
January 30, 2014

Let me ask again now, and you can say no. [LB272]

SENATOR KINTNER: No, go talk to the person who introduced the bill. I'm not going to defend another bill. You talk to him about it. Don't ask me. [LB272]

SENATOR CHAMBERS: Are you presuming to tell me what to do, Senator Kintner? [LB272]

SENATOR KINTNER: Well, I guess at a risk to my...at great risk, I probably am. But ask the person who introduced the bill, don't... [LB272]

SENATOR CHAMBERS: But, Senator Kintner, I'd rather ask you. Are you going to support this bill? [LB272]

SENATOR KINTNER: I'm not sure yet. [LB272]

SENATOR CHAMBERS: Are you opposed to this bill? [LB272]

SENATOR KINTNER: No, I am not opposed to it. I have not come down to think it's a bad thing yet. I'm still looking... [LB272]

SENATOR CHAMBERS: So at this point you're neither for it nor against it? [LB272]

SENATOR KINTNER: I'm still looking at it. As a matter of fact, I'd like to talk to the introducer of the bill a little bit about it. [LB272]

SENATOR CHAMBERS: What does the bill do? [LB272]

SENATOR KINTNER: Ask him what it does. It's his bill. [LB272]

SENATOR CHAMBERS: Do you know what the bill does, Senator Kintner? [LB272]

SENATOR KINTNER: Ask him about his bill. Don't ask...ask me about my bills. Don't ask him about his bills. [LB272]

SENATOR CHAMBERS: Who is the "him" that I should ask? [LB272]

SENATOR KINTNER: Ask whoever you want but don't ask me. How's that? [LB272]

SENATOR CHAMBERS: Well, you said "him." "Him" is a masculine pronoun referring to a specific person. Do you have a specific "him" in mind? [LB272]

SENATOR KINTNER: No, I...this is not my bill. Don't ask me. I don't want it. [LB272]

Floor Debate
January 30, 2014

SENATOR CHAMBERS: Did you tell me to ask "him?" [LB272]

SENATOR KINTNER: You can ask Carlson, you can ask any of the other 47 people plus "him." [LB272]

SENATOR CHAMBERS: Is this Senator Carlson's bill? [LB272]

SENATOR KINTNER: I would assume it is. [LB272]

SENATOR MCGILL: One minute. [LB272]

SENATOR CHAMBERS: Thank you, Senator Kintner. Members of the Legislature, that's what I was telling you about when I said people stand up and say they're against regulation. But a bill that deals with regulation, this individual, who is notorious for being against regulation, doesn't really know what the bill is about, wasn't sure whose bill it is. He's answered questions about bills that he did not introduce. I'd like to ask Senator Kintner a question, if he will yield. Senator Kintner, will you yield? And you don't have to, you can just say no if you don't want to. [LB272]

SENATOR KINTNER: Okay. [LB272]

SENATOR CHAMBERS: Does that mean you'll yield? [LB272]

SENATOR KINTNER: Yes, go ahead. [LB272]

SENATOR CHAMBERS: Senator Kintner, am I to understand that you're putting in place a rule that you'll follow for the rest of the session, which means you will not respond to questions about any bill which is not introduced by you? [LB272]

SENATOR MCGILL: Time. Senator Wallman, you are recognized. [LB272]

SENATOR WALLMAN: Thank you, Madam President, members of the body. Would Senator Carlson yield to a question? [LB272]

SENATOR MCGILL: Senator Carlson, would you yield? [LB272]

SENATOR CARLSON: Yes, I will. [LB272]

SENATOR WALLMAN: Thank you, Senator. Yes, I did read the bill and I noticed Farm Bureau was opposed to this. What was their reason? I mean, not Farm Bureau, I think it was...Corn Growers, I mean. [LB272]

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

Floor Debate
January 30, 2014

SENATOR CARLSON: Well, they were concerned that in the...without the amendment it was a fee at a set amount and the amendment changed that not to exceed an amount. So various NRDs will charge less depending on what they can get done with less expenses. So they didn't want to put a blanket figure on everyone and that, I think, satisfied the opposition. [LB272]

SENATOR WALLMAN: Question number two. Does the producer pay this fee or the NRD district, or...? [LB272]

SENATOR CARLSON: The producer pays it. [LB272]

SENATOR WALLMAN: Thank you. This is a very...maybe sounds innocuous bill but it's an important bill. Chemigation is...you can pollute your underground water and so that's all I'll say. Thank you, Madam President. [LB272]

SENATOR MCGILL: Thank you, Senator Wallman and Senator Carlson. Senator Chambers, you are recognized. [LB272]

SENATOR CHAMBERS: Thank you, Madam President. Members of the Legislature, my quarry has escaped. But here's what I'm going to do. I'm going to question people on the basis of things they have said, on the basis of positions they have taken. I wish somebody would make me look as ridiculous as Senator McCoy looked and Senator Kintner looked this morning. Oh, you don't think I should call them by name? They don't have a name? I don't use a pronoun "him." And I don't know how many "hims" there are in here, except that you subtract the number of "hers," then you've got the number of "hims." But I believe that each "him" has a name and the same with each "her." And when I have a question to ask, I'm going to ask it and all anybody has to do is say, I don't want to answer the question. But I've been in this Legislature a long time, I know how things are done. And if somebody does not like the way it's done, do like Senator McCoy did. Say, no, I'm not going to yield. He didn't have to say any other words besides no, and he did. But that doesn't mean that's the end of it. We often comment on comments by our colleagues on this floor. And sometimes the comment was not even made directly to us, but we'll comment on it nevertheless because it is a part of what it is that we do. I'm going to catch Senator Kintner, if not today, at another time, and he is going to reach a point where he won't pop up on every issue and quote some of this stuff that he heard without having me explore what he is saying and why he is saying it and show when he is contradicting by his conduct the words that come out of his mouth. He's not the only one that does that, but he's the one who makes the greatest show of it. I'd like to ask Senator Wallman a question. [LB272]

SENATOR MCGILL: Senator Wallman, would you yield? [LB272]

SENATOR WALLMAN: With trepidation. [LB272]

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

Floor Debate
January 30, 2014

SENATOR CHAMBERS: No, Senator Wallman, I learn from my colleagues and when young Senator Janssen asked me about my health, I think that's a good idea. How do you feel today, Senator Wallman? [LB272]

SENATOR WALLMAN: Fine, thank you. [LB272]

SENATOR CHAMBERS: I'm glad to hear that. That's all that I have. Thank you, Senator Wallman. [LB272]

SENATOR WALLMAN: Thank you, Senator. [LB272]

SENATOR CHAMBERS: See, I can be benign, but I'm not always going to be benign. And what I'm talking about, even though it might be lighthearted, is very serious. When these people are candidates before they're members of the Legislature, I will call them out. I didn't tell anybody, run for an office. They can run for any office they want to. But on this floor, they are senators, and I will ask them a question if I have it. Madam President, I would like to ask Senator McCoy a question if he will yield. [LB272]

SENATOR MCGILL: Senator McCoy, will you yield? [LB272]

SENATOR MCCOY: No, I will not. [LB272]

SENATOR CHAMBERS: I didn't understand. He said, no? [LB272]

SENATOR MCGILL: He said no. [LB272]

SENATOR CHAMBERS: Strike two. I'm not going to let him get the third strike today. And if I have a question to ask him, I'm going to put it to him and he can say no, no, no, as many times as he pleases. But he's showing more about himself than he is about me. And if I, which I'm not, were running for Governor... [LB272]

SENATOR MCGILL: One minute. [LB272]

SENATOR CHAMBERS: ...I would show by every public statement I make, every public action I place, that I am suitable for that office because I'm big enough for the office and I'm able to carry out the duties. I have enough self-confidence to address any issue which is presented to me and I will not run and hide. I will not be forced like a frightened little puppy dog to run yipping and yapping and hiding under the couch. That's what I would show if I were running for Governor, but I'm not running for Governor. But that's the way I conduct my affairs. When there are shootings in my community, I had a program. I told people, if you're afraid to name the shooter, tell me and I will name the shooter. [LB272]

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

Floor Debate
January 30, 2014

SENATOR MCGILL: Time. [LB272]

SENATOR CHAMBERS: Thank you, Madam President. [LB272]

SENATOR MCGILL: Senator Conrad, you're recognized. [LB272]

SENATOR CONRAD: Thank you, Mr. President. I was hoping that Senator Chambers might yield to a question, please. [LB272]

SENATOR MCGILL: Senator Chambers, will you yield? [LB272]

SENATOR CHAMBERS: Yes, I will. [LB272]

SENATOR CONRAD: Senator Chambers, how long have you been a member of the Nebraska Legislature? [LB272]

SENATOR CHAMBERS: Before I had to leave here due to term limits, I was here 38 years. So this is my second year of this new term, so this is going on my 40th year. [LB272]

SENATOR CONRAD: Very good. Thank you, Senator. And I'll tell you, this is my eighth year in the Legislature and I'm very confused and perplexed about the dynamic that has presented itself this morning. In your recollection during the course of your service, is it pattern and practice for members not to yield to questions when posed by other members? [LB272]

SENATOR CHAMBERS: I cannot recall this ever having happened. [LB272]

SENATOR CONRAD: I could not recall it having happened in my eight years either; but due to your senior status, I was hoping that you could provide some more information about that. And, you know...thank you, Senator Chambers, I appreciate that. Colleagues, I think that this is an important point to note. We are, of course, the only deliberative body in the state of Nebraska, being a one-house Legislature. And goodness knows, we can have hotly debated differences of opinion on this or the multitude of issues that are before the Nebraska Legislature. But I cannot, for the life of me, understand what would keep somebody from engaging in a debate or providing a professional courtesy to another member when asked to do so. I think that, you know, maybe there is a good explanation and that's something that we should all be aware of. But I do think that when civility breaks down to the point when we are not willing to provide that kind of professional courtesy to each other, that speaks volumes about how we conduct ourselves. And I thank you, Senator Chambers. [LB272]

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

Floor Debate
January 30, 2014

SENATOR MCGILL: Thank you, Senator Conrad and Senator Chambers. Seeing no other speakers in the queue, Senator Murante, for a motion. [LB272]

SENATOR MURANTE: Madam President, I move to advance LB272 to E&R for engrossing. [LB272]

SENATOR MCGILL: You've heard the motion. All those in favor say aye. All those opposed say nay. LB272 is advanced. Mr. Clerk. [LB272]

CLERK: LB514, Senator, I have Enrollment and Review amendments. (ER130, Legislative Journal page 375.) [LB514]

SENATOR MCGILL: Senator Murante. [LB514]

SENATOR MURANTE: I move to adopt the E&R amendments. [LB514]

SENATOR MCGILL: The question is the adoption of the E&R amendments. All those in favor say aye. All those opposed say nay. The amendments are adopted. [LB514]

CLERK: I have nothing further on the LB514, Senator. [LB514]

SENATOR MCGILL: Senator Murante. [LB514]

SENATOR MURANTE: I move to advance LB514 to E&R for engrossing. [LB514]

SENATOR MCGILL: You've heard the motion. All those in favor say aye. All those opposed say nay. LB514 is advanced. Mr. Clerk. [LB514]

CLERK: LB597. No Enrollment and Review. Senator Larson would move to amend with AM1747. (Legislative Journal page 405.) [LB597]

SENATOR MCGILL: Senator Larson, you are recognized to open on AM1747. [LB597]

SENATOR LARSON: Thank you, Madam President. AM1747 addresses the concerns Senator Schumacher brought up on General File regarding the counties having input when their agricultural societies buy, sell, or set up long term leases of the real estate. It gives counties additional protections of their interests and requires that they give their consent for any purchase, sale, or longtime lease. The county would not have to approve any short term leases entered into by the agricultural society that are less than 90 days. I would like to thank Senator Schumacher and Senator Schilz for the help on this amendment and I'd be happy to answer any questions. And I'd appreciate a green vote on AM1747. Thank you, Madam President. [LB597]

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

Floor Debate
January 30, 2014

SENATOR MCGILL: Seeing no one wishing to speak in the queue, Senator Larson, would you like to close on your amendment? Senator Larson waives closing. The question is, shall AM1747 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB597]

CLERK: 31 ayes, 0 nays, Madam President, on the adoption of Senator Larson's amendment. [LB597]

SENATOR MCGILL: The amendment is adopted. [LB597]

CLERK: I have nothing further on the bill. [LB597]

SENATOR MCGILL: Senator Murante. [LB597]

SENATOR MURANTE: I move to advance LB597 to E&R for engrossing. [LB597]

SENATOR MCGILL: You've heard the motion. All those in favor say aye. All those opposed say nay. LB597 is advanced. Mr. Clerk. [LB597]

CLERK: LB513. I have no amendments to the bill, Senator. [LB513]

SENATOR MCGILL: Senator Murante. [LB513]

SENATOR MURANTE: I move to advance LB513 to E&R for engrossing. [LB513]

SENATOR MCGILL: The question is the advancement of LB513. All those in favor say aye. All those opposed say nay. LB513 advances. Mr. Clerk. [LB513]

CLERK: LB278. Senator, I have no amendments to the bill. [LB278]

SENATOR MCGILL: Senator Murante. [LB278]

SENATOR MURANTE: I move to advance LB278 to E&R for engrossing. [LB278]

SENATOR MCGILL: The question is the advancement of LB278. We...I'm sorry. Senator Chambers, you are recognized. [LB278]

SENATOR CHAMBERS: Thank you. Madam President, members of the Legislature, the last time this bill was up Senator Pirsch and I had a discussion and he said there was information he would give me, and I want the record to show that he did give me that information. I have no objection to the bill, and even at that time it was not an objection, it was trying to get an understanding which I have about as much as anybody can on the bill because of what the subject matter is. I see Senator Pirsch is back, but in

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

Floor Debate
January 30, 2014

his absence I wanted to make clear that he did give me the information that he promised. And now I'd like to ask Senator Kintner a question. [LB278]

SENATOR MCGILL: Senator Kintner, will you yield? [LB278]

SENATOR KINTNER: Okay. Yes, I'll yield. [LB278]

SENATOR CHAMBERS: Senator Kintner, so that I can understand because I don't want to antagonize you any more than I feel like doing at the time that I'm doing it, when you said ask whoever's bill it is the questions, were you saying that you are not going to comment on a bill if it's introduced by somebody other than yourself or did you mean you simply are not going to answer questions about that bill? [LB278]

SENATOR KINTNER: Well, I feel a lot more comfortable commenting on bills that I understand and I'm fully up on. You know, there's some bills I just...they're not my area of expertise. [LB278]

SENATOR CHAMBERS: Same with me. But here's the question I'm asking. When you made an earlier statement, I want to have clarification so I'll know how to proceed with you. Did you mean, not talking about a bill now where you don't speak because you don't know anything about it, but the only way I'd know that is if I'd ask you a question and you'd tell me that's not an area. Here's what I'm trying to get across with a general question. Do you mean to say that you're not going to speak on a bill if it's not one you introduced? Or that you are not going to answer questions on a bill that you did not introduce? Or do you not mean either one of those statements? [LB278]

SENATOR KINTNER: I don't mean either one of those statements. [LB278]

SENATOR CHAMBERS: So then we will proceed on a case-by-case basis. You will not be offended if I ask you about a bill even if you didn't introduce it. Is that true or false? [LB278]

SENATOR KINTNER: No, I won't be offended, but I may not know the ins and outs of that bill. [LB278]

SENATOR CHAMBERS: Right. And that's fair. Madam President, I'd like to ask Senator McCoy a question. [LB278]

SENATOR MCGILL: Senator McCoy, would you yield? [LB278]

SENATOR MCCOY: No, I will not. [LB278]

SENATOR CHAMBERS: Strike three. But I'm generous. I'm going to give a person

Floor Debate
January 30, 2014

more than three strikes because we're not playing baseball. We're playing something far more serious. And a person could change his mind. Ignorance is invincible only when it will not yield to facts and information. If you determine that ignorance that you're dealing with is invincible, there's no need in continuing to pursue unless by doing so a greater good is served. And what is the greater good? The greater good for the greater number. What is the greatest good according to the philosophers, the greatest good for the greatest number. But a man was sitting at a table eating, and he was a philosopher of sorts and he disagreed with that notion of the greatest good for the greatest number because the one who had propounded that maxim had done it in connection with something that this gentleman sitting at the table eating did not agree with. So the one who propounded the question,... [LB278]

SENATOR MCGILL: One minute. [LB278]

SENATOR CHAMBERS: ...the maxim, was sitting across the table. But somebody else asked this man, do you believe in the greatest good for the greatest number. And he shocked everybody by saying yes. And they said, well, what do you consider to be the greatest number. He pointed to himself and said, number one, number one is the greatest number. And when I have a question to pose, I'm going to pose it. That having been said, I'd like to ask Senator McCoy a question if he will yield. [LB278]

SENATOR MCGILL: Senator McCoy, would you yield? [LB278]

SENATOR MCCOY: No, I will not. [LB278]

SENATOR CHAMBERS: Thank you, Madam President. Thank you, colleagues. [LB278]

SENATOR MCGILL: Thank you, Senator Chambers. Senator Schumacher, you are recognized. [LB278]

SENATOR SCHUMACHER: Thank you, Madam President. Will Senator Pirsch yield to a couple of questions? [LB278]

SENATOR MCGILL: Senator Pirsch, would you yield? [LB278]

SENATOR PIRSCH: I would. [LB278]

SENATOR SCHUMACHER: Thank you, Senator Pirsch. With respect to the removal of the \$2,000 limit for charges for duplicating this file or this disk, were you able to ascertain what the actual cost of duplicating the disk would be or the size of the files that we're talking about? [LB278]

SENATOR PIRSCH: Yeah. No, and I appreciate that. I can tell you what I do know, and

Floor Debate
January 30, 2014

that is after we had the debate on the floor last time, I went to...I re-approached Colleen Byelick at the Secretary of State's Office yet just an hour or two ago and talked with her about that and asked if that was a correct assertion what I had...to confirm that with respect to the \$2,000 would not...should one of these out-of-state, multi-conglomerate data crunchers come in and request, you know, the...\$2 million or \$3 million...I'm sorry, 2 million or 3 million visual images as well as keep in mind, there are images that are housed at the Secretary of State's Office but they're not imaged yet. They are older. They're from 1996 and before. And so she said quite clearly that is correct that that \$2,000 would not compensate the...we'd be essentially subsidizing these out-of-state corporations in their request for information. [LB278]

SENATOR SCHUMACHER: Did you ask her whether or not they could simply copy the database of stuff that has been photographed or digitized from after 1996 what it would take to say pull, drag, drop, copy, or something to that equivalent? [LB278]

SENATOR PIRSCH: The only thing I can relate is that she related that her vendor had said that there is no functionality to provide that and if there did, that the vendor had indicated that... [LB278]

SENATOR SCHUMACHER: Thank you, Senator Pirsch. I think what we're dealing with here is a bit of monopoly. We have an out-of-state vendor that is in control of these files. So saying these nasty out-of-state vendors may come in, we've already done that. To copy the database is not a whole lot more complicated than you copying something on your computer. And to say we don't have that functionality yet because the present vendor doesn't want the functionality is not a proper response. What's going on here it appears is that the present vendor wants to make it cost prohibitive for anybody else to get these digitized public records and make them available as part of their otherwise commercial service, thus preserving monopoly access or making competitive access by other independent providers less likely. When we put the \$2,000 limit in, that's great plenty to copy a disk. And the disk now, as you well know, for all practical purposes you can get two, three, four terabytes for under a couple of hundred dollars on a disk. This is an effort to keep the data in house and the revenue streams going like they are now. There is no need to take that \$2,000 limit out. We have not heard anything but glittering generalities with respect to that. And this is an attempt to remove from the competitive market the public electronic information of the state of Nebraska. It is also raising the issue of exactly who owns this data, who controls it, and who understands how to make it... [LB278]

SENATOR MCGILL: One minute. [LB278]

SENATOR SCHUMACHER: ...work. I think that the removal of the limit of \$2,000 has not been proven necessary, and as a result we are restricting the market for our data and the ability to innovatively present that data by other people than our present

Floor Debate
January 30, 2014

contractor. And I don't think that's a good idea. Thank you, Madam President. [LB278]

SENATOR MCGILL: Thank you, Senator Schumacher. Senator Pirsch, you are recognized. [LB278]

SENATOR PIRSCH: Madam President, members of the body, I would like to just say that the issues that Senator Schumacher speaks of really involve government in general, electronic records in general. And so I wouldn't have a problem as we kind of discussed before if it's kind of a generalized problem involving all agencies and departments in terms of releasing records and others on-line and fees charged and whatnot. I think we should probably undertake that on a holistic basis, not piecemeal. And so this is such a narrow, minute, very focused type of bill. And so, but I would not have any objection if we were to undertake an interim study or somehow or other address the overall general concern that I think Senator Schumacher wants to explore and investigate. But certainly we don't have any indication from the department or any kind of indication or that clearly would give a red flag that these...that this is not accurate information that we're receiving in this limited circumstance. So I do think that it may warrant a general type of examination during an interim if that issue is to be explored involving all records that government, state government provides. But with respect to this narrow issue here, we're talking about records...it doesn't change the fee for everything that has been experienced, whether it be "onesies" or "twosies." But we're talking about massive, massive amounts of data that would be required from exclusively large corporations, national companies who are involved in business data mining who would...and so on that basis, if we go ahead and guarantee to them that we will deliver the records at a cost that doesn't...that is...that we can't...that is below that which it would take to produce those records for these out of state companies, then you are in fact subsidizing out of state large commercial enterprises with Nebraska tax dollars. So I would urge to tread lightly and carefully. I think that we should do this methodically to take a look at it, not just with respect to these records being supplied here, but a holistic approach. And I don't have any problem with that. But I do think that if we start taking, without having good information right now, action, that, you know, is not...we don't have evidence that substantiates that at this basis, I think that we are treading into some dangerous territory. So I would at this point in time urge you to advance LB278. And then with respect to this overarching concern about government in general, I think that that's warranted to explore with respect to an interim study and it will doubtless include a much larger universe and maybe we can have a methodical process put in place if this is in fact a concern that Senator Schumacher has about government in general. Thank you. [LB278]

SENATOR MCGILL: Thank you, Senator Pirsch. Mr. Clerk for a motion. [LB278]

CLERK: Madam President, some items if I may. New resolutions: LR429 is by Senator Mello; LR430 is Senator Kintner; LR431, Senator Kintner. All three of those will be laid

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

Floor Debate
January 30, 2014

over at this time. Motions to be printed: Senator Chambers, a motion to LB399; Senator Schumacher, a motion with respect to LB278. Senator Davis would like to withdraw LB1079. That will be laid over at this time. Name adds: Senators Mello, Lathrop, Ashford, Ken Haar to LB754; Conrad and Nordquist to LB834; Kintner to LB1097; Mello to LB691; Conrad to LB691; Conrad, Nordquist to LB947. (Legislative Journal pages 417-420.) [LR429 LR430 LR431 LB399 LB1079 LB278 LB754 LB834 LB1097 LB691 LB947]

Mr. President...or, excuse me, Madam President, I have a priority motion. Senator Bolz would move to adjourn the body until Friday morning, January 31, at 9:00 a.m.

SENATOR MCGILL: The motion is to adjourn. All those in favor say aye. All those opposed say nay. Motion passes.