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Floor Debate
March 20, 2014

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SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-sixth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor Tim Boatright from the Good News Assembly of God Church in Falls City, Nebraska, which is Senator Watermeier's district. Please rise.

PASTOR BOATRIGHT: (Prayer offered.)

SPEAKER ADAMS: I call to order the forty-sixth day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Record, Mr. Clerk.

CLERK: I have a quorum, Mr. President.

SPEAKER ADAMS: Corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER ADAMS: Messages, reports, or announcements?

CLERK: Senator Burke Harr introduces LR509, Mr. President. That will be laid over at this time. (Legislative Journal pages 967-968.) That's all that I have. [LR509]

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

CLERK: Confirmation report. The Transportation Committee reports on three appointments to the Motor Vehicle Industry Licensing Board. (Legislative Journal page 928.)

SPEAKER ADAMS: Senator Dubas, you are recognized to open on the confirmation report.

SENATOR DUBAS: (Microphone malfunction)...Speaker and colleagues. The Transportation and Telecommunications Committee approved the reappointments of

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Dean Cerny from Columbus, Angela Quinn, and Donald Hansen, both from Omaha, to the Motor Vehicle Industry Licensing Board. This board licenses and regulates motor vehicles, trailer and motorcycle dealers, and their salespersons. The board also licenses manufacturers and distributors, wrecker and salvage businesses who buy vehicles to dismantle the vehicle for the purpose of selling parts or scrap and auto auctions. The board also takes consumer complaints against licensed dealers. These reappointments satisfy the statutory requirement for a new car dealer, a used car dealer, and a trailer dealer. And these people, as I said, are all reappointments. They feel very strongly about the work that they do, feel very strongly about their industry and want to make sure that their industry is regarded as one that operates with professionalism and integrity, and they certainly bring that to this board. So I would ask for your green vote on the confirmation of these appointments.

SPEAKER ADAMS: Thank you, Senator Dubas. The floor is now open for discussion on the report. There are no lights on. Senator Dubas? Senator Dubas waives closing. The question is the adoption of the report offered by the Transportation and Telecommunications Committee. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 968.) 29 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SPEAKER ADAMS: The report is adopted.

CLERK: Mr. President, I have a second report from the Judiciary Committee involving the appointment of Darrell Fisher to the Commission on Law Enforcement and Criminal Justice. (Legislative Journal page 930.)

SPEAKER ADAMS: Senator Ashford, you're recognized on the report.

SENATOR ASHFORD: Thank you, Mr. Speaker. This nomination of Darrell Fisher was considered by the Judiciary Committee and we unanimously put forward...are putting forward his name for your consideration and approval. He holds a Bachelor of Science degree with a comprehensive major in criminal justice from the University of Nebraska at Kearney. He is also a graduate of the Northwestern University School of Public (sic)...of Police Staff and Command. Over his career, Mr. Fisher has spent 33 years as a member of law enforcement and 29 of those years in the...as a member of the Nebraska State Patrol. In 2008, he was inducted into the Nebraska law enforcement Hall of Fame. Director Fisher holds a Bachelor of Science degree with a comprehensive major in criminal justice from the University of Nebraska at Kearney. He is also a graduate of the Northwestern School of Police Staff and Command, as I just said. After retiring from the State Patrol, Mr. Fisher served as a member of many different boards, including the executive director of the Nebraska Council on Alcoholism and Drugs. Also

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just as...not on my prepared statement, but the other part of Mr. Fisher's resume that I think is worthy of consideration is his willingness to step up and take on tough issues. I have had several conversations with Mr. Fisher regarding LB907, and the part of LB907, the prison reform initiative which asks the Crime Commission to be engaged in giving grants, awarding grants to community colleges, community groups, and others to help create pathways for inmates as they come into the communities from the Department of Corrections. And I think that Mr. Fisher's response to my inquiry as to what he felt about that it should be is indicative of a public servant that understands the gravity of the challenges that he or she is asked to perform. And Mr. Fisher's response to me was, I just hope I have the ability to do the job. Now to me that is one of the most refreshing responses that I've heard from a public servant for a long time. And I told him that clearly with his resume, he had the ability to do the job and that what we were asking him to do was an incredibly important job in LB907, but that someone of Mr. Fisher's background has the ability and the willingness. And the fact that he started out this process by saying, I hope I can do it, and then with coming back with a comment that, we're going to do everything we can to make you proud of our department, our agency, is exactly the kind of person we want in state government. So I...not only do I support Mr. Fisher for this position, which by the way is an exceedingly important position, but I wholeheartedly support him and give him a big boost of my confidence in him hopefully that will give him the confidence of this body in him. So with that, I would wholeheartedly move the confirmation report and ask that the body confirm Mr. Fisher. Thank you. [LB907]

SPEAKER ADAMS: Thank you, Senator Ashford. The floor is now open for discussion. Senator Hadley, you're recognized.

SENATOR HADLEY: Mr. President, members of the body, I listened carefully to Senator Ashford's description. I do not know Mr. Fisher, but I know I can recommend him highly since he graduated from the premier institution of higher education in the state of Nebraska, the University of Nebraska at Kearney. Thank you, Mr. President.

SPEAKER ADAMS: Thank you, Senator Hadley. Senator Christensen, you are recognized.

SENATOR CHRISTENSEN: Thank you, Mr. President. I just want to support Darrell Fisher. I think I appreciate Senator Ashford's comments and his perception because I've known him since he was in high school. He's a few years older than I am but we grew up in the same town of Arapahoe and our families have worked together farming and silage cutting, different things that way. But I've known him all my life and he's a super individual, extremely caring and extremely passionate about what he does and I know he'd represent us very well. Thank you.

SPEAKER ADAMS: Thank you, Senator Christensen. Senator Ashford, there are no

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other lights on. You're recognized to close.

SENATOR ASHFORD: Thank you. Just as an aside, I had the opportunity to be in the body years ago when we voted to bring Kearney into the University of Nebraska system. Senator Hadley, Senator Hadley, I had the opportunity to vote in the '80s or '90s or whatever for bringing Kearney into the university system. Had I known (laughter) at that time what I know now, I would have...the vote would have been considerably closer. But with that, I would renew my motion or that we accept the confirmation report of Darrell Fisher. Thank you.

SPEAKER ADAMS: Thank you, Senator Ashford. The question before the body is the adoption of the report offered by the Judiciary Committee. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 969.) 37 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SPEAKER ADAMS: The report is adopted.

CLERK: Mr. President, the next item on the agenda, General File A bill. Senator Sullivan introduces LB967A. (Read title.) [LB967A]

SPEAKER ADAMS: Senator Sullivan, you are recognized to open on LB967A. [LB967A]

SENATOR SULLIVAN: Thank you, Mr. President. Good morning, colleagues. As stated, LB967A is to appropriate funds to aid in carrying out the provisions of LB967, which I talked about last week. And primarily the appropriation represents changes and additions to...in allocations to various funds using the dollars from the Education Innovation Fund, the lottery dollars. And I want to remind the body that these allocations are just only for the next two fiscal years. I'll just review them briefly what they include. It...the Excellence in Teaching Cash Fund will receive an additional \$200,000 for the next two fiscal years. The School District Reorganization Fund is allocated \$1 million for the next two fiscal years each. That's to help school districts who are in the midst of consolidation. They can apply for \$125,000 grants. This continues the ACT pilot projects for the next two fiscal years to the tune of \$145,000 each year. There's a new allocation to the Department of Education to award grants to assist schools in evaluating and improving career education programs; the first year, \$335,000, and then an estimate of about \$344,000 for the second year, which is contingent on the availability of the remaining lottery funds. And, lastly, there is an intent to appropriate in the next biennium a potential of \$600,000 from the General Fund as an increase of state aid through TEEOSA. This is a result of phasing out the instructional time and educational allowances. This \$600,000, however, is simply an estimate. It could be more. It could be less. It depends upon just how much aid is lost through the reduction of the allowances

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versus the amount gained by increasing the amount basic funding into the formula. So, in essence, those are the components of LB967A. I urge the advancement of this legislation. Thank you, Mr. President. [LB967A LB967]

SPEAKER ADAMS: Thank you, Senator Sullivan. The floor is now open. Senator Kintner, you're recognized. [LB967A]

SENATOR KINTNER: Well, thank you, Mr. President. Senator Sullivan, would you yield to a question? [LB967A]

SPEAKER ADAMS: Senator Sullivan, would you yield? [LB967A]

SENATOR SULLIVAN: Yes, I will. [LB967A]

SENATOR KINTNER: I do not oppose this, by the way. I just was wondering, could you give a little bit of history about this? And is this money that we've never done before or we've been doing this for a while? [LB967A]

SENATOR SULLIVAN: Well, the large component of it, as I stated at the onset, is that we are allocating dollars that come into us through the sale of lottery tickets. And a certain percentage of those lottery ticket sales go into what's called the Education Innovation Fund. There's about \$7 million that sits in...comes into that fund on an annual basis. And we're...with those available funds projected to be available for the next two fiscal years, we are allocating some monies to these different funds that I just indicated. [LB967A]

SENATOR KINTNER: How often do we reallocate money? Is it something we...that the Education Committee looks at every budget cycle and thinks we need to put some money over here or some over there? And what's the process for figuring how it should be allocated? [LB967A]

SENATOR SULLIVAN: Well, the Education Innovation Fund actually is in our constitution and indicates that a certain percentage of those lottery sales has to be used toward education. That's what our constitution says. So we created this Education Innovation Fund. However, all the current uses, all the current allocations out of this fund for education sunset in 2016. So that's why as I started my comments indicated that these allocations just go for the next two fiscal years. So the Education Committee this next summer is going to have a study on the current uses of the lottery dollars, and next year we will come back to you with recommendations via legislation on how we propose that these dollars be used for education improvement. [LB967A]

SENATOR KINTNER: Thank you, Senator Sullivan, for the...actually, thanks for doing this. So I fully support it. I thought I heard that and I just wanted to amplify it a little bit

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and make sure I understood what was going on. But, yeah, this is great. I certainly support it. Thank you, Mr. President. [LB967A]

SPEAKER ADAMS: Thank you, Senator Kintner. Senator Smith, you're recognized. [LB967A]

SENATOR SMITH: Thank you, Mr. President, and good morning, colleagues. I stand in support of this A bill, LB967A. Again, I appreciate Senator Sullivan bringing forward this bill and I appreciate the revision program for career education being addressed in the bill. There is funding there for our young people that choose to pursue trade education. This is a small amount of funding and I hope we can continue to address this in the future. Once again, thank you, Senator Sullivan, and thank you to the Education Committee. [LB967A]

SPEAKER ADAMS: Thank you, Senator Smith. Senator Scheer, you're recognized. [LB967A]

SENATOR SCHEER: Thank you, Mr. President. I rise to support LB967A, obviously the funding bill for LB967. It produces a lot of good things for a lot of students in Nebraska from a very early age through their later careers. Just wanted to again bring people's attention that the real question now begins to how we want to utilize these funds in the future. This bill essentially will take the lottery funds to its end for its first sunset as we look in the future in how we go about the best and most effective way to utilize these funds on an educational basis is something that the Education Committee is very intent in looking at and trying to provide the best path to reach the most students with the most needs. And so I just wanted to rise to remind people that this does seem like an unusual amount that we're using this year or that we're trying to allocate, and it is, simply because those funds that would be left would be voided. And so we're trying to make sure that the funds that are left as the bill sunsets, that they're used in a very productive and efficient manner. And I believe that the committee and the Chairperson have provided that direction to do so. So thank you, Mr. President. [LB967A LB967]

SPEAKER ADAMS: Thank you, Senator Scheer. Senator Davis, you're recognized. [LB967A]

SENATOR DAVIS: Thank you, Mr. President. Like Senator Scheer, I just rise in support of the bill and thank Senator Sullivan for her hard work and urge the body to move this A bill forward. It's a good bill and we're trying to do some good things in the Education Committee. Thank you. [LB967A]

SPEAKER ADAMS: Thank you, Senator Davis. Senator Schumacher, you're recognized. [LB967A]

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SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. As long as we're into the thing of thank-yous this morning, we need to thank the real people that make this possible--the lottery players of the Nebraska Lottery. (Laughter) And we also need to maybe send Iowa a note that they should send us a big thank-you note because we send them \$300 million to \$400 million a year on the same order of magnitude of the decision we made yesterday. Thank you, Mr. President. [LB967A]

SPEAKER ADAMS: Thank you, Senator Schumacher. Senator Sullivan, there are no other lights on. You are recognized to close. Senator Sullivan waives closing. The question before the body is, shall LB967A advance? Have all voted that wish to? Record, Mr. Clerk. [LB967A]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB967A. [LB967A]

SPEAKER ADAMS: The bill advances. Next bill. [LB967A]

CLERK: LB660A by Senator Krist. (Read title.) [LB660A]

SPEAKER ADAMS: Senator Krist, you are recognized to open on LB660A. [LB660A]

SENATOR KRIST: Thank you, Mr. President. Good morning, members, and good morning, Nebraska. LB660A is an A bill that funds the activity for a study associated with the content in LB660. As you'll recall, the department ran our study last year evaluating our childcare programs and how the privatization and/or contract issues were taken care of. This bill allocates \$75,000 for that study. Originally, the department came back in with a fiscal note that said that they were going to spend between \$100,000 and \$150,000. We, in the Executive Committee, have been in contact with Hornby Zeller who ran that survey for us, study for us last year and found that a more fiscally conservative number of \$75,000 was appropriate. So we took that on in the legislative branch. I'd ask for a green vote on LB660A. Thank you, Mr. President. [LB660A LB660]

SPEAKER ADAMS: Thank you, Senator Krist. The floor is now open for discussion. There are no lights on. Senator Krist? Senator Krist waives closing. The question is the advancement of LB660A. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB660A]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB660A. [LB660A]

SPEAKER ADAMS: LB660A advances. Next bill. [LB660A]

CLERK: LB853A by Senator McGill. (Read title.) [LB853A]

SPEAKER ADAMS: Senator McGill, you are recognized to open on LB853A. [LB853A]

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SENATOR MCGILL: Thank you, Mr. President, members of the body. This is the A bill that accompanies LB853 and, more specifically, Senator Coash's bill that he amended into it on alternative response. In the first fiscal year, we're expected to help 486 families. That means \$464,000 being appropriated from the State General Fund which will be complemented by about the same amount of dollars from the federal government. In the second year, we're looking at helping 1,001 families and a fiscal note from the State General Fund of \$595,000 with a little more than that coming from or an additional \$650,000 from the federal government. So with that, I ask for your support. Thank you. [LB853A LB853]

SPEAKER ADAMS: Thank you, Senator McGill. Members, the floor is now open for debate. Senator McGill, there are no lights on. You're recognized to close. Senator McGill waives closing. The question before the body is the advancement of LB853A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB853A]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB853A. [LB853A]

SPEAKER ADAMS: LB853A advances. We'll now move to the first bill on Select File, Mr. Clerk. [LB853A]

CLERK: Mr. President, LB986A. Senator Murante, I have no amendments to the bill, Senator. [LB986A]

SPEAKER ADAMS: Senator Murante for a motion. [LB986A]

SENATOR MURANTE: Mr. President, I move to advance LB986A to E&R for engrossing. [LB986A]

SPEAKER ADAMS: Members, you have heard the motion. All in favor indicate aye. Opposed? The bill advances. [LB986A]

CLERK: Mr. President, LB987A. No E&Rs. Senator Hadley would move to amend with FA270. (Legislative Journal page 970.) [LB987A]

SPEAKER ADAMS: Senator Hadley, you are recognized. [LB987A]

SENATOR HADLEY: Mr. President, members of the body, as you recall, yesterday we amended LB987 by putting the military retirement exemption, part of their military retirement pay. The department has asked for the A bill to be increased from \$55,563 to \$176,966 for an additional \$121,403 in programming charges for the Department of Revenue. This is the result of the adoption of the Janssen amendment to LB987 military

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retirement yesterday which will require the department to make changes to a number of the tax forms and the on-line filing system. With that, I would appreciate your green vote on FA270. [LB987A LB987]

SPEAKER ADAMS: Thank you, Senator Hadley. Members, the floor is now open for discussion on the amendment. Senator Hadley, there are no lights on. You are recognized to close. Senator Hadley waives closing on the amendment. Members, the question before the body is the advancement of FA270 to LB987A. All in favor indicate with aye; all opposed, nay. Have all voted that wish to? Record, Mr. Clerk. [LB987A]

CLERK: 37 ayes, 0 nays on adoption of Senator Hadley's amendment, Mr. President. [LB987A]

SPEAKER ADAMS: The amendment is adopted. [LB987A]

CLERK: I have nothing further on the bill, Mr. President. [LB987A]

SPEAKER ADAMS: Senator Murante for a motion. [LB987A]

SENATOR MURANTE: Mr. President, I move to advance LB987A to E&R for engrossing. [LB987A]

SPEAKER ADAMS: Members, you have heard the motion. All in favor indicate aye. Opposed? The bill advances. Mr. Clerk, we will move to Final Reading. Members, you should return to your seats in preparation for Final Reading. Mr. Clerk, the first bill is LB144. [LB987A LB144]

CLERK: (Read LB144 on Final Reading.) [LB144]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB144 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB144]

CLERK: (Record vote read, Legislative Journal pages 970-971.) 43 ayes, 0 nays, 5 present and not voting, 1 excused and not voting, Mr. President. [LB144]

SPEAKER ADAMS: LB144 passes. We'll now proceed to LB259. [LB144 LB259]

CLERK: (Read LB259 on Final Reading.) [LB259]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB259 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB259]

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CLERK: (Record vote read, Legislative Journal page 971.) 39 ayes, 1 nay, 8 present and not voting, 1 excused and not voting, Mr. President. [LB259]

SPEAKER ADAMS: LB259 passes. We will now proceed to LB371. [LB259 LB371]

CLERK: (Read LB371 on Final Reading.) [LB371]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB371 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB371]

CLERK: (Record vote read, Legislative Journal page 972.) 42 ayes, 0 nays, 6 present and not voting, 1 excused and not voting, Mr. President. [LB371]

SPEAKER ADAMS: LB371 passes with the emergency clause attached. We will now proceed to LB371A. [LB371 LB371A]

CLERK: (Read LB371A on Final Reading.) [LB371A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB371A pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB371A]

CLERK: (Record vote read, Legislative Journal pages 972-973.) 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB371A]

SPEAKER ADAMS: LB371A passes with the emergency clause attached. We will now move to LB474. And, Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB371A LB474]

CLERK: 38 ayes, 5 nays, Mr. President, to dispense with the at-large reading. [LB474]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB474]

CLERK: (Read title of LB474.) [LB474]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB474 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB474]

CLERK: (Record vote read, Legislative Journal pages 973-974.) 45 ayes, 0 nays, 3

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present and not voting, 1 excused and not voting, Mr. President. [LB474]

SPEAKER ADAMS: LB474 passes with the emergency clause attached. We will now proceed to LB546. And, Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB474 LB546]

CLERK: 35 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB546]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB546]

CLERK: (Read title of LB546.) [LB546]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB546 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB546]

CLERK: (Record vote read, Legislative Journal pages 974-975.) 40 ayes, 2 nays, 6 present and not voting, 1 excused and not voting, Mr. President. [LB546]

SPEAKER ADAMS: LB546 passes. We'll now proceed to LB671. [LB546 LB671]

CLERK: Mr. President, I have a motion on the desk. Senator Lautenbaugh would move to bring LB671 back to Select File for purposes of striking the enacting clause. (FA271, Legislative Journal page 975.) [LB671]

SPEAKER ADAMS: Senator Lautenbaugh, you are recognized. [LB671]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. To be clear, I'm just...I'm arising in opposition to the bill. And to that end, I've made the motion to bring it back to strike the enacting clause at this point, which I think I referred to as the enabling clause in my motion kind of hilariously, but our staff was good enough to correct that. I did not want to be an enabler today. But that said, I don't think this is good policy. I don't think this is something we should be doing. We very clearly just a couple of years ago enacted a policy that gave Game and Parks latitude to do what it's been doing--a very measured hunt, as I understand it, a very, very measured and restricted amount of hunting involving cougars. And based upon really nothing having gone awry and no evidence of overhunting and no evidence of the hunt having gone poorly this year, it seems to have gone exactly as designed and exactly as we authorized just a couple of years ago. We are now attempting to change course and undo what we just did. And I don't see the point in that. I don't think it makes good sense. I'm reading the e-mails I'm getting on this and the ones that at least come from

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the state of Nebraska seem very clear, and I don't mean the state as in the government; I mean the state as in the people who actually live within our state, they don't want us to do this. They see no problem with existing law and existing policy. And yet we are being asked to make this change with LB671, and I think it's unwise. I think we just added or I know we just added to our constitution a protection for hunting rights. I think our voters spoke very clearly that that is something they wanted us to enshrine, protect, perhaps even expand. And this seems to be taking us in the exact opposite direction from what my constituents are telling me, people statewide who are spending the time to e-mail are telling me, and what the voters said in the last election. So I think this is a policy that has...well, is taking us away from what our constituents are telling us to do, simply put. I would urge you to support this motion. I would urge you to not support the underlying bill. And I'll be interested to hear the debate on this. Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Thank you, Senator Lautenbaugh. The floor is now open for discussion on the motion. Senator Christensen, you're recognized. [LB671]

SENATOR CHRISTENSEN: Thank you, Mr. President. Would Senator Lautenbaugh yield to a question, please? [LB671]

SPEAKER ADAMS: Senator Lautenbaugh, would you yield? [LB671]

SENATOR LAUTENBAUGH: Yes, I will. [LB671]

SENATOR CHRISTENSEN: Senator, you referenced this in your talk about the votes of the people on putting constitutional amendment for to protect the rights to hunt. How large of margin was that? Do you remember? [LB671]

SENATOR LAUTENBAUGH: You know, Senator Christensen, I don't remember it being close, but I honestly just don't recall the margin. [LB671]

SENATOR CHRISTENSEN: I couldn't either. That's why I asked the question. Thank you, Senator. I guess I'm going to restate what I did, I don't know if it was on General File or Select File, that I'm a believer that if we have a Game and Parks organization, that Game and Parks should be setting up the rules and deciding what we hunt and what we don't hunt. You know, it's...if we have the department created, then I do believe that is who should be in charge of it and managing it and things that way instead of having us come in here and second guess what should be hunted and what shouldn't be hunted. And I guess that's why I've...standing up again since this was brought back, just reiterate where I'm coming from that I believe we have a department that we have entrusted with the ability to set up the animals that are to be hunted, the animal seasons, and to manage that for us so that we don't have to micromanage it. And I think that's still the best policy, so that's the reason I stood up again this morning. Thank you. [LB671]

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SPEAKER ADAMS: Thank you, Senator Christensen. Senator Larson, you're recognized. [LB671]

SENATOR LARSON: Thank you, Mr. President. I rise in support of Senator Lautenbaugh's motion, FA271. And as he stated, is this good policy. I go to events throughout my district, especially on the weekends, fish fries the last two weeks, pancake feeds, and this has been mentioned at almost every event I've gone to. And of all those mentions, not one person has supported this measure. These animals are becoming more of a nuisance in my area. I know they are a heavy nuisance in Senator Davis' area. The ranchers across my district do worry about livestock. And I think Game and Parks has measured this very well in terms of three were taken this season. Three. And I know from talking to people across the state at different functions that they come down here agriculture related talking to farmers, ranchers, just people in general that they're migrating all across this state. And that's a concern. It should be a concern to everybody. We as a Legislature did just enact this a few years ago and what has changed in this body that we think this needs to be taken away? What has happened in those years or what has happened in this season, the first season, that we need a change? Has there been a far public outcry from your constituents to get rid of mountain lion hunting? I'd say most of us it's the other side. So as we move forward, we have to ask ourselves, why are we doing this? Why are you voting for LB671? Really? What is your policy rationale for doing this? We know they're an issue. We know they're expanding across the state. And we know Game and Parks has been very measured in their hunting season. So what's the reason? Moving forward, this problem will continue to get worse... [LB671]

SPEAKER ADAMS: One minute. [LB671]

SENATOR LARSON: ...and we'll be back here trying to handle the mountain lion population eventually. Not to mention as Senator Lautenbaugh did, in 2012, the people of Nebraska enshrined hunting and fishing in our state constitution. And then the Legislature again, which hasn't really changed much, is going to vote possibly directly against that newly enshrined constitutional provision. Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Thank you, Senator Larson. Senator McCoy, you're recognized. [LB671]

SENATOR McCOY: Thank you, Mr. President, members. I rise this morning in support of Senator Lautenbaugh's floor amendment. I was one of a small number I believe that voted no on LB671 as it moved through the process, and I remain adamantly opposed to it. I served the force four years, my time here in the Legislature on the Natural Resources Committee, and I took great pride in being an initial cosigner on LR40CA back in 2011 that was the constitutional amendment to protect hunting and fishing in

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Nebraska that the voters of Nebraska overwhelmingly voted to put into our constitution with a vote of 76.73 percent of the vote in the general election in 2012. I think that vote was very significant. I think this bill undermines that vote, undermines the will of the people for a number of reasons. I went back and looked in our files on LR40CA back from 2011 and I don't think it was mentioned on the floor at least that I recall this year with LB671, but mountain lion hunting was banned in California, state that was once a hunter's stronghold. And today, taxpayer-funded government agents kill overpopulated mountain lions to control their numbers. I don't think that's what the people of Nebraska want. I'm sure we're familiar but I want to read part of the language that was voted on by over three-quarters of Nebraska's voters in 2012. The citizens of Nebraska have the right to hunt, to fish, and to harvest wildlife, including by the use of traditional methods, subject only to laws, rules, and regulations regarding participation and that promote wildlife conservation and management and that preserve the future of hunting and fishing and harvesting of wildlife. I also was part of the Natural Resources Committee that initially forwarded to the Legislature the ability to put a season on mountain lions. I supported that effort then. I still do. I'm well aware Senator Chambers had he been in this body would have opposed strenuously, and I think he said this on the microphone, the constitutional amendment to protect hunting and fishing. I think he did it a number of times, perhaps when I think a member who...a former member who was here yesterday, Senator Schrock, brought it some number of years ago as I recall, maybe in the mid-'90s or late '90s, but that now it's part of our constitution. I think this bill undermines that. I don't believe it's a direction we ought to go and I fully support Senator Lautenbaugh's FA271. Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Thank you, Senator McCoy. Senator Janssen, you're recognized. [LB671]

SENATOR JANSSEN: Thank you, Mr. President and members. When we debated this, I was excused and I watched it, the deliberations on television that day. But it reminded me when I was watching and watching Senator Chambers talk about it and something that I understood is, I have a friend that lets me use some hunting and fishing land out near Fremont, and I have four children. The two oldest will come out there with me. It's along the Platte River and I'll take the dogs out there and they'll run around. And sometimes you worry about predators, all predators, obviously, mountain lions included. But it was brought up and it's true. In fact, when I'm out there, I usually have a weapon with me. And you can always protect yourself in that situation. So that's never changed, and I do hear the argument that it's for safety purposes. You can always protect yourself. So even though I support Senator Lautenbaugh's floor amendment, it's not for the reason that these mountain lions are attacking people or even livestock because a rancher, farmer, has the full right to defend their livestock. They are very predatory. But really where my support comes from is a little bit twofold, support for the floor amendment, is, one, Game and Parks. We do entrust Game and Parks to set reasonable hunting standards across the state of Nebraska. They've done that in a

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responsible manner. And I've traveled through this entire state and talked to people, and I agree with Senator Larson it's rare if ever that I've heard that anybody say, hey, we need to really get rid of this mountain lion hunting. Most people don't know about it. The people that do know about it obviously want to keep it intact, and most people don't hunt mountain lions because it's a very...well, it's extremely limited in who can even get a permit to do such. Most of the mountain lions, and I'm guessing a little bit here, would be taken in the manner which I talked about when I opened of more of a protection-type manner. Now you can draw it back to protection in the case of...I know somebody may be out at that same riverbed without a weapon or a means to defend themselves. And in that case, you know, what happens? Well, management is key of any animal that can do great harm not only to humans but livestock, domestic pets, and whatnot. So the management would be key. And that would be the reason that I would be supportive of still having Game and Parks do this is certainly not anything against Senator Chambers. It's just about trusting the management of Game and Parks. They do it with all of our wildlife across the state. I think they do an admirable job of doing that. And if I don't think they do a great job, I know where their office is at and I know who by name that I can go complain to. I know my local Game and Parks guy and he tells me about what's going on... [LB671]

SPEAKER ADAMS: One minute. [LB671]

SENATOR JANSSEN: ...thank you, tells me what's going on in the area. You know, and I don't want it to be lost on us that we are the home of Cabela's. And that's important. That's a nationwide brand that started basically out of a shed. We're a game and wildlife state. Senator Pirsch put forward and the people passed a constitutional amendment, and that sends a great message out across the country. I don't want to see the message sent out across the country for other state legislatures to take cover and say, well, Nebraska did it and Nebraska is one of the best hunting states out there; they're the most aggressive hunting states, but Nebraska even banned this. I don't want to become that model. But, again, my main reason for supporting the floor amendment is the fact... [LB671]

SPEAKER ADAMS: Time. [LB671]

SENATOR JANSSEN: Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Senator Davis, you're recognized. [LB671]

SENATOR DAVIS: Thank you, Mr. President. I realize this is probably somewhat unusual to be doing this on Final Reading. But it is important for me to stand up and say that I support Senator Lautenbaugh and his efforts. My constituents, I've had more contact on this particular issue than any other issue this year. My phone has rung again and again and again, had strings of e-mails, and these are from people that live within

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my district. The e-mails I've gotten that support doing away with mountain lion hunting are from national organizations or people that live outside the state of Nebraska. Most of the correspondence I've had is from those people are not anyone who's remotely related to the state of Nebraska. You may remember that I introduced an amendment on Select to remove the dog hunting in the fall and I still would be supportive of that. I think the animals need to have a fair chance and I'm not sure that hunting them with dogs does do that, although there are benefits to the use of dogs in a hunting situation. What they will do is scare the cats. And when the cats realize that there are dogs around, they will avoid the homesteads. I think I talked about this the last time I was at the mike on this particular issue. Our deer numbers are down by 50 percent in western Nebraska, 50 percent, and venison deer is what a mountain lion eats. It's a primary source of nutrition. And they're going to go through a lot of venison in the course of the winter. I would say they probably eat, you know, a deer every week and maybe more than that. And I think maybe Senator Hansen might have made reference to that at another time, but I'm not sure the deer are out there for nutrition for them, and I am concerned that we are going to have livestock depredation. But more than anything else I think that this is bad precedent for the Legislature essentially to be saying to an agency we don't trust you with what you have...with your decisions you have made and we're going to overrule that right away. It was only two years ago that Game and Parks came in and testified in favor of this bill when Senator Loudon introduced it. We know that the numbers are increasing. In my particular district, which is on the Niobrara River and bordering the Black Hills of South Dakota, there are a lot of mountain lions. And those mountain lions have moved down into the Wildcat Hills south of Scottsbluff. I know people there who are afraid to go hiking because of them. They've moved into the Sandhills. They've moved down to the Niobrara River. There was one in Taylor here just not too long ago. So the animals are all across the state. It's unreasonable for us to say to Game and Parks, you can't do this anymore, because we're getting correspondence from environmental people who want us to do something else or from people who have a passion for animals. I also have a passion for animals, but I also have a lot of respect for the natural processes. These mountain lions are beautiful, majestic animals, but they need to be controlled just like any other predator because that is what they are. Game and Parks did a scientific study to determine how many they could be killed. I believe that their logic was sound, their decisions were sound. It was a sensible decision. And now we want to overrule that. And I think Game and Parks testified in a neutral capacity this last time because they were concerned... [LB671]

SPEAKER ADAMS: One minute. [LB671]

SENATOR DAVIS: ...about their funding. I think it's too bad that we're going to hold a state agency hostage on that to the point that they will reverse a decision that they made simply because they're afraid they're not going to get funding for something else. Is that really what we want to do? Is that really good policy for the state of Nebraska? So with that said, I support the amendment. Thank you. [LB671]

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SPEAKER ADAMS: Thank you, Senator Davis. Senator Larson, you're recognized. [LB671]

SENATOR LARSON: Thank you, Mr. President. I think Senator Davis and Senator Janssen brought up excellent points, Senator Davis specifically on controlling the deer population. He said Senator Hansen might have brought that up. That is one major thing that we do have to consider and, as Senator Davis said, we have to look at. This morning, 48 minutes ago actually now, a former constituent of mine that I lost in redistricting sent me an e-mail. And I'd like to read that e-mail because I think it displays kind of what I was talking about on my last time at the mike in terms of why are we voting or why has LB671 got this far. The e-mail says: Dear Senator Larson, I'm slightly confused and very concerned after reading an article written by Senator Sullivan and published in The Plainview News. In her article, she states, and I quote, Senator Chambers feels so strongly about repealing mountain lion hunting he has vowed to stop all other Game and Parks legislation. And then she goes on: Could you explain to me how one individual senator can vow to block a bill and other senators are frightened? I thought this was a legislative process with each senator having an individual vote. Yes, I do understand that in politics there will always be backdoor deals and trade-offs. But is it not the ethical responsibility for the remaining senators to vote as they believe their constituents would expect them to? And isn't it still the voice of the majority that still passes bills, not just the vote of one? I would appreciate an honest answer, not a politically correct one, on how Senator Chambers is being allowed to bully the Legislature. And that was, as I said, 50 minutes ago now. So what has changed in two years? Game and Parks just implements the laws that we set. I know members have issues with Game and Parks for other reasons, but they do what the will of the Legislature is in terms of hunting laws such as this. The will of the Legislature two years ago, three years ago was to enact a hunting season for mountain lions. The will of the people of the state of Nebraska in 2012 was to enshrine fishing and hunting in the state constitution. What has changed your guys' minds, our minds as a body in that time that we are going to pass LB671 possibly? I think the concerned citizen's e-mail that I just read... [LB671]

SPEAKER ADAMS: One minute. [LB671]

SENATOR LARSON: ...highlights that issue. She knows what's changed. And I think most of our constituents knows what has changed, but are we going to admit what's changed? This is not good public policy. The population is growing. A measured season implemented by Game and Parks is necessary moving forward in the future. And as Senator Janssen said or McCoy, I can't remember which one now, if we do this, then the rest of the nation will look... [LB671]

SPEAKER ADAMS: Time, Senator. [LB671]

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SENATOR LARSON: Thank you. [LB671]

SPEAKER ADAMS: Senator Pirsch, you're next in the queue and recognized. [LB671]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. And just as I rise in point of clarification, I think it was Senator McCoy who had asked... [LB671]

SPEAKER ADAMS: Senator McCoy, will you yield? [LB671]

SENATOR PIRSCH: No, no. I'm sorry, Mr. President, I'm not asking for a yielding. I'm just addressing a prior comment. But thank you for that. Just in terms of a point of clarification to a question I believe that was asked on the floor, and I'll address that here, is just with respect to speaking of mountain lions that we did during that constitutional amendment debate speak to that exact issue, there was a situation in southern California where they did pass a law forbidding the hunting of mountain lions. And the population did proliferate to the point where there was a jogger who was killed. So we did talk about that in terms of clarifying Senator McCoy's I guess question. In California, they ended up, my recollection was, having to hire government employees to reduce the overpopulation of the cats because hunting wasn't permitted at the time. So that is what was my recollection of what was part and parcel of our discussions. And of course Senator Chambers was not a member of this body at that point in time and obviously he has very strong feelings about it and is a very formidable force unto himself. But I do feel that as I did then with respect to that, that it should be experts who guide and shape policy with respect to regulating the appropriate amount of wildlife in the state. So with that, I will yield the balance of my time. Thank you. [LB671]

SPEAKER ADAMS: Thank you, Senator Pirsch. Senator Hansen, you're recognized. [LB671]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I, too, would rise in support of Senator Lautenbaugh's amendment not only to, you know, have some time to talk about this issue. As a landowner and as a cattle producer and representing a lot of cattle producers north of the...well, north and south of the North Platte and South Platte River, and in between we have a lot of miles of river in my district. We have creeks, we have all kinds of habitat for deer, for coyotes, and now for mountain lions. And it is important that we have a way to take care of these. And therein lies a problem. The only time we ever see mountain lions...and I've not seen a mountain lion. But a firefighter was returning from a call north of North Platte just a year ago and he saw a mountain lion crossing a road, crossing Highway 97, was in no hurry to get away from their ambulance or whatever. I'm not sure what he was driving. But they saw he crossed the road and he just crouched down in the grass. And this was at the north end of a small housing area along the White Horse Creek. So we know those cougars

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are in the area. Now we go back a little bit further in the chain of these wild creatures, and it starts with coyotes, to me. Coyotes seem to be the leading predator right now and they do...when you find a female coyote that has been injured somehow or other, has the three legs and can't go out and hunt rabbits at a good pace, so they come into the calving corral. And if we see them in there once, you know, we try to run them off, and the second and third time. And if they continue to come back, then we have to take measures to eliminate those type of hunters. Mountain lions, on the other hand, their main feed source is a deer. And if it's true that the biologists tell us that they will eat a deer every eight days, that's 45 deer per year that they harvest, which is fine. We seem to have plenty of deer too. On our operation just north of North Platte we don't allow any hunting. Did hunting when I was a kid. Our pheasant population seemed to diminish. The turkeys exploded. I mean, things do change. But I don't know if mountain lions eat turkeys or not and I don't think so because they hunt at night and the turkeys live in the trees at night, they roost in the trees. So it's a complex situation. There is no natural, known predator for a mountain lion. And the biologists tell us that and it makes sense because there's nothing out there that's as strong and fast as a mountain lion. When the mountain lions run out of deer, there may be a problem. We don't know. The way the bill stands now that we can control them if they're...we can shoot a mountain lion if they're injuring livestock or coming too close to the house and endangering our families, which is certainly good. But I'll tell you, when we're out working, we're chopping ice, feeding hay, tagging calves, we tag calves all night long so they don't get mixed up with their mommas. Snows, it seems to snow at night and it's always dark. We see eyes in the corral, and it's usually coyote eyes. But it could be something else. We don't carry a gun in the calving lot. We don't carry a gun normally whenever, wherever we go anywhere. [LB671]

SPEAKER ADAMS: One minute. [LB671]

SENATOR HANSEN: And that's a problem. If we see a...if we would see a mountain lion amongst the cattle, we don't have any way to take care of it. So next day we become a hunter or I hire a hunter to get rid of a rogue mountain lion that continues to come back into the calving corral or into the pastures. They can take care of a pretty large calf, I'm sure. But if we can't hunt them, you know, if we don't take care of them while they're doing the damage and we have to turn into a hunter, I feel like we're not taking this law into effect. Biologists tell us that they're out there. We've seen them on game trail cameras. They follow the rivers, creeks, streams, whatever they think that they could find something to eat. So I think it is a problem. I think we need to talk about this a little bit and see if we...how our feeling in the body really is about mountain lions. [LB671]

SPEAKER ADAMS: Time, Senator. [LB671]

SENATOR HANSEN: Thank you, Mr. President. [LB671]

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SPEAKER ADAMS: (Visitors introduced.) Senator McCoy, you're next in the queue. [LB671]

SENATOR McCOY: Thank you, Mr. President and members. I'd like to talk about a couple of other things that...and to piggyback on what Senator Hansen just talked about. We all know agriculture is our number one industry in our state. I think we're also blessed as been already been talked about with the wealth of hunting and fishing habitat that we have in our state and the rich tradition that hunting and fishing holds for Nebraskans, just like it does for many Americans in surrounding states and all over our country. And so many times we've said no to those who would threaten that way of life. So many times we've said no to groups like the Humane Society of the United States, whose CEO, Wayne Pacelle, said not all that long ago to the Associated Press, quote, if we could shut down all sport hunting in a moment, we would. Well, members, we're going to do that to ourselves if we advance this bill, in my opinion. They didn't even have to come to Nebraska in order to get a win if we advance LB671. We did it to ourselves. We went backwards on the hunting and fishing constitutional amendment that over 75 percent of Nebraskans voted to put in our constitution, and we voluntarily, if we advance this bill, go backwards on hunting in Nebraska. I'm not for that. Frankly, I don't know how we got to this point on this legislation. As I recall, I think it might have been a unanimous vote or it was...well, I know it wasn't unanimous because Senator Chambers' predecessor had a number of amendments onto the constitutional amendment and I believe also fought the bill that came through Natural Resources to institute the season in the first place. But it was overwhelmingly supported by the members of our Unicameral. I think we have the opportunity here in voting yes on Senator Lautenbaugh's floor amendment...returning to Select File for Senator Lautenbaugh's floor amendment here, we have the opportunity to say yes, as Senator Hansen just articulated, yes to protect agriculture, particularly livestock production, of which I am very well acquainted having grown up in that industry, we also say yes to the protection of hunting for our sportsmen, sportswomen across Nebraska because this bill harms both, in my opinion. Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Thank you, Senator McCoy. Senator Lautenbaugh, you're recognized. [LB671]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I do appreciate Senator Pirsch refreshing my recollection regarding the debate at the time regarding the constitutional amendment that the voters enacted after we put it on the ballot. And I think that was a good thing. I think it's always a good idea to let people have a vote on a constitutional amendment. I hope you all take that to heart as we go forward. But the California experience was instructive because they did not allow the hunting of mountain lions and they were suddenly or eventually overwhelmed with cougars to the point where they had to take steps to reduce the amount they had. And

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there was loss of life involved. This is not a trivial thing. And I recognize where I live. My district is, if not 100 percent within the Omaha city limits, pretty much so. I don't even think I have any undeveloped land left in my district anymore after redistricting. It's a bunch of neighborhoods that look just like mine, and cougars are very thin on the ground there, let me tell you, although there are some creeks that run through it and there have been rumors of sightings within the city. But I think one was actually confirmed at one point, one was actually captured. But I don't live in greater Nebraska. Senator Loudon does. And when he brought the bill that authorized cougar hunting, I listened. I listened to what Senator Loudon had to say and there was a rationale for this. And understand, I've had my own issues with Game and Parks. Again, I have no farming background. I know that's a shock to all of you from greater Nebraska who have heard me hold forth on this many times. And when I have spoken about horse racing and I'm trying to talk about all the jobs it protects, I talk about, you know, the people who work at the track and the people who grow whatever horses eat. So you know with that level of knowledge I'm obviously not from an agricultural background. But immediately after I was appointed back in 2007 I was contacted by some farmers who are up around Fort Calhoun, which was part of my district back then. And they said, we're being eaten out of house and home by these deer, there are deer everywhere, and they keep going back to these federal preserves and we can't do anything about it. And so I immediately started working both with the feds to try to get some sort of additional hunting on those preserves and I introduced bills to try to get Game and Parks to increase what they were doing to let hunters take deer. And Game and Parks worked with me. The bills that were eventually passed resembled nothing like what I introduced, but that was okay because the bills I introduced were admittedly extreme. But they were extreme with a purpose. They were extreme to get a point across, which is, these guys are losing thousands of dollars, thousands and thousands of dollars, to these deer, Game and Parks, you need to do something. [LB671]

SPEAKER ADAMS: One minute. [LB671]

SENATOR LAUTENBAUGH: And they did. And the deer herd is now going, unfortunately, the other way due to some disease in parts of the state. But in the parts that I'm talking about, I think the additional hunting seasons have helped. So Game and Parks has competently managed that and there's no reason to think they could not do the same thing with cougars. And there's no reason to say they shouldn't do the same thing with cougars. So I cannot support this bill which is, of course, why I filed the motion I filed. This is not something we should be reversing course on precipitously. We made it clear we want Game and Parks to do this. There's nothing wrong with what they're doing. And now suddenly we want to say, okay, but you have to stop. I don't understand that. That's not responsible policymaking in my opinion. And this is a chance to avoid... [LB671]

SPEAKER ADAMS: Time, Senator. [LB671]

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SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Senator Brasch, you're recognized. [LB671]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. I understand that there are many Nebraskans, and in western Nebraska especially, that have stood up concerned about their personal safety, safety of their livestock. We had addressed self-protection and we had also addressed the agricultural aspect of it. And I support the hunting of mountain lions in the sense that it was introduced, it was passed, and I do support hunting and fishing in our state. But I'm curious if Senator Chambers would yield to a question. [LB671]

SPEAKER ADAMS: Senator Chambers, would you yield to a question? [LB671]

SENATOR CHAMBERS: Yes, I will. [LB671]

SENATOR BRASCH: Thank you, Senator Chambers. I pulled the transcript up a few moments ago to see. It's not that you...in here you oppose the hunting of these specific animals, mountain lions, is that correct? [LB671]

SENATOR CHAMBERS: As...you said...you asked, do I oppose hunting these specific animals? [LB671]

SENATOR BRASCH: These specific. [LB671]

SENATOR CHAMBERS: Yes, I do. Yes, that's correct. [LB671]

SENATOR BRASCH: Your bill was not in protest to hunting or fishing, is that correct? [LB671]

SENATOR CHAMBERS: No, no. It's not. And it was brought because the Game and Parks, whom everybody says they have confidence in, using scientific methods such as DNA to determine which animals are which, examining their waste material, concluded there are between 15 and 22 of these animals. That's Game and Parks. They also said that since these animals were first sighted again in Nebraska in 1991 until the present, there has been no documented or confirmed attack by these animals on any livestock or on any person. [LB671]

SENATOR BRASCH: Thank you, Senator Chambers. Game and Parks had come in neutral. We have been informed that it was such a small study, they did not have the funding to do a thorough study. If Game and Parks moves forward and they do a more thorough, longer-term study, and say they come back next year and they say not 22 but

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they have 122 mountain lions, would your position change, Senator Chambers? [LB671]

SENATOR CHAMBERS: Senator Brasch, based on scientific evidence and studies that have been taken by experts, what you're talking about is an absolute impossibility. It'd be like asking me, if it was possible for creatures on Mars to come down to America and kill people, would I support destroying Mars. What you're proposing, I understand why, but it cannot happen. And as far as people talking about sighting these animals, it shows they don't know anything. These animals are moving through Nebraska to the eastern part of the country. They are not stopping. They are transient and they are self-policing. When there is an alpha male, there are no young males that will come into that area. If an alpha male is killed, then there will be an influx of these younger male lions. So there are many things people are saying which are not valid, they are not true. [LB671]

SENATOR BRASCH: Thank you, Senator Chambers. But what I am hearing and what I believe I just heard, and our colleagues, is that you do not oppose hunting and fishing. [LB671]

SPEAKER ADAMS: One minute. [LB671]

SENATOR BRASCH: What you do oppose is that the number, fact-based, at this point in time is 22 according to Game and Parks, and that was the reason you brought forth this bill. Is that correct? [LB671]

SENATOR CHAMBERS: Yes. This is not at this point a sustainable population of these animals. I do believe, since these animals are native to Nebraska, the ecology was disturbed and put in imbalance when the top predator was done away with. [LB671]

SENATOR BRASCH: And it is not your intent to change the recent LR for hunting and fishing. Is that correct? [LB671]

SENATOR CHAMBERS: Absolutely not, and I opposed that because I said the constitution should not deal with these issues. And if people were honest they'd point out that what I said had nothing to do with hunting and I had said there is no way that hunting will ever be abolished in Nebraska that... [LB671]

SPEAKER ADAMS: Time, Senators. [LB671]

SENATOR BRASCH: Thank you, Mr. President, and thank you, Senator Chambers. [LB671]

SPEAKER ADAMS: Senator Kintner, you're recognized. [LB671]

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SENATOR KINTNER: Thank you, Mr. President. You know, when this whole debate started, I mean, I had to ask Senator Chambers the difference between a cougar and a mountain lion. And I went, you know, I just don't know a lot about this stuff. And, you know, we had a mountain lion that was in my district a few years ago, and I know parents were keeping their kids in and keeping their small pets--I guess all their pets--in the house at that time. It did create a little chaos in my district, so I know that a mountain lion is something to take very seriously. It is a majestic animal, as Senator Chambers says. There's no disagreement there. Where I come in on this whole thing is I really don't know what the best practices would be for management of big-game animals like this. I'll tell you what I did do: Between the time that I got elected and the time that I was sworn in, in 2012, I went over and I toured Game and Parks and I met with them over there and I toured their labs where they capture animals and they test them and they, you know, they look for sicknesses and what's going on and they have to make their decision upon what animals need protection, what animals we have too many of. And they do a really good job and there's a lot of people working over there that have degrees and initials after their names. And, you know, I really have a tough time telling them how to do their job. I just think that the people at Game and Parks, the good people at Game and Parks, understand this stuff a lot better than I do. And I appreciate Senator Chambers. He did inform me a lot about mountain lions. I learned a lot by asking questions and listening to him as he spoke. But I still have to come back to the fact that we have a Game and Parks that are professionals at this stuff. They know what they're doing. They know where to get the information when they don't know about it. And I just have a hard time going to them and saying, this is what you're going to do, this is how you're going to do it. This is specialized areas and we don't have the...I don't think I have the expertise to tell them what to do. So I support Senator Lautenbaugh's FA271. I'm going to vote no on this bill if I get a chance not because I don't agree that it could be grisly and some of the things that we do to shoot mountain lions isn't something I'd want to do. But this isn't about me. This is about Game and Parks and about our state and about our state constitution which we amended recently. I will yield the remainder of my time to Senator Lautenbaugh if he would like it. [LB671]

SPEAKER ADAMS: Senator Lautenbaugh, you're yielded 2:05. [LB671]

SENATOR LAUTENBAUGH: Thank you, Mr. President, and thank you, Senator Kintner. I kind of got off on a digression about the deer last time I was talking. But the point I was making was that there was a problem in my district regarding the deer and Game and Parks rose to the occasion. And we passed a bill that gave them a lot of tools to actually do things to manage the deer herd. And they could do it by area, they could be very targeted and very selective, and they were and, I think, with success. Now no one was interested in eradicating the deer, although I think one of my bills suggested that. But again, that was an attempt to get attention on the issue, and it worked. My point is, I trusted them with management in the end and they did it. And now we're looking at the same thing here with these cougars which do need to be managed. [LB671]

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SPEAKER ADAMS: One minute. [LB671]

SENATOR LAUTENBAUGH: They are not just an economic threat but an actual threat to children, to livestock, to pets, to adults really. When we passed Senator Louden's bill, it was unanimous, literally unanimous. We went back and looked. Forty-nine of us voted to allow this hunting, all of us. This is a wrongheaded thing to completely and totally go 180 degrees on something we just did a couple years ago. There's no justification for it. Game and Parks has not done anything wrong or done this poorly or done anything precipitously. We need to let them do the job that we've entrusted to them, and I can't support this bill for that reason. Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Thank you, Senator Lautenbaugh. Senator Larson, you are recognized and this will be your third time. [LB671]

SENATOR LARSON: Thank you, Mr. President. I heard Senator Chambers, as Senator Brasch was questioning him, mention that the population is not yet sustainable for hunting. Well, does that mean that we should get rid of hunting? I think Game and Parks, who are the real experts of this issue on whether or not the population is sustainable, not one person's opinion, sets the hunting season. If they don't think it's sustainable, they don't necessarily need to have a hunting season. They can set the hunting season to one, two, three, four. This year it was four unless a female got taken. A female got taken. She was number three. And the reason a female got taken was because there was no dogs used. The first two taken there was dogs allowed, so they got males. So we don't necessarily have to have a season. That's up to Game and Parks to implement the policy that we as a Legislature set. I went back through some e-mails that I've received, again, from constituents asking me not to support LB671. And I was reading through one and we've heard a lot about the enshrining of hunting and fishing in the constitution and the importance of wildlife management. And I'm not sure if everybody in the body knows, but hunting and fishing have been the preferred method of fish and wildlife management in the United States since the passage of the Wildlife Restoration Act in 1937 which appropriated excise tax funds back to the states for science-based wildlife management. This combined hunting license sales...and led to the creation...to the American system of conservation funding, the preferred method of wildlife management. To take this tool away from Game and Parks is unnecessary. And as the e-mail from one of my former constituents asked: Why? What has changed from LB928 where current members of the body--Adams, Ashford, Avery, Bloomfield, Brasch, Campbell, Carlson, Christensen, Coash, Conrad, Cook, Dubas, Gloor, Ken Haar, Hadley, Hansen, Harms, Burke Harr--I guess that's a different Howard, can't claim that one--Janssen, Karpisek, Krist, Larson, Lathrop, Lautenbaugh, McCoy, McGill, Mello, Nelson, Nordquist, Pirsch, Schilz, Schumacher, Seiler, Smith, Sullivan, Wallman, and Wightman--all said that was a good policy? On General File, LB671 had 31 yeses. What has changed in two years, one hunting season, three mountain lions? [LB671]

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SPEAKER ADAMS: One minute. [LB671]

SENATOR LARSON: You believed in it then that it was good public policy. What has changed? Is it the population? Well, Game and Parks doesn't have to have a season. We leave it up to their discretion whether or not it's sustainable or not. Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Thank you, Senator Larson. Senator Lautenbaugh, you're recognized, and this would be your last opportunity before closing. [LB671]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. Again Senator Larson makes a good point. What's changed? We acted with unanimity a couple of years ago. And Game and Parks has not in any way abused the authority we've given or mismanaged it. I don't think our knowledge has changed regarding cougars and their existence in Nebraska. But the problem I have is that while it again is not something that is an issue in my particular district, I understand that in greater Nebraska the constituents feel otherwise and in greater Nebraska they want this protection and they want Game and Parks to have this authority. And I am unwilling to turn a deaf ear to that. I don't see any reason for us to make this course change so soon after setting a very clear policy. The California example remains instructive. We don't want to go down that road. And what are we going to do if we pass this bill and it does become a problem? Do you think it'll be easy to put Senator Louden's law back in place after we repeal it? Is there any one of you who believes that that will be a simple thing to do if we need it back? I can't imagine that's the case. So this is one of those occasions where we need to think about what we're doing. I hope every day is an occasion to think about what we're doing. But sometimes Final Reading seems to fly by on autopilot. And this one needs to stop because what's going to happen...I mean, think what you're being asked to do here. We unanimously put a policy in place. Nothing has gone wrong with that policy. Nothing bad has happened. Game and Parks has in no way violated our trust, abused their authority, gone out and just slaughtered cougars willy-nilly. That hasn't happened. But you're being asked to pull back from what we did unanimously a couple years ago. Now what's going to happen in a couple years if there is an overpopulation issue? Do you think it's going to be easy to put Senator Louden's law back into place? Or will there be an overwhelming outcry, largely from voices outside this state, saying that you can't do it, it's unconscionable, you can't allow the hunting of mountain lions, that would be terrible? We all know how this works. It really doesn't matter what the issue is, if it's in any way connected with the great outdoors, reasonableness somehow goes away. But a unanimous act of the Legislature shouldn't be carelessly thrown aside,... [LB671]

SPEAKER ADAMS: One minute. [LB671]

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SENATOR LAUTENBAUGH: ...especially when it hasn't even been shown to be wrong, misguided, incorrect, problematic, or anything at all really other than just another tool for Game and Parks to do its job, which they seem to have done ably to date with restraint and properly. And we're being asked to, for whatever reason, completely and totally change course again on this issue, and that is why I rise in opposition, because I cannot justify that. I cannot say that we should, based upon no change, change. Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Thank you, Senator Lautenbaugh. Senator Bloomfield, you're recognized. [LB671]

SENATOR BLOOMFIELD: Thank you, Mr. President. I wonder if Senator Chambers would yield to a question or two. [LB671]

SPEAKER ADAMS: Senator Chambers, would you yield? [LB671]

SENATOR CHAMBERS: Yes, I will. [LB671]

SENATOR BLOOMFIELD: Senator Chambers, Senator Lautenbaugh just said that Game and Parks did nothing wrong or...how many cats were supposedly supposed to be taken under the hunting permit? [LB671]

SENATOR CHAMBERS: Say it again? [LB671]

SENATOR BLOOMFIELD: How many cats were we supposed to be able to take in the hunting season and how many were actually taken? [LB671]

SENATOR CHAMBERS: There were two hunting seasons. The first was a money raiser. They allowed a lottery for the ticket--I mean a bidding--and the ticket or the permit sold for \$13,500. The other was a lottery. So those two were to be allowed. Then there was a subsequent one where two could be taken. If a female were taken, that would end it. But in the meantime, two were killed in traps, one a female, and a third one was run over by a car. So altogether there were six killed during that period of time. [LB671]

SENATOR BLOOMFIELD: Okay. How early on was the female taken that to your mind should have ended the season? [LB671]

SENATOR CHAMBERS: There was a female killed in December before the January season. And the Game and Parks knew that that female had been killed in the trap and, based on their own rules, that should have nullified any season. [LB671]

SENATOR BLOOMFIELD: Okay. Thank you, Senator Chambers. Colleagues, much to

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the disappointment of my conservative colleagues back here in the...mostly on this side of the Chamber, I don't believe I can support bringing this back. I do not believe that Game and Parks has followed through properly on what they said they would do. I don't say this because of any animosity I have for Game and Parks. Lord knows, there are some animosities I have toward Game and Parks, but I have none against hunting. I have none against hunting cougars if we have an adequate supply or a surplus supply. I don't see either one. Game and Parks tells us there's somewhere between 15 and 25 cats in the state. I don't see that being an overpopulation. We're also told that hunting is a good way to control; well, it is. It works fine on deer to a degree. We don't seem to keep it real level, but it's a good way to control. But it's not the only way to control. If the population expands well beyond where it should be, Game and Parks can reduce that population. Or we can reinstitute this. It's not an impossible task. Senator Lautenbaugh said it will be hard, and it would be, and it probably should be. But as I stand right now, and I suppose that's subject to change if I get some more new information, but I don't see any reason to bring this back at this point. Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Thank you, Senator Bloomfield. Senator Schilz, you are recognized. [LB671]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. You know, I looked at this LB928 that was passed...I think it was two years ago. And we've...I mean, we all saw that. When it came down and when it was all said and done, it was 49 to 0. I think it came out of committee unanimously too. Whether you agree with this or not, whether you agree with the process, what you have to ask yourself is, as a Legislature, what's changed, first. The second thing you need to ask: If not Game and Parks to manage these in the best way they see fit, then who? Game and Parks is the only game management entity we have in the state. You can like that or you can not like that, but that's the case. The next question then becomes, what is sustainable as far as this goes? I don't know when we talk about mountain lions, because when you see the studies that are done, the only thing that you can know is that they have positively identified, genetically identified the 20 or so that you see. And that doesn't mean that there's not more out there. That just means that they can't know them as individuals. Senator Bloomfield talked a little bit and others talked a little bit about how much was garnered by selling these permits. Well, I can tell you this: A few years ago, they had an auction for bighorn sheep that they auctioned off. Now ask yourself the question, why did Game and Parks feel the need to auction that off? It is about funding. We've seen this year how important that funding is. The bighorn sheep I think brought \$100,000 some. That's a huge amount of money for Game and Parks when they were going backwards year after year after year. According to the management that they said they would do on the mountain lions is they would take that money that was garnered from the hunting permits and the lottery that they did and they would use that for the studies to better understand habitat, to better understand numbers in the state, to continue to move forward in the management of this species that is making its way back into

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territory that it hasn't seen for a number of years. This is not a bad thing, folks. If you like wildlife, this is a good thing. We've shown that, through our management practices here over the last 50 years, that once again the habitat is there for these big cats to survive and thrive. We know that's the case. South Dakota, in my testimony before on this issue on the floor the last time it was up on Select, South Dakota shows they have a population of 60 breeding mountain lions. South Dakota permits allowed... [LB671]

SPEAKER ADAMS: One minute. [LB671]

SENATOR SCHILZ: ...and had 75 cats taken last year if I understand it correctly. According to the South Dakota numbers, mountain lions in South Dakota should have been wiped out with that hunting season and they weren't and they're not. So I think when you start to look at the numbers and see how many are there, we shouldn't get stuck up on the statistical parts of that. But we should understand that it's a much broader picture than we know here on the Legislature. And I would...I'm happy to trust Game and Parks to manage this as they see fit because they have the expertise, they're the biologists, and they understand it. Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Thank you, Senator Schilz. Senator Davis, you're recognized. [LB671]

SENATOR DAVIS: Thank you, Mr. President. One of the great things about this body and the technological change that has taken place over the years is that constituents can watch from home and tell you what you've said wrong and why you said it and why you need to correct it. So one of my constituents called my office and said, Senator Davis, you made the statement that the deer population in western Nebraska was down because of mountain lions. He said, really, the reason is disease. Well, that is true. And if I made that statement, I want to correct that because the deer population in western Nebraska has been suffering from bluetongue, or hemorrhagic disease, and it's taken a toll on the numbers. We have deer hunting at our place and it's usually pretty profitable for the guys that come in, but it certainly hasn't been the last year or so. I made a reference to that earlier because to me that is a really big part of why I think we need to let Game and Parks keep control of this. The deer as the main source of food need to be there. Too many cats will make too few deer, and then we will have depredation of other animals. I talked to folks that spent time in Alaska. You hear about the wolf population up there and the elk. And what happened there was too many elk for a long time. They got pretty thin, and then the deer...and then the wolf population really picked up, and that's the way nature works. It's a natural cycle. But in this particular situation where we have livestock on that ground and with the declining deer population we need to have...to let our Game and Parks Commission decide how to monitor the animals. I have to give Senator Chambers a lot of credit for taking out parts of the law which really were going to restrict the ability of ranchers to control that. But I don't really think that it necessarily should be in the hands of the guys who are operating the ranches to...as to

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trying to make decisions about whether an animal is or is not attacking livestock because that can get into really a gray area. And if you went back to Senator...senator's position a couple of years ago on this, you know, the old line which we always used out there was, "shoot, shovel, and shut up," and that is...has been the old way. And I guess maybe that's what we're going to try to do is go back to that. But we have an agency with a bunch of people who are trained in livestock management, in wildlife management. That's what their career is. And now we as a Legislature are saying, no, we're taking that away from you because we don't trust you. I'll say it one more time because I agree with Senator Chambers: I'm not a big fan of using dogs to hunt. I just don't think that's fair to the animal. On our ranch, people want to come out and bring greyhounds out to hunt coyotes. And I said, no, if you're going to come out here, you better come, get out of your pickup, go sit on the edge of the lake or the hill, and call the coyotes in if you want to do it that way. I'm...I support that because coyotes can be predators too. Let's leave the mountain lion season in the hands of Game and Parks where it belongs. Thank you, Mr. President. [LB671]

SPEAKER ADAMS: Thank you, Senator Davis. Senator Murante, you're recognized. [LB671]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I rise today reluctant to speak, as you might imagine. My knowledge of hunting of mountain lions is remarkably limited. As far as I can tell, this bill does not pertain to the election act in any conceivable way, or district elections, which is what I have focused my attention on. But Senator Larson brought up an interesting point. I voted for this bill on General File. And he brought to my attention a point that I had forgotten, which was that this bill or the bill to allow the hunting of mountain lions in the first place was introduced by Senator Loudon, which...who was my predecessor in the Legislature representing District 49, a mentor of sorts. And as I campaigned to get elected the first time around, I assured members of both this body and of the state as a whole that this was...that my election, I would be very cautious about the concerns of greater Nebraska, especially the area where Senator Loudon represented. And so I've taken a little bit more of a consideration into LB671. But what I found as far as public policy, a curious mentality: Irrespective of how you feel about the merits of LB671 or hunting of mountain lions or hunting in general, I'm not sure it makes a lot of public policy sense to enact laws and then repeal them with the understanding that at some point in time we may have to enact them again and go back and forth. To me that's not a serious approach to legislating. In my view, we have to analyze the situation, make a public policy decision, and stick with it. And I'm not at all convinced at this point that as...there was a phrase that I came to learn when I was working as a legislative aide in this Legislature: What's the evil you're attempting to correct here? And I'm not sure what the evil is that we're attempting to correct here aside from a bill that had passed unanimously. I haven't heard a lot of arguments, certainly not today, on why we should reverse course. And the closest thing that we've heard to an argument is that, well, if we reverse course, we can always

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reverse course again going forward. That to me is not a particularly compelling reason to pass a bill. So I'm waiting to hear a little bit more, some sort of compelling reason why LB671 is necessary. Senator Bloomfield gave it a shot. Due respect, Senator Bloomfield, I think it was kind of a swing and a miss. But I'll continue talking with you on the microphone to see if you can explain this to me as to why we're reversing course. But I'll yield the remainder of my time to Senator Larson. [LB671]

SENATOR LARSON: Me. [LB671]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Senator Larson,... [LB671]

SENATOR LARSON: How much time? [LB671]

SENATOR GLOOR: ...you have 1:20, sir. [LB671]

SENATOR LARSON: Thank you, Mr. President and Senator Murante. I want to use a line that many people on this floor use, correcting the record for a minute. Game and Parks did follow through with how they said they were going to implement the hunting season. First season was two; second season would end if a female was taken. Just because a mountain lion got caught in a trap, run over by a car, that's not a hunting season, that's just nature. Game and Parks did what they said. So when Senator Bloomfield says that they didn't, they did. Also, for correction of the record, Senator Bloomfield said there's only 15 or 20 cats in the state. Game and Parks estimated there are around 20 cats in the Pine Ridge area, not the state. There's far more cats than that across the state. There's been sightings all throughout my district, obviously, all throughout Senator Davis' district. I've heard a number of sightings in Senator Sullivan's district. [LB671]

SENATOR GLOOR: Time, Senator. [LB671]

SENATOR LARSON: Thank you. [LB671]

SENATOR GLOOR: Thank you, Senator Larson. Senator McCoy, you're recognized. This is your third time, Senator. [LB671]

SENATOR McCOY: Thank you, Mr. President and members. I'd like to draw your attention to a handout that went around a few minutes ago from last July from the Humane Society of the United States talking about the need to end what we're debating right now, a season on mountain lions. For those of you who think I might just be trying to draw some sort of nebulous link, I'm not. If you look at the committee statement from LB671, you'll note that there was an individual representing The Cougar Fund that

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testified in support of Senator Chambers' bill. If you were to go to this organization's Web site, find their article from March 3, 2014. "Cats and Blogs" is what it's titled, talking about this very legislation, including an individual here in Nebraska who serves as part of a state agricultural council for the Humane Society of the United States who its CEO, Wayne Pacelle, has singled out for praise. It's my understanding this individual met with Senator Chambers on this very legislation. This article even has a picture of this individual with Senator Chambers as part of the story. I'll go back to what I said earlier, members. Humane Society of the United States is after our way of life and they don't even shy away from it. And they have over \$120 million a year at their disposal. We've said, no, no, and heck, no, I don't know how many times to them. If we advance this bill we're saying yes to the long slide down to us being a doormat for this organization. We've seen what they've done in California with egg producers that affects jobs and agriculture and agribusiness right here in Nebraska. We're now part of a lawsuit against what's happening there. This is about far more than hunting mountain lions, far more, in my opinion. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator McCoy. (Visitors introduced.) Continuing with discussion, Senator Christensen, you are recognized. [LB671]

SENATOR CHRISTENSEN: Thank you, Mr. President. I'd like to yield my time to Senator Larson. [LB671]

SENATOR GLOOR: Senator Larson, 4:55. [LB671]

SENATOR LARSON: Thank you, Mr. President. I've talked extensively on what has changed in the last two years and I haven't heard anyone say what has changed in the last two years--I don't think there's been much--or what the change of heart is. As I said, I think the e-mail that I read earlier this morning knows why there's a change of heart. And Senator McCoy brings up a very interesting and good point in terms of this is a slippery slope that we will be headed down. Senator Janssen brought it up earlier. If Nebraska does this, what kind of message does that send to the rest of the nation in terms of protecting hunting and fishing across the nation? And now we have an organization, as Senator McCoy has said and I have stated before, that has a president/CEO that wants to end all hunting across the nation and has also said and made derogatory remarks about animal agriculture and what he wants to do to...how animal agriculture needs to have an end. If we...if you don't believe what happens when this organization, who has over \$100 million at their disposal yet only spends one half of 1 percent of that \$100 million to put back in local shelters and anywhere between \$30 (million) and \$40 million a year on lobbying efforts or initiative efforts across the United States and use TV commercials that gets people to donate to their cause thinking that they're going to actually help animals but don't, that really are more after a political agenda than making sure that money gets back to their local humane societies which are helping animals, we're kidding ourselves. This is again a first step for them. You can

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look at what happened in California with eggs. You can say it's fearmongering, but it's true. Back to LB671, in terms of the public policy, is this good public policy? [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR LARSON: Again, Game and Parks doesn't have to have a season. If the numbers are down, they can just not have that season, pure and simple. As I stated earlier, hunting and fishing is the preferred method of wildlife management for the United States government, and we're taking that away with LB671 for our Nebraska Game and Parks. What has changed, colleagues, in two years? Why do you want to take this tool from Game and Parks? I support Game and Parks. I think that's...that was made abundantly clear this year with the bills that I introduced. But at the same time,... [LB671]

SENATOR GLOOR: Time, Senator. [LB671]

SENATOR LARSON: Thank you. [LB671]

SENATOR GLOOR: Thank you, Senator Larson and Senator Christensen. Senator Janssen, you're recognized. [LB671]

SENATOR JANSSEN: Thank you, Mr. President and members. When I saw this bill on Final Reading today I simply planned to come in, vote red. I thought it would most likely pass based on the previous vote, and I'm good with that. That's the way our legislative process works. Sometimes you're for something; sometimes you're against it; sometimes it passes; sometimes it doesn't. It was not part of any agenda. In fact, I was one of, well, all 37 of us that are here now that were here when this vote came out voted for this, very ample cover to defend your vote for voting against what is LB671. And I told my constituents I would vote against LB671 just as I told them I would vote for LB928 the last time it came up in this legislative body. I have learned a lot actually. I've learned a lot more since we originally voted on this. And actually, the main instructor is Senator Chambers in his introduction of the bill and going through it and about how these animals track across Nebraska, what they do. Believe it or not, I do read a lot of the information that arrives on my desk that is set there with an "E.C." on it. And I, you know, I came to the same conclusion but with a more informed opinion, and that's why I will...if this floor amendment fails, so be it. On LB671 I'll vote red just like I intended to do when I came in here this morning and without speaking on it. I want to tell you about...I've been talking about some property outside of Fremont. This was probably even before I was in the Legislature. I was in the city council in Fremont. I got a call from an angry farmer. That might surprise you. And he was upset. He had some...a large corn operation. And he said, I've got...you know, and again, along the Platte and Elkhorn River. He said, I've got deer all over eating my crops and devastating them in certain areas. Now that happens. That's what deer do. I said...he says, what can I do?

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And at the time I'm like, well, have people hunt it. He goes, I already do that but to a limited extent and there's limited hunting. And this is even, well, well before Senator Lautenbaugh's bill but...I believe so anyway. It was...I said, well, I got ahold of my local Game and Parks guy and he said, you can have that individual ask Game and Parks for a depredation permit, which I, prior to that, did not know even existed. This individual did that, had hunters come out. They loosened the restrictions on hunting seasons for that, much like Senator Lautenbaugh's law, even took it further, I believe. And I got a thank-you from that person. He still complains about the deer out there, not as much now as we had that disease come across a few years ago, even last year, that culled the herd, if you will. But we were talking about...I talked about my dogs earlier. I have two beagles. I'm a dog lover and sometimes I love them, sometimes I don't, but today I do. And we live next to a humane society, the Dodge County Humane Society. And I recall a debate on, what is it, HSUS a few years back in this body and it...I... [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR JANSSEN: Thank you, Mr. President. I believe it was Senator Carlson, and I'll correct myself if I'm wrong, but I was surprised when he got up and berated HSUS because I...at the time I was...I support my local humane society. Well, I found out HSUS isn't about puppy dogs and kitty cats. It's about changing the very way we go about our life in Nebraska and in rural areas all across the nation. So I asked my humane society, I went to their Web site, and they had a link to donate to HSUS showing puppy dogs and kitty cats. I told them this. They found out what it was. Unknowingly, they thought they were helping puppy dogs and kitty cats. I told them more about it. They have reconstructed their Web site and that is no longer on there and I'm happy to see that. And I continue to go to the humane society. I drop off my cans there. They recycle. [LB671]

SENATOR GLOOR: Time, Senator. [LB671]

SENATOR JANSSEN: I drop off food there. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Janssen. Senator Coash, you're recognized. [LB671]

SENATOR COASH: Thank you, Mr. President. Good morning, colleagues. I was in the body when we adopted this season, when it was brought by Senator Loudon, and I voted for it. And I want to...and I want to share with you what my perception is of what was told to me at the time that this bill was brought before the body. We were told that there was a mountain lion problem and that it posed a safety risk to livestock, it was a safety risk to the citizens where these mountain lions live. We were told that by the introducer of the bill and we were told that by the Game and Parks who should know about these issues. And they said, we have to do this, we have to do this, otherwise

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people will be at risk. So I voted for it and I waited to see what happened. What was the answer to that risk? Well, we need to kill two. Since I don't live there I was a little surprised about that. I thought, you know, if this was such a risk, how does two permits manage that risk? If there were really...if there was really a problem, I just couldn't...I was confused at how to solve the problem. And then...so Senator Chambers brought LB671 to the Legislature this year. What was Game and Parks' reaction to that? Look at your committee statement: neutral. I would have expected them to come in and give the same arguments that they gave a couple years prior to say, no, this is a problem and we need this season in order to protect citizens and their property. So I kept thinking, well, what's the...what is the reason for this? If it's about safety, two didn't seem to get us there. So that was a little bit confusing to me and why I in the end decided to support Senator Chambers' bill. We've had some discussion this morning about changing course, taking a piece of legislation that was passed pretty overwhelmingly, reversing it a short time later. Well, as I think about my role in the Legislature, I have to go with the information that's presented. And the information I was presented several years ago has beared out to be different information that was presented this year. And I think it's my responsibility as a policymaker to look at the information in front of you at the time it's presented and make a decision based on that. And if I were in the Legislature in two years and a bill to reinstate this hunting season came before the body, I would look at the information at that time. And if the information led me to believe that a hunting season was important, I would vote for that piece of legislation. [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR COASH: But I don't think this is unprecedented and in my remainder of the time I'd like...when I think about this, I'd like to ask Senator Chambers if you have a comment on changing course like this because I don't think it's unprecedented. And I'll let you comment on that. [LB671]

SENATOR GLOOR: Senator Chambers. [LB671]

SENATOR CHAMBERS: Thank you. Thank you, Senator Coash. Mr. President, members of the body, the reason that bill passed last time unanimously, there was very little discussion of the hunting season. What was really discussed was an amendment by Senator Fulton which would allow hunters who took these deer to give the excess meat to agencies that provided it to the hungry. Now I've stayed out of this debate. But when those are standing up here acting like the hunting season was why it was voted on unanimously, that is a bit disingenuous. It was that... [LB671]

SENATOR GLOOR: Time, Senators. [LB671]

SENATOR CHAMBERS: Thank you, Mr. President. [LB671]

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SENATOR GLOOR: Thank you, Senator Chambers and Senator Coash. Senator Bloomfield, you are next in the queue. [LB671]

SENATOR BLOOMFIELD: Thank you, Mr. President. Senator Larson told us that being caught in a trap was nature. That somehow doesn't seem natural to me. The idea that we were going to take two and ended up taking five plus one that was struck by a car...the one by a car is an accident, it shouldn't have anything to do with the hunting season. The two that were taken in traps, one being a female, should have ended the season. Game and Parks, to my way of thinking, did not follow through with what they told us, and that is the change that took place from two years ago. I believe it's another case of mismanagement and misinformation by Game and Parks. I would like to ask Senator Chambers some questions, but I see he just left the floor so I will not at this time. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Bloomfield. Senator Schilz, you are recognized. [LB671]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. When we discussed this bill on...when we unanimously voted it out, it is true we did not discuss what that season would be; we did not discuss what the parameters of what that season would be; we didn't discuss the timing of when that season would be. What we discussed was, was it the...or should it come under the authority of Game and Parks to decide whether or not there should be a season to hunt a specific game animal? That was the question we were asked and that's what we voted on. It's important to understand that we don't put in statute how many deer should be taken, we don't put in statute how many pheasants should be taken. Those are all rules that are come up or that are promulgated and created by Game and Parks themselves through a process that's out there where the commission gets together and talks about it and hears testimony from people whether they're pro or con and takes that into consideration before they put this together. So it's not like everybody is acting in a vacuum here. I'm sure the biologists at Game and Parks are good at what they do. And we have to remember, when we're talking about science, it comes down to the best science available and what you've got. And that's what we need to act on, letting the experts handle what goes on. We heard a little bit of Senator McCoy talking about HSUS and how they...how their fingers get into this debate, and it's very serious. We see their influence everywhere. Serving as Chair of the Ag Committee, I am very, very interested in what their positions are, where they're at. And what I've found over time is their positions are not in line with Nebraska values. The Agriculture Committee, this year we're talking about expanding livestock facilities in the state of Nebraska. We're talking about expanding dairies in the state of Nebraska. We talked at times about giving hog producers more opportunities on how they can market their animals and how they take care of them and what kind of arrangements they as small business owners can make with their customers and the people that they want to work with. Let's go down the line.

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HSUS does not want to see any more feedlots or anything like that anywhere. HSUS does not like confined animal feeding. HSUS would like to see all that disappear and the first step and the first shot was taken in California with the egg thing. And I'm telling you what, it's serious because now there's about 15 or 16 states that are in a lawsuit. [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR SCHILZ Is that one minute, sir? [LB671]

SENATOR GLOOR: One minute, sir. [LB671]

SENATOR SCHILZ: Thank you. I don't like to fearmonger and I hope that's not what this is. But I'm telling you, we should be fearful of HSUS. We should understand where they're at, at every moment, and we should know that the actions we take today could either further their goals in the state of Nebraska and the United States or continue to hold them at bay. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Schilz. Senator Cook, you are recognized. [LB671]

SENATOR COOK: Thank you, Mr. President, and good morning, colleagues. I rise in opposition to Senator Lautenbaugh's FA271 and in continued support of the proposal that's on Final Reading here, Senator Chambers' LB671. I also rise to, for the record, for those reading this in the future, to recognize that the...more than half of the people in the state of Nebraska reside in urban areas as of right now per the census. Many people claim...kind of frame their rhetoric and their narrative around an idea of a rural background, which many in this room are standing up and talking never lived and they certainly never lived it in the state of Nebraska as immigrants or immigrants to the state. So what I want to offer...I know it's campaign season. I know people kind of build an image of themselves with costuming and speeches that Nebraska is only a certain way. And as I said, I want to offer to my residents in my district and to people who might be observing this on the Internet and to people in this room that Nebraska is more than families who farm or have farmed or ranched or worked in the ag industry. They pay taxes. They work very hard, some of them without health insurance. Once again, when we stand up and describe the Nebraska way--and I'm using air quotes--it seems to only include hunting, fishing, wrangling, ditch trapping, whatever that is, which is fine if you want to do that. I've lived in this state. I've not done any of that. It is not yet a mandate across the state that you do that or have an interest in that. And guess what, that way of life is changing, and perhaps that's why we hear the fearmongering that we hear today and on a continual basis because the way of life is somewhat changing, the farming and ranching industry is changing, the people who inhabit this state are changing. The color of their skin is changing. The languages that they speak are changing. That is

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happening. There's no speech or costume that you can pull out that is going to change that as a fact in the state of Nebraska or across the United States of America. I would like to feel as though that it is the Nebraska way to include hardworking people who get up and work two and three jobs every day in the payment of proper wages so they can support themselves without counting on a safety net; in being able to access the healthcare system to manage their chronic disease or to treat themselves with an accident and not in a patronizing tone that somehow came out of a movie, I think, a movie or something you read about in the western section if you had access to a public library. It is embarrassing and ridiculous that you talk about these things on a day-to-day basis, especially those of you who have had zero contact with a real, live farm or a ranch. You're perpetuating an image of this state which is not true for most of the current residents... [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR COOK: ...of the state of Nebraska. So I want to say that. It happens all the time, every day. Maybe it's some sort of fantastical fantasy that you have: You'll carry a gun and wear chaps and go out, like that movie, City Slickers. That's maybe where it's coming from. But everybody in this room knows what the state actually looks like, what the people actually do on a day-to-day basis. Not minimizing the impact of the ag industry, but it is time...I knew it was time for me to say something, especially when the phrase "way of life" is applied broadly across the way that we live. It is not a day-to-day way of life for the majority of the people sitting in this room or even their families or their family legacies. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Cook. Senator Wightman, you're recognized. [LB671]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I have not spoken on this issue before, but I do have some information and knowledge that I think might be interesting to everyone in this group. We talk about how many have been shot in the state of Nebraska. We talk about how many are presently here. I have two family members that have been very close to mountain lions. Had a brother-in-law...I only have...I don't have ten brothers-in-law so I have only one brother-in-law in the state of Nebraska. He was teaching at St. Paul, Nebraska, at the time...excuse me. He was in St. Paul, Nebraska, at the time. He lives close to the school. One was shot by Game and Parks in St. Paul, one mountain lion, as a result of it being too close to the school and to the children. They thought the children were at risk. And even though I may live in rural Nebraska, I have a son who lives and is an attorney in Omaha. A mountain lion was almost next-door to their place of business. That mountain lion was not killed but was taken to a zoo, I think, in Omaha. We have a place in the state or in Gosper County in Nebraska just a small distance from Lexington, about 12 or 13 miles. Mountain lions have been spotted in that location. Somebody who I know very well lives about 12 to 15

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miles north of Lexington. A mountain lion was taken there...wasn't taken. As a matter of fact, it was feeding on a deer and it was seen there. I think there are so many more mountain lions than we're talking about in the state of Nebraska. And I realize that they travel a great distance, as Senator Chambers had said. But I just think there are far more mountain lions than that in the state of Nebraska. The fact that I have family members that have been close by where people at least were...felt were threatened. It just leads me to believe that there are many more than that. Now I probably would have said in the thousands and...or a thousand or more. But I don't...I doubt that there's that many anymore, but I think there are in the hundreds. I just can't believe with the few relatives that I have that so many of them would have been involved in mountain lions. And so I'm not certain. I don't think I will vote for the return to Select File, but on the other hand I don't think I will vote in favor of the bill itself. So I would yield the rest of my time to Senator Lautenbaugh if he would desire. [LB671]

SENATOR GLOOR: Senator Lautenbaugh, 1:30. [LB671]

SENATOR LAUTENBAUGH: Thank you, Mr. President, and thank you, Senator Wightman. That really is the point. We've been told time and time again there's only 20-some cougars in the state. That's referring to a very specific area. We're told that, well, one was caught in a trap; that should have ended a season. That was not in the area where the hunt was taking place in the case of one of them that was caught in a trap. The one that was hit by a car, not the same area again. We're getting far afield here, and I don't think I'm pretending to be from somewhere I'm not. I think I was very clear where I'm from and where I represent. I'm saying I don't want to tell the rural areas how these things should be managed because a rural senator came and said we need this tool, and we gave it to him. I feel very funny saying, okay, now I know better than you, let's take it away again. Senator Louden was right. I haven't called this LeRoy's law yet, but maybe we should. He was right. We passed it unanimously and with good reason. And people are watching what we are doing here. My e-mail is telling me that. One of the reporters on another issue was talking about how a lot of us wait until prime time to speak on issues, as if our Nielsen's go up substantially in the after-dinner hours. I don't know what our Nielsen's are right now but I know people are at least watching and watching this vote. [LB671]

SENATOR GLOOR: Time, Senator. [LB671]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB671]

SENATOR GLOOR: Senator Janssen, you're recognized and this...sorry, Senator. We have a...Mr. Clerk, we have a priority motion. [LB671]

CLERK: I do, Mr. President. I have a priority motion. Senator Chambers would move to bracket his bill until April 17, 2014. [LB671]

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SENATOR GLOOR: Senator Chambers, you're recognized to open on your bracket motion. [LB671]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'm not going to take this to a vote but I needed to explain what's happening. Senator Lautenbaugh has had a bill on gambling that he hasn't been able to get what he wanted on. The other day you saw where he took all of the bills off Select File and said it's because he couldn't get his gambling bill up. The Speaker had told him it would be up next week. So this is payback. We had a meeting in the Speaker's office, Senator Lautenbaugh, myself, and Senator McCoy. Senator Lautenbaugh's bill had been up several times. It had, had a long debate. Senator McCoy has an amendment or maybe two pending on Final Reading. The Speaker had indicated that this is new territory, so the amount of time that would be given on Final Reading when Senator Lautenbaugh could invoke cloture would be 2.5 hours or whatever the amount of time is, that's not the important thing. Senator Lautenbaugh knows he doesn't have 33 votes, so he is doing this to try to force me after a certain amount of time to move for cloture, thinking I couldn't get the 33 votes even though there were 31. Well, you know what? I'd rather lose the bill than let what he and his cohorts are doing. You have seen who the ones are who are doing this. You recognize them and you see what they're doing. Now I will tell you this. He told you how he would fix all of you; that he's going to be the obstructionist. Well, if I'm the one that he starts on, that's fine. I'll be his even change. But if he succeeds, then this is what we're going to do on every bill on Final Reading for the rest of the session. Now there are bills that I don't like. Senator Larson, who is involved in this, had one that I didn't like about that hunting allowance for people who have disabilities. I asked questions on that bill which other senators were glad had been asked, and I left the bill alone. I have not gone to the mat on every bill that I do not like. His gambling bill, I did; and I've done that on gambling. But I'm telling you what has happened, and you all can go along with it if you want to. Senator Lautenbaugh made a misstatement in his last comment. He said the mountain lion that was killed in the trap was in a different area from where the hunt occurred. The mountain lion killed in the trap was in Sioux County. The first lion killed during that two-animal hunt was in Sioux County. I brought this up to the Game and Parks representative who had come for another reason before the Executive Board. I know what I'm talking about. His is just malicious and I think very petty. But when I talk about these issues, I lay the facts out for you. They want to stand up and talk about an onslaught of these animals, and that is not going to happen and it's not happening now. When the bill moved off General File with 31 votes, a man who works for Game and Parks, named McCoy, was asked what will happen now. He said, well, Game and Parks will just manage these animals. He said they can do it; and they will. That was in the paper. Those things are not said by these people who are giving you the impression that you might walk out of your house and be attacked. I'm telling you what Game and Parks has stated for the record. Since 1991, no person has been attacked by a mountain lion. No livestock has been attacked.

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Livestock are not the choice of mountain lions. Some of you may not be aware of the fact that there are coyotes who will run among cattle not to kill them. There are things they will not tell you because you live in the city and you're not supposed to know. There are people who have been in areas where there are mountain lions and they've been interviewed and have said in 24 years, one man did, he has never seen one. He has seen the evidence, a track or there's scat, but never has seen one. There was a person who put a letter in the World-Herald the other day, because a mountain lion had been run over by a car. Somebody sarcastically, who lives in Omaha, said you ought to relocate these animals to the backyard of those people who don't want them killed, and this man said he wishes that he could have that mountain lion back in his area because when that lion was killed then, as they call them, the varmints, began to proliferate: raccoons, opossums, and others, and eating the food of the animals that would have been put out. And he said when they opened the stomach of that mountain lion, it was full of possums and raccoons and other varmints. So when they tell you that these animals are just waiting to attack livestock, that's not true. They do not spend time around people, and that's why some have lived their entire life in the area where the hunt would be allowed--Pine Ridge--who have never seen one, have never heard one, but said they would like to see one. There was a man, he was quoted in the papers, last name is Anderson. He helped this young guy who went out and killed one of the lions, and he said that he is a cattle rancher near Harrison and he is a farmer, and he has cats on his land. He said he wants them there and he said they do not bother livestock. This is a man who is a cattle rancher and a farmer telling you his experience with these animals. And we hear all of this stuff today. I didn't want to get into the talk. I thought they would run out of gas. Then it occurred to me what Senator Lautenbaugh is doing, because if I didn't try to invoke cloture and we went more than 2.5 hours, then he would come back on the Speaker next week knowing that he had been given 2.5 hours; and he'd say, well, you didn't do that to Chambers, so now what are you going to do? In other words, he is putting the Speaker in a trap, and I would rather lose this bill than let that happen. I respect the Speaker. I respect the Legislature as an institution. I respect our processes. But I don't respect the people who do what's being done this morning. So that's what that motion was for, and I now withdraw it. Thank you, Mr. Speaker...Mr. President. [LB671]

SENATOR LARSON: I object. [LB671]

SENATOR GLOOR: Senator Chambers has the right to withdraw at any time, Senator Larson. Senator. Mr. Speaker for an announcement. [LB671]

SPEAKER ADAMS: Thank you, Mr. President. Members, what's transpiring was unanticipated by me when I put the agenda together. I would tell you that I do intend to take up Senator Lautenbaugh's bill on horse racing on Tuesday morning. We talked through that yesterday and that was the intention and I was fully anticipating that we would be able to move through Final Reading today and Select File. Now I'm not so

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naive to believe that the rules are the rules and there may be those that want to stand up, any one of us, on any one of these bills. They are what they are. But this was unanticipated, and what I'm going to do, we are going to adjourn...or we're going to recess now for lunch, and when we come back at 1:30 we are going to come back on Select File and we're moving away from Final Reading. We will come back to it on a different day but it isn't going to be today. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Mr. Speaker. Mr. Clerk. [LB671]

CLERK: Mr. President, a priority motion. Senator Wallman would move to recess the body until 1:30 p.m.

SENATOR GLOOR: Members, you've heard the motion to recess until 1:30. Those in favor say aye. Those opposed say nay. We stand recessed.

RECESS

SENATOR COASH PRESIDING

SENATOR COASH: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Mr. Clerk, please record.

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

SENATOR COASH: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: I have amendments to be printed. Senator McCoy to LB671, Senator Larson to LB671. That's all that I have, Mr. President. (Legislative Journal pages 976-978.) [LB671]

SENATOR COASH: Thank you, Mr. Clerk. We will proceed to the first item on the agenda for the afternoon, Select File 2014 priority bills.

CLERK: Mr. President, LB863. Senator Murante, first of all, I have Enrollment and Review amendments pending. (ER173, Legislative Journal page 916.) [LB863]

SENATOR COASH: Senator Murante for a motion. [LB863]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB863]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB863]

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CLERK: Mr. President, Senator Lautenbaugh, I have FA238 but I had a note, Senator, you wish to withdraw. [LB863]

SENATOR LAUTENBAUGH: That's correct. [LB863]

SENATOR COASH: Without objection, so withdrawn. [LB863]

CLERK: I have nothing further on the bill, Mr. President. [LB863]

SENATOR COASH: Senator Murante for a motion. [LB863]

SENATOR MURANTE: Mr. President, I move to advance LB863 to E&R for engrossing. [LB863]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB863 does advance. Next item, Mr. Clerk. [LB863]

CLERK: Mr. President, LB1012. Senator, I do not have E&Rs. Again Senator Lautenbaugh, FA259, with a note you wish to withdraw. [LB1012]

SENATOR LAUTENBAUGH: That's correct. [LB1012]

SENATOR COASH: FA259 is withdrawn. [LB1012]

CLERK: Senator Murante, I have nothing further on the bill, Senator. [LB1012]

SENATOR COASH: Senator Murante for a motion. [LB1012]

SENATOR MURANTE: Mr. President, I move to advance LB1012 to E&R for engrossing. [LB1012]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB1012 does advance. Next item, Mr. Clerk. [LB1012]

CLERK: LB251. Senator, I do have Enrollment and Review amendments. (ER175, Legislative Journal page 916.) [LB251]

SENATOR COASH: Senator Murante for a motion. [LB251]

SENATOR MURANTE: Mr. President, I move to advance LB251 to E&R for...I move to adopt the E&R amendments. [LB251]

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SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB251]

CLERK: Senator Lautenbaugh, FA260, but I have a note to withdraw, Senator. [LB251]

SENATOR LAUTENBAUGH: That's correct. [LB251]

SENATOR COASH: FA260 is withdrawn. [LB251]

CLERK: I have nothing further on the bill, Mr. President. [LB251]

SENATOR COASH: Senator Murante for a motion. [LB251]

SENATOR MURANTE: Mr. President, I move to advance LB251 to E&R for engrossing. [LB251]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB251 does advance. Next item, Mr. Clerk. [LB251]

CLERK: LB751, Senator. I do have Enrollment and Review amendments pending. (ER176, Legislative Journal page 916.) [LB751]

SENATOR COASH: Senator Murante for a motion. [LB751]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB751]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB751]

CLERK: Senator Lautenbaugh, FA261, but I have a note to withdraw, Senator. [LB751]

SENATOR LAUTENBAUGH: Yes. [LB751]

SENATOR COASH: FA261 is withdrawn. [LB751]

CLERK: I have nothing further on the bill, Mr. President. [LB751]

SENATOR COASH: Senator Murante for a motion. [LB751]

SENATOR MURANTE: Mr. President, I move to advance LB751 to E&R for engrossing. [LB751]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye.

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Opposed, nay. LB751 does advance. [LB751]

CLERK: Mr. President, Senator, with respect to LB751A, I have no E&Rs. Senator Lautenbaugh, FA262, with a note you wish to withdraw, Senator. [LB751A]

SENATOR LAUTENBAUGH: Yes. [LB751A]

SENATOR COASH: FA262 is withdrawn. [LB751A]

CLERK: I have nothing further on the bill, Mr. President. [LB751A]

SENATOR COASH: Senator Murante for a motion. [LB751A]

SENATOR MURANTE: Mr. President, I move to advance LB751A to E&R for engrossing. [LB751A]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB751A does advance. Next item, Mr. Clerk. [LB751A]

CLERK: Mr. President, LB660. No E&Rs. Senator Lautenbaugh, FA263, but a note to withdraw, Senator. [LB660]

SENATOR LAUTENBAUGH: That's correct. [LB660]

SENATOR COASH: FA263 is withdrawn. [LB660]

CLERK: Senator, I have nothing further on LB660. [LB660]

SENATOR COASH: Senator Murante for a motion. [LB660]

SENATOR MURANTE: Mr. President, I move to advance LB660 to E&R for engrossing. [LB660]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB660 does advance. Next item, Mr. Clerk. [LB660]

CLERK: LB836. No E&Rs. Senator Lautenbaugh, FA264, a similar note to withdraw, Senator. [LB836]

SENATOR LAUTENBAUGH: That's correct. [LB836]

SENATOR COASH: FA264 is withdrawn. [LB836]

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CLERK: Senator, I have nothing further pending to LB836. [LB836]

SENATOR COASH: Senator Murante for a motion. [LB836]

SENATOR MURANTE: Mr. President, I move to advance LB836 to E&R for engrossing. [LB836]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB836 is advanced. The next item, Mr. Clerk. [LB836]

CLERK: Senator, LB1114. I have no E&Rs. Senator Lautenbaugh, I have a note, Senator, with respect to FA265 that you would like to withdraw. [LB1114]

SENATOR LAUTENBAUGH: That's correct. [LB1114]

SENATOR COASH: FA265 is withdrawn. [LB1114]

CLERK: Senator, I have nothing further on LB1114. [LB1114]

SENATOR COASH: Senator Murante for a motion. [LB1114]

SENATOR MURANTE: Mr. President, I move to advance LB1114 to E&R for engrossing. [LB1114]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB1114 does advance. Next item, Mr. Clerk. [LB1114]

CLERK: LB1114A, Mr. President. No E&Rs. Senator Lautenbaugh, FA266. I have a note to withdraw, Senator. [LB1114A]

SENATOR LAUTENBAUGH: That's correct. [LB1114A]

SENATOR COASH: FA266 is withdrawn. [LB1114A]

CLERK: I have nothing further on the bill, Mr. President. [LB1114A]

SENATOR COASH: Senator Murante for a motion. [LB1114A]

SENATOR MURANTE: Mr. President, I move to advance LB1114A to E&R for engrossing. [LB1114A]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB1114A does advance. Next item, Mr. Clerk. [LB1114A]

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CLERK: Mr. President, LB1103. No E&Rs. Senator Lautenbaugh would move to amend with FA257. (Legislative Journal page 944.) [LB1103]

SENATOR COASH: Senator Lautenbaugh, you are recognized to open on FA257. [LB1103]

SENATOR LAUTENBAUGH: Thank you, Mr. Speaker and members of the body and...and Mr. President, excuse me, and members of the body. And this will be a brief opening and a short-lived amendment, I can promise you that. This bill came up at the end of the day on General File and I spoke very briefly on it then too. But I've spoken I think consistently on education issues this session and I've tried to confine my comments to education-related bills. I'm trying new things in my last year here speaking on issues that are actually germane to the bills I'm speaking on, but...and this won't be any different up to a point, but this bill sets up a strategic planning process for education. And the amendment that I filed is not worth looking up, it is not meant to go anywhere and will not. But the refrain that I keep coming back to, and I understand the members of the Education Committee are not...how can I put this? They want our kids to have a good education. I mean, there is no two ways about it. And I think, as I've said before, the people who go into teaching aren't in it for the money, that much is certain. So we all want our kids to have a good education, but sometimes I think we get not really crossways but we have a difference of opinion over the dispatch with which we should proceed. And I understand sometimes you have to take stock and seek input and see if you're heading in the right direction. But I have a feeling...someone famously said, we have known knowns and the unknown knowns and the unknown unknowns, or something like that. I'm butchering that quote. We don't have a lot of known unknowns and unknown unknowns on education anymore. We have kids in this state. That doesn't set us apart. We have kids of different ethnic backgrounds, we have kids of different socioeconomic backgrounds. Again that makes us squarely like everyone everywhere else. And we aren't on the forefront of anything, I would argue, in the education arena. Some may quibble, and oh, we've got a great pilot program here or there. But if you look at what we're doing, if you look at the district I'm most familiar with, I don't think that we are what anybody would reasonably call pioneers in education. So I understand the motive for this bill. But sometimes when I bring education issues I feel like there's a, well, where do you get off introducing a bill on education; you're not a member of the committee and you don't have credentials even; what could you possibly know? And I note part of this bill is going to be going out and seeking input across the state perhaps from whoever happens to show up at a committee hearing. So I think I have at least that much standing. I'm not going to come to the hearings. I've been to a few Education Committee hearings this year. But what I'm getting at is I guess faster pleas is what I'm saying. I think we know what to do. We have a new head over at the Department of Education. I have made no bones about the fact that I don't think the Department of Education is prepared to be on what I would call the forefront of education reform. I am

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generally very displeased that not one year but two years in a row, they've come in, in opposition to a charter school pilot program. And I think this time the new commissioner had some very difficult questioning, particularly from Senator Avery and committee, over why; why would you be opposed to up to five charter schools in the city of the metropolitan class? OPS is what we're talking about here, of course. And I hope some of you either watched that testimony or will go back and look at it, because the response was wholly unsatisfactory and then there was an attempt to turn it into a joke, which I would say fell very flat, because that was a remarkable hearing where we had a lot of people come from the community and say they wanted reform. And Senator Avery asked a very fair question, I thought, and that was, well, in Race to the Top our applications have been downgraded because our state does not allow charter schools. And we're one of eight states that currently does not. What do we know that the President, that the Secretary of Education, and that the other 42 states don't that makes our approach the right approach and everybody else wrong, to the point where we're downgraded for federal money because we don't allow charter schools? Let me underline that point again since we've heard a lot about federal money. We are downgraded for federal funds because we don't allow charter schools. And the response was not revealing, the response was a non response, because I feel like the State Board and the State Department of Education has kind of a knee-jerk reaction in opposition. Not what you would call a considered response, not one that even dealt with the specifics of this year's bill, not one that took into account what we are finding all over the nation, that is, especially in poor areas, charter schools are providing better results for students than the traditional public schools. But we were supposed to laugh that off because that very serious question from Senator Avery didn't warrant a serious response, or a serious response couldn't be crafted because there wasn't one. And there's a point at which that's frustrating; obviously that point was a couple weeks...a couple months ago, a month ago, when we had the hearing, because how long can you go on just denying that and laughing it off and acting like, well, okay, we're from the department so we're a part of this usual frequent flyer process here in the committee and this gentleman is on his way out the door so we're not going to hear from him next year, and all these people who showed up for the hearing, well, they went home, so we're not going to hear from them anymore; they might come back next year; or worse yet, they just might not. The opposition to the charter bill in the Education Committee was not what you would call convincing, because the evidence is overwhelming that they can work, if done right, in certain areas. And that's all my bill proposed...proposes. And so when I look at this traveling or focus--I'm trying remember what the term was--this mission or journey that the committee is starting on to assess our education needs, I have to hope that this is not an occasion for hearings to be set up in a few places and the usual suspects to come testify and the usual suspects to round up testifiers to come testify, and that there's actually an attempt to move forward with something different in some areas, because I think, I hope, the committee heard this year that is what is needed and desired, not just by me, I have nothing to gain out of it, but by the people who live in areas that feel like their existing public schools are not

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adequate, and numbers tend to bear them out. So, yeah, I did want to be heard on this because I had another bill on education reform, and the response from the commissioner and the department was, well, you know, I'm kind of new at this job; we're getting...I'm getting my sea legs under me here, and then we're going to, you know, go forward and all sorts of things; but I just need to...you know, some time to catch my breath. Well, every time we take more time for someone new to figure out... [LB1103]

SENATOR COASH: One minute. [LB1103]

SENATOR LAUTENBAUGH: ...his or her bearings, that means we're not doing something or we're doing something that appears to be doing something but doesn't do very much. And so I don't question the motives of the people who brought this bill. That's not it at all. Quite the opposite. But all I'm saying is, please move forward. I think on General File my very short floor speech was just, please lead, may your journey, as it was described, be short, and may you be long on action--in the short term, long on action--because I think that's what's called for. And we can study this forever. And every year we study, another group of kids moves along, some of them educated poorly--the numbers don't lie--some of them educated poorly if at all, some of them not at all it seems. Thank you, Mr. President. [LB1103]

SENATOR COASH: Thank you, Senator Lautenbaugh. (Visitors introduced.) Members, you've heard the opening to FA257. The floor is now open for discussion. Senator Sullivan, you are recognized. [LB1103]

SENATOR SULLIVAN: Thank you, Mr. President, and good afternoon, colleagues. I appreciate Senator Lautenbaugh's comments even though I can't support FA257. It doesn't disrupt, certainly, LB1103. It just moves a month earlier the report that we would have to give to the Legislature, but I think that we could use that month in our deliberation and putting together some recommendations for changes and reform in education in Nebraska. And I also want this body to know that the Education Committee did not take lightly any of the bills that were brought forward, including Senator Lautenbaugh's, and especially the testimony that we heard on the bill, LB725 (sic--LB972), the charter school bill. It was compelling testimony. We took to heart the pleas, if you will, of some of the parents that came before us, and we are remembering those pleas of we want the best for our children; we want to have a choice in educational opportunities. We also, though, took into account the fact that, yes, we've got my visioning bill, but we also have new leadership that is buying into this concept of visioning for education, we have new leadership in the Department of Education, we have new leadership in OPS, all of whom are very excited about engaging in this conversation on a vision for education. Will we all agree? Will we come up with aggressive new reforms? I don't know. But I think that we will be open and eager to hear different alternatives and we aren't going to shut the door on any, and I don't think that the Education Committee shut the door even on a conversation relative to charter

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schools. We just know that there is a lot of discussion taking place and we want that to play out. Now a reference was made to, well, we'll just do another round of public hearings. I have had people in my office almost daily talking about how they want to be engaged in this process on a vision for education--superintendents, people in higher education, individuals from school boards. So I know that well before we have the public hearings on LB1103, we are going to have lots of different conversations at many different levels. The topics will be many and I can only expect that we will have conversations about charter schools in that process. Sometimes I think in some of the talks that we've had on the floor it makes it sound like we're not doing anything in education in Nebraska; that we're really falling behind. Well, I think we have a lot to be proud of and we are doing something to address some shortcomings. If you recall, we have LB438 this session that will become law and that will address how we're going to handle nonperforming schools. They will be designated as priority schools and we will have intervention teams that will come into those schools and help them improve. Those are steps in the right direction. And just this morning I heard from an individual school district and their superintendent who is embarking on a strategic planning process and had all sorts of suggestions on literature that we could read and topics that we could discuss and speakers that we could bring in. I can't emphasize enough that there is total buy-in for this concept in many arenas in the educational community and there is a commitment on the part of the Education Committee to look at all aspects of... [LB1103 LB972 LB438]

SENATOR COASH: One minute. [LB1103]

SENATOR SULLIVAN: ...how to improve education in this state. So we're not diminishing any idea. And, Senator Lautenbaugh, I know you won't be here next year. You've already said you won't be attending any of the public hearings. But I hope you will watch what this committee does and what we will bring to the Legislature next year, and I hope you will to a certain extent feel satisfied that we are listening to you, we are taking to heart what you said, and we are on a path to improve all levels of education that helps all students in this state. Thank you. [LB1103]

SENATOR COASH: Thank you, Senator Sullivan. Senator Kolowski, you're recognized. [LB1103]

SENATOR KOLOWSKI: Thank you, Mr. President, fellow colleagues. Senator Sullivan, thank you very much for your comments and right on target for your leadership for what we're going to be planning and hopefully doing as we look ahead for this opportunity. Senator Lautenbaugh, I also want to say thank you. I think you hit exactly on target the things that we were talking about and have talked about in committee and in private discussions also with Senator Sullivan, the things we hope to accomplish as we look at where we are in our educational process in this state and where we hope to go into the future. As we reflect on our past, confirm the realities of our present time, and dream

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about our future in the state of Nebraska, we want to involve as many people as possible, and that's not just by going to locations and holding committee meetings or hearings around the state. This will be a very complex and I think a little more lengthy process than all of that. We want to involve the Education Committee, of course, the Department of Education, colleges, universities, public schools, private schools, and have a combination of things that we can be involved in and learn from, from speakers and readings and working with our other educational organizations, be the NSEA, the school boards, NCSA, or anyone else. Your comments on reform directions are right on target, Senator Lautenbaugh. It's about moving forward. My whole career I hope was about moving forward and making progress, getting better at what you're doing and having better results with the students that you're working with. We want to be long on action. And back to your concern about the district you live in and the district you have concerns about, as we look at OPS the change there is very important to all of us and extremely important to me because of the urban center that that represents and the challenges that we have in that location. So again I thank Senator Sullivan for her comments, for her leadership, our Education Committee, for the discussions we've had and where we're going to be going with this. And honestly, Senator Lautenbaugh, you raise excellent questions that are right on the direction in line of what we hope to accomplish, and I thank you for that as well. [LB1103]

SENATOR COASH: Thank you, Senator Kolowski. Senator Wallman, you're recognized. [LB1103]

SENATOR WALLMAN: Good afternoon, Mr. President and members of the body. And I, too, want to thank Senator Sullivan for the work she does. But we have different buzzwords in different years. The honorable so-called governor from Texas says he wants to get out of the federal aid business in the school system. And honest to goodness, I think we might have been better off if we wouldn't have taken that as well, because they've never fully funded what is expected of us. So consequently, what do we do in this body here? We don't fully fund what we mandated to our public schools. Why is that? We seem to make the budget fit whatever it is, give so much to HHS, so much to public education, and that's where we are. And folks, folks, you can lead people a lot people better than you can push, and there has to be schools in this great state of Nebraska that are leaders. You can emulate what they do and send teachers over there. That's what they did when I was on the school board. The best schools in the state, we sent our teachers over there to watch what they were doing right and what we were doing wrong. So we did change our curriculum. The teachers changed the curriculum to fit more better what fits for today. Is that easy to do? As Senator Kolowski would know: no. We get entrenched in ways that are not good and so when that happens we dig our heels in and become defensive instead of on the offense. And folks, folks, we have to be on the offense for our children, and we've got to prepare them for tomorrow's world. Is that going to be easy? No. Should it be easy? No. Times are a-changin'. The times are a-changin'. Thank you, Mr. President. [LB1103]

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SENATOR COASH: Thank you, Senator Wallman. Senator Lautenbaugh, there are no other lights in the queue. Would you like to close on FA257? [LB1103]

SENATOR LAUTENBAUGH: Yes. And we know how the closing is going to end so don't be poised over your voting buttons, folks, but either way. And you surely would have been over your green buttons because that's your nature with me, I'm sure. But that said, I do want to be clear. I think the committee asked some great questions and was very...Senator Sullivan was very respectful of the witnesses that came in. They all had a fair hearing. I think Senator Scheer, if memory serves, Senator Davis, Senator Avery, all had some great questions of, well, the opponents are the ones that I am focusing on at the moment, although there were lots of questions of all from all, if memory serves. And what I was trying to refer to in my opening, and I do want to be very crystal clear on that, is that there is this wall of opposition, and I call them the frequent flyers in the Education Committee--and that's not the committee. There was one gentleman, a lobbyist, who came in and said, well, gee, you know, we've got a new OPS School Board and that's worked out better than any of us could have imagined; we have to let that play out; that's been such a great thing. And I was impolite enough to point out in my closing that if you looked back to see who the one...or who the opposition was to shrinking the school board and committee, it was that same lobbyist. So two years ago...or last year that was a bad idea that we shouldn't allow to go forward; now this year that's worked out better than what anybody could have foreseen and that's a reason to not let this idea go forward. And in this instance, this idea was charter schools. And as I said before, the education world is different than the legal world. People are generally nice to each other in the education world, I think, day in and day out. I mean, teachers aren't mean people in my experience, and I think a lot of people involved as they move up in administration are former teachers, and so, you know, some people are laughing and saying, boy, you don't know the education world at all probably. But what I'm getting at is it's difficult to be blunt in the education world. People tend to have an aversion to that. I think the way you bring change and what I've tried to do, as the commissioner put it in one of our meetings, not in the hearing, well, it's hard to be the black hat; we don't want to be the black hat all the time. And I said, yeah, but somebody has got to be the black hat--and I'm saying hat not cat--black hat sometime. Somebody has got to show up and say, you're not doing it right and here's how you do better. And yes, I'm thrilled with the new OPS board. I like the new superintendent. I like that they're trying to make some very needed changes. But I don't think that's when you let up on the pressure for reform. I think you make change by pushing and pushing and pushing, and you never stop until we're doing the best we possibly can. And when's that going to be? Never, because we always can do better. But we aren't even in...well, we aren't in the forefront, as I said before. And so my motive on this harping on this issue has been to keep harping on this issue because we can't let it go. And I feel like maybe...and I'm as guilty as anyone. My first few years here I don't think I said anything about these issues. But they weren't better then and we

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can't just ignore it. I don't intend on leaving these issues because I'm leaving the Legislature, by the way. So yes, I'll be more than watching, but I don't know what forum that will take and I'm not done with them this year yet either. But you can't let up, because when you look [LB1103]

SENATOR COASH: One minute. [LB1103]

SENATOR LAUTENBAUGH: ...people go back to what they've always known. That's not the law of schools. That's the law of large organizations and bureaucracies and people the world over. You push and you push and you push, and things have to get better, because we can...no one denies we can and should do better. And in my district, more than most, we can surely do better than we are. And that's not a criticism of the board or the superintendent, that's just a reminder that every day in every way that they should be pushing and that we should be pushing them to keep pushing, and we should be pushing the department to be pushing them, and we should never stop, not for a minute, not ever. And with that said, I would like to withdraw this amendment, Mr. Clerk. [LB1103]

SENATOR COASH: FA257 is withdrawn. [LB1103]

CLERK: Mr. President, I have nothing further on the bill. [LB1103]

SENATOR COASH: Senator Murante for a motion. [LB1103]

SENATOR MURANTE: Mr. President, I move to advance LB1103 to E&R for engrossing. [LB1103]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB1103 does advance. Items, Mr. Clerk. [LB1103]

CLERK: Thank you, Mr. President. A hearing notice from the Natural Resources Committee signed by Senator Carlson as Chair. A new resolution, Senator Mello offers LR510. That will be laid over at this time. That's all that I have, Mr. President. Thank you. (Legislative Journal pages 979-980.) [LR510]

SENATOR COASH: Thank you, Mr. Clerk. (Visitors introduced.) Next item, Mr. Clerk.

CLERK: Senator, I have Enrollment and Review amendments pending to LB946. (ER179, Legislative Journal page 934.) [LB946]

SENATOR COASH: Senator Murante for a motion. [LB946]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB946]

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SENATOR COASH: Members, you've heard the motion. All those in favor say aye. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB946]

CLERK: Senator Burke Harr, I have AM2502, Senator, with a note you wish to withdraw. [LB946]

SENATOR HARR: Yes, please. [LB946]

SENATOR COASH: The amendment is withdrawn. [LB946]

CLERK: Mr. President, Senator Lautenbaugh, FA267. [LB946]

SENATOR COASH: Senator Lautenbaugh, you are recognized to open on FA267. [LB946]

CLERK: Senator, FA267. [LB946]

SENATOR COASH: Senator Lautenbaugh, you are recognized to open FA267. [LB946]

SENATOR LAUTENBAUGH: I'd like to pull that amendment. [LB946]

SENATOR COASH: FA267 is withdrawn. Next item, Mr. Clerk. [LB946]

CLERK: Mr. President, Senator Karpisek would move to amend with AM2517. (Legislative Journal page 954.) [LB946]

SENATOR COASH: Senator Karpisek, you are recognized to open on AM2517. [LB946]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. AM2517 was LB188 that I introduced last year. It came out of committee 6-1-1, and it is I guess a little controversial. I don't think it should be but it is. Senator Murante and I are working now to find another home for it as not to jeopardize LB946, but we'll see. So either we'll pull this and find another bill or we will keep going, and I will take this to a vote wherever it ends up. LB188, really what it does is there are three election commissioners in the state, the three largest counties, are appointed by the Governor: Lancaster, Sarpy, and Douglas Counties. I don't feel that the Governor should appoint any county officials. To me that just doesn't even make any sense. I brought that bill last year or two years ago to make it a vote of the county. That did not go over well, and I don't...again, I don't understand that. We talk about local control. We talk about all sorts of things. Ninety other counties can do the county voting for their election commissioners or their clerk which usually doubles as an election commissioner. But these three counties, for some reason, are so important that it has to be the Governor appointed. Since I couldn't get

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that changed, I decided that, okay, if the Governor will still appoint them, then I think at least the Legislature should be able to confirm them or deny them. That's what this bill is, saying the Governor, you can still appoint the three election commissioners but the Legislature should have oversight of that confirmation. Maybe some people think that this bill came from the happenings of Omaha a few years ago in closing of election polls. I promise you that had nothing to do with it. I brought these bills long before that ever occurred. I do not intend...mean this to be a partisan bill, because believe it or not, someday we might have another Democrat be Governor. I know that some people don't believe that back here but it could happen, maybe even next year, and then they will appoint these people. I am not saying that the people who were appointed have done anything wrong. I am not pointing a finger at them. In fact, the commissioner from Sarpy County comes in and testifies very often and helps walk us through bills, and I greatly appreciate his help and I think he's done a great job. I can't say that the other two have not done a good job. Again that is not my argument with the people who have filled this position, in the past, now, or in the future. My point is, why would we not come back through the Legislature to approve or deny these people. We have confirmations every day, almost, in here, for all sorts of other boards and commissions that the Governor appoints. I have a list of those that I will probably get into further down the road. Again I can't stress enough that I don't know why this is so controversial. We have all sorts of people who come up and the Legislature approves. Now, tomorrow, I think we have one that will probably be a fairly tough one. Normally these things just sail through. People look at them, they don't even really pay much attention, which I think is too bad and I think we need to do a better job of that and I'll put myself in that same category. However, I believe in the committee process. When these people come through the committee and are vetted through the committee process, I feel that they are good people that want to help their state. And I greatly appreciate all those people who will step up. Most of them...most of them are volunteers. Again I do not understand, number one, why the Governor appoints county officials. I'm not pointing the finger at this Governor at all. I just think it doesn't make sense. I'm not going to win that battle. But then why would we not confirm them or approve them through the legislative system? I know I've stressed it about three times but I want to make sure that everyone understands where I'm coming from, and I'm also kind of talking a little bit longer to try to give Senator Murante a little time to find another home for this bill. LB946, I was in committee, I voted for all the bills in that bill even though it could have been divided into probably about 20 different divisions. I didn't do that. Senator Murante worked with me on one bill in there and took out a piece I didn't like and I appreciate that. I am not trying to harm LB946 and I don't think that it should. I think that this is important for the Legislature to say we are going to approve those people who are appointed to fill these election commissioner spots. I appreciate your time listening and consideration on this. I don't mean to make a mess but I think this is important. Last year I promised not to bring this out because of some of the things that happened in Omaha, and I really don't want to hear about those things that happened in Omaha; I can't control what anyone says. But that is not my goal. I think that this body already approves many gubernatorial

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nominations. Why would we not want to do the same for three people who take care of a great many votes in this state? I will look forward to any questions and hopefully look forward to moving this to a different bill. Thank you, Mr. President. [LB946 LB188]

SENATOR COASH: Thank you, Senator Karpisek. Members, you've heard the opening to AM2517. The floor is now open for discussion. Senator Wallman, you are recognized. [LB946]

SENATOR WALLMAN: Thank you, Mr. President. And I would have to agree with my good friend Russ Karpisek. Why would we want to have appointees without any oversight? Elections are a precious part. I remember we brought a bill about you could ask 10 percent recall on some things, I think he will probably remember that as well, and that didn't go anywhere. And we're always tinkering with elections and election is a sacred thing in the United States of Nebraska. Why wouldn't we want to make sure that this is not just a...I've not got anything against the present election commissioners, but why wouldn't we want a little bit of oversight because most generally it's a rubber stamp? But sometimes maybe one or two people see something that is not necessarily kosher and then they would recommend they not be appointed. So it's a safety valve, and it would also be a safety valve, whoever is Governor, because some people are very astute at some issues, whether it be Omaha or Lincoln or Grand Island. We should pay attention what's going on in our voting system because if there's any hint of fraud anywhere people lose their respect for the voting system. And would Senator Russ...I'd yield the rest of my time to him. [LB946]

SENATOR COASH: Senator Karpisek, you've been yielded three and a half minutes. [LB946]

SENATOR KARPISEK: Thank you, Mr. President, and thank you, Senator Wallman. I agree that voting is very important and if anybody here doesn't believe that, I don't know how you got here. Again I cannot emphasize enough that this is not about anything that has gone on in my mind. I brought this bill or something like it probably for the last four years. I do not see why...I don't know that...I don't think there's any other positions that the Governor appoints a county official, but if that's the way it is, that's the way it is, because I think something that happened in the early 1900s about someone throwing votes in the river. Now that's a classic case of "we've always done it that way, so that's how we do it," and that's fine I guess. I think it's wrong. Why don't the voters of those counties get to decide who their election commissioner is? Again, 90 other counties do. But that's not the fight here because I've already lost that fight, but I want to bring it up. Why wouldn't the Legislature want to have the final word on who is getting nominated for positions? I will say the Governor's Office did not come in, in opposition of this bill, and they made a point to tell me that they did not come in, in opposition to this bill. I don't want to speak for them, but roughly what I heard was, look, we think we should still appoint them but if the Legislature wants to confirm, okay. That's what I'm trying to do. I

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don't know why we wouldn't have oversight of this. Again I have some other...a list of other confirmations that we take up that seem to pale in comparison to these paid positions. Thank you, Mr. President. [LB946]

SENATOR COASH: Thank you, Senator Karpisek and Senator Wallman. Senator Murante, you are recognized. [LB946]

SENATOR MURANTE: Thank you, Mr. President and members of the Legislature. We are at an interesting point in this process. It is my hope that before we get to a vote on AM2517 that Senator Karpisek withdraws it and we have a discussion on the merits of what he is providing for on a different day. I do have to say he, Senator Karpisek, did bring, did inform me in advance that he was going to attempt to attach this to this bill, this amendment to this bill, and I appreciate the courtesy. However, I'd like to explain what this bill is and what it is not. LB946 was intended and is an effort to clean up several technical provisions of the Election Act. It is not a vehicle for controversial pieces of legislation. No matter how meritorious you think the pieces of the legislation are, this isn't the vehicle to do that. I have spoken with the members of the committee who...of the Government, Military and Veterans Affairs Committee, who agree with my assessment that the intention of this bill was made abundantly clear in committee that the only proposals that would even be considered to be attached were matters that were noncontroversial in nature and that advanced out of the committee unanimously and that I would oppose any effort to attach any legislation, whether I supported it or not, to LB946 because I did not want to jeopardize the merits of the underlying bill. And to be clear, I do not support the bill that Senator Karpisek introduced, LB188, as it was originally introduced. I think it's bad public policy. But I'm not going to get into a debate here today about the merits of LB188, because this is neither the time nor the place to have that discussion. Well, I suppose it is the place but it's not the time to have that discussion. And I won't say that I am a little bit frustrated that I am at this moment forced to negotiate a public policy that I adamantly opposed, and Senator Karpisek knows that, on a technical cleanup bill, and now we're forced to make concessions. But I guess that's just part of the job that we have. There were numerous...there were several members of this Legislature and numerous people outside of this Chamber who saw this bill opening up several different sections of the Election Act and asked me to make it a vehicle for extremely controversial pieces of legislation. And from the outset I told them, absolutely not, that this wasn't some sort of scheme to get bills that I think are good ideas but otherwise might not get adopted on this floor and would certainly take up a considerable amount of time. This was not the vehicle to do that. And so I understand Senator Karpisek's position on LB188. I don't agree with it. I think I've sat down with him and explained to a certain extent why I don't agree with it, and we on the subject matter have to agree to disagree. But this is not the time for this discussion. We do not attach controversial pieces of legislation to Christmas tree bills. And I am extremely concerned about the consequences of coming to a vote on AM2517, and if AM2517... [LB946 LB188]

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SENATOR COASH: One minute. [LB946]

SENATOR MURANTE: ...gets adopted, the conversations that we are going to have on this floor on other items that are also controversial that up to this point I have said could absolutely not be dropped in as an amendment on this bill. And I think the floor discussion earlier today and I hope that this bill is an example of how the remainder of this session is going to go where we reach a climax, find an agreement, and before the missiles get fired we all back down and cooler heads prevail... [LB946]

SENATOR COASH: Time, Senator. [LB946]

SENATOR MURANTE: Thank you, Mr. President. [LB946]

SENATOR COASH: Senator Lautenbaugh, you are recognized. [LB946]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I do rise in opposition to this amendment as well, and I think I was a no vote on the bill that the amendment is from in committee. And I would agree, we don't...first of all, I think we did have an understanding, at least in the committee, that we weren't going to be attaching other riders to this bill, at least that was my belief as it came out here on the floor as a noncontroversial bill. And this amendment is the definition of controversial. And it does...it's one thing to say, well, this isn't about anything that's gone on in the past; this is just something I wanted to do for the future. But I think what has gone on in the past has demonstrated that we may not be particularly well suited to be confirming election commissioners based upon some of the discussion that's gone on in the future...or in the past, I should say. And I don't want to...and I'm not going to get into all that right now, because I don't know if this amendment is going anywhere, but I have some very strong feelings about a prior bill we passed and what happened as a result and the accusations that were leveled at our election commissioner in Douglas County and otherwise. And this bill opens all that up again and tries to insinuate us into the process. And if you think that our body is one that is immune to political games and whatnot and that we wouldn't monkey with a confirmation, well, talk to me tomorrow at this time. I don't think we need to insinuate ourselves into this. This is a classic example of looking for something that isn't broken and trying to make it better, and we all know what happens when we do that more often than not. This isn't needed. This isn't warranted. I opposed this in committee. It doesn't belong on this bill and I would urge you to oppose this amendment and I hope it's withdrawn and never even comes to a vote. Thank you, Mr. President. [LB946]

SENATOR COASH: Thank you, Senator Lautenbaugh. Senator Murante, you're recognized. [LB946]

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SENATOR MURANTE: Thank you, Mr. President and members. It appears that we're working on something. I hope that it materializes into, as I mentioned before, the cooler heads prevailing on this one. I made the analogy yesterday to Senator Avery that I felt like LB946 was beginning to become reminiscent of the Cuban Missile Crisis, where both sides were preparing to launch very powerful missiles at each other, and it was very unclear as to whether a small technical cleanup bill would become the battleground for much bigger and more substantive issues. It's my sincere hope that that does not happen, and I can assure you that I have done everything in my power up to this point to prevent that from happening. And I'd also like to thank Senator Burke Harr--I don't know if he's on the floor right now--for bringing to me legitimate concerns. And you'll see, if you look on the computer, that we do have a couple of amendments beyond what Senator Karpisek has introduced here which are substantive in nature. I worked on them with Senator Harr. I think he brought some very valid concerns to the floor on General File debate. I think we've worked those concerns out, and the amendments that you see that are coming after this are amendments that I will support, and I do think they make the bill a little bit better and I want to thank everyone for their work on that. But I also don't want to get sidetracked. And I fear that AM2517 not only has the potential to do that but clearly it's already done that to a certain extent, and that's unfortunate. But I look forward to the coming amendments. I understand that there are other questions to be asked and I look forward to those questions. Thank you, Mr. President. [LB946]

SENATOR COASH: Thank you, Senator Murante. Senator Karpisek, you're recognized. [LB946]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. We are working on maybe moving this amendment to another bill. I'm having the Clerk make sure that it would be germane on the other bill, because I can already see that there will be some shenanigans to say that it wouldn't be germane on that. I very, very much believe in this bill. It doesn't hurt anything. I see absolutely no reason for it. Senator Murante is saying that this is a simple cleanup bill. It is not a simple cleanup bill. It may be a cleanup bill but I don't think it's very simple. We did talk about in committee that we would not attach anything to it that was controversial coming out of committee. I'm not trying to pull a quick one here, folks. It's germane. I didn't try to work to get it onto the committee bill in committee. That would have been a lot easier. I didn't do that. If I misunderstood what we were doing, I apologize. But I did not misunderstand. And if everybody wants to say that I am doing something, either they're wrong or they're not being very forthcoming. This is probably the time and the place to have this discussion, and I don't see why it would harm this bill at all. If I really was smart about it, I'd make sure it stayed on this bill because this bill does need to pass which would really help mine go along with it. Again this bill would say that the Legislature will confirm three gubernatorial appointments. What is so controversial about that? And I know Senator Murante said he doesn't want to get into that today, and that's fine. I'm not going to drag

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him down that road unless I can't find another home for this bill; then we will. I've never heard before that you couldn't attach a bill to any bill. I mean, here we go, eight years later, another new rule. Weren't you paying attention? We have all sorts of bills coming. We have bills on bills that we have to suspend the rules because they're not germane. Come on, that's not even a good argument. You don't like the bill, you don't like the bill, fine. But tell me why. Why would we not confirm three gubernatorial appointments? I mean, there isn't even a sound rationalization for that. Why would we confirm any nominations? I will just say real quickly, some of the things that we do confirm, and you're all in committees so you'll know that we do. Anyone on the Accountability and Disclosure Commission, it goes through the Government Committee. Airline authority, state of Nebraska: Transportation. Arts Council: General Affairs. Who would have thought that's in General Affairs, right? Beginning Farmer Board: Agriculture. [LB946]

SENATOR COASH: One minute. [LB946]

SENATOR KARPISEK: Behavioral Health Oversight Commission of the Legislature: it goes to Health. Blind and Visually Impaired, Commission for the...: Health. A Boiler Safety Code Advisory Board: Business and Labor. Central Interstate Low-Level Radioactive Waste Commission: Natural Resources. Child Abuse Prevention Fund Board of Nebraska: Health. Climate Assessment Response Committee: Ag. Community Corrections Council: Judiciary. Coordinating Commission for Postsecondary Education: Education. Crime Victims Reparations Committee: Judiciary. Deaf and Hard of Hearing Commission: to Health. I've got a longer list but I'll close now. I hope that we're close to being able to move this bill to Senator Nelson's priority bill. But if not, I will take this to a vote. Thank you, Mr. President. [LB946]

SENATOR COASH: Thank you, Senator Karpisek. Senator Bloomfield, you're recognized. [LB946]

SENATOR BLOOMFIELD: Thank you, Mr. President, and good afternoon, colleagues. When AM2517 was LB188, I voted it out of committee. As an amendment to LB946 I cannot support it. I also hope we get this moved. I don't believe it's a bad bill. I don't believe it belongs on LB946. I thought we were abundantly clear that nothing controversial would be attached to LB946. And controversial to me is when you have a no vote in committee. This has been an unusual year for committees and what's taken place. We have what I'm going to refer to in the future as the Lazarus bill. It's a bill we had killed in committee. It's been resurrected. It will be out on the floor probably at some point. I had a bill which 35 of you cosigned, 6 of whom sit on the committee it went to, and we never got a vote to get it out of that committee. I was promised that vote three different times. It never happened. It's a strange year for committees. I don't know where we're going to go the next 15 days. I'm afraid they may not be pleasant. But attaching things that don't belong to Christmas trees, to Christmas trees; ladies and gentlemen, this is not an ornament; this is a stick of dynamite on the Christmas tree and

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we should not attach it there. Thank you, Mr. President. [LB946 LB188]

SENATOR COASH: Thank you, Senator Bloomfield. Senator Wallman, you're recognized. [LB946]

SENATOR WALLMAN: Thank you, Mr. President and members of the body. I, too, looked up how this was. Six voted for to get it out, 1 nay, and 1 present and not voting. And there was no opponents. None. No opponents in the Government Committee. So why should...to me that means noncontroversial. Maybe a couple members on the committee didn't like it but I look at who represented here, Common Cause, Nebraskans for Civic Reform, and Common Cause and some of these organizations. They didn't have any trouble with the bill. Should I have trouble with the bill? No, because I voted for it out as well as Senator Bloomfield did. And so I think it's somewhat germane. But anyway, we have done this before. And I'm not going to talk on this anymore, so thank you, Mr. President. [LB946]

SENATOR COASH: Thank you, Senator Wallman. Senator Lautenbaugh, you're recognized. Senator Lautenbaugh waives. Senator Conrad, you're recognized. [LB946]

SENATOR CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I rise in full support of the Karpisek amendment and do not see it as (laugh) controversial in any way, I guess. So I'd be interested to hear more about that debate as to why folks would consider it such. But I actually have come additional technical questions in relation to other aspects of the underlying bill that I didn't have an opportunity to visit with Senator Murante and other committee members on General File, so I'm hoping that he may indulge me with a few technical questions if Senator Murante would yield. [LB946]

SENATOR COASH: Senator Murante, would you yield? [LB946]

SENATOR MURANTE: Yes. Thank you. Yes, Mr. President, I would be happy to. [LB946]

SENATOR CONRAD: Thank you so much, Senator Murante. I know you are right in the middle of negotiations and are doing important work in that regard, but I do have a technical issue concern in relation to an amendment that you added on General File. I think it was AM2120 which essentially created an additional pledge for presidential electors in terms of their obligations, which overlays with existing requirements in 32-714 governing the activities of our presidential electors. So my question, quite simply, is this: When it comes to the pledge that your amendment included in these activities, if a presidential elector does not uphold their pledge or follow their pledge or meet the other provisions of LB...or of 32-714, what's really the enforceability? What are really the ramifications for that? [LB946]

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SENATOR MURANTE: Well, there's no punishment to the elector who has certainly a moral obligation, but there's also a statutory obligation to vote for who the people of Nebraska voted for. But the remedy is outlined, as I understand it, on page 3, lines 13-23, of how that, everything plays itself out from there. [LB946]

SENATOR CONRAD: So in essence there really is no ramification for not following the pledge. You would just disqualify yourself as an elector and then the typical provisions for appointing a different elector would be triggered. [LB946]

SENATOR MURANTE: Correct. [LB946]

SENATOR CONRAD: Is that your under...there's no criminal penalty, there's no civil penalty... [LB946]

SENATOR MURANTE: Yeah, there's no criminal or civil penalties. No, not to my knowledge. [LB946]

SENATOR CONRAD: Okay, very good. And then on that very question, and I know that Nebraska is not alone in terms of providing a set of parameters that electors utilize when engaged in this process. But there are free speech issues involved and political speeches used involved in casting this vote and acting as an elector, and I'm wondering if you are aware if any of these kinds of parameters have been challenged as potentially infringing upon those rights of the elector. [LB946]

SENATOR MURANTE: Before I introduced this I had asked a member of the community who is very passionate about this subject and actually brought the issue to the Legislature whether any laws like this had been struck down or found unconstitutional. And he was...he was confident the answer to that question was no. [LB946]

SENATOR CONRAD: Okay. Very good. And then just finally in that very rare instance when say, for example, new information may present itself about a potential candidate from the point of the popular vote to the point of the elector casting his ballot which may for some reason change dramatically that consideration, would it then... [LB946]

SENATOR COASH: One minute. [LB946]

SENATOR CONRAD: Thank you, Mr. President...would it then remove the ability for that elector to take into account any additional information? [LB946]

SENATOR MURANTE: It would. And this actually goes back a long ways. [LB946]

SENATOR CONRAD: Okay. [LB946]

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SENATOR MURANTE: It goes actually all the way back to 1912, believe or not,... [LB946]

SENATOR CONRAD: Okay. [LB946]

SENATOR MURANTE: ...when the instance that happened was the state...I'm going to put my light on so I can maybe answer this. What happened there was the Republican Party in Nebraska had a primary and a state convention where they elected delegates to their national convention and electors, and those people all supported Teddy Roosevelt. Teddy Roosevelt did not win the Republican nomination. Teddy Roosevelt then...Taft won the... [LB946]

SENATOR COASH: Time, Senators. Senator Murante, you're recognized. [LB946]

SENATOR MURANTE: Thank you. Then William Howard Taft won the nomination and Franklin Roosevelt (sic--Teddy Roosevelt) left the Republican Party, started the Progressive Party, and all of the delegates and electors that were Republicans and were there to support Teddy Roosevelt left and became delegates to the Progressive Party national convention and became electors to the Progressive Party. And the remaining Taft Republicans said, well, now wait a minute, it doesn't make a lot of sense that no matter who wins the General Election, the electors for both the Progressive and the Republican Parties are the same people and that doesn't make a lot of sense. So what the state Supreme Court said was that by their actions they did essentially what this bill provides. They functionally resigned from being electors and delegates to their party's national convention and could no longer represent Nebraska in that way. That's how I understand that. Again I'm not an attorney on this, but I did find it to be fascinating history at the very least. [LB946]

SENATOR COASH: Thank you, Senator Murante. Senator Karpisek, you are recognized. [LB946]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I think that we've come to an agreement. Could I ask Senator Mello to yield, please? [LB946]

SENATOR COASH: Senator Mello, will you yield? [LB946]

SENATOR KARPISEK: I'm sorry. It wasn't Mello; Murante. [LB946]

SENATOR MURANTE: I will have you know, Senator Karpisek, that is the second time that's happened to me in two days. [LB946]

SENATOR KARPISEK: I apologize. You're both handsome young men with a lot of hair

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and it's...I must have got it confused. At least I knew it wasn't Lautenbaugh. [LB946]

SENATOR MURANTE: I'm going to put my glasses on, Senator Karpisek. Maybe that will help. [LB946]

SENATOR KARPISEK: Okay, there you go. Senator Murante, if I pull this off here and attach it to LB565, to Senator Nelson's, would you agree not to challenge a germaneness issue? [LB946 LB565]

SENATOR MURANTE: Yes. [LB946]

SENATOR KARPISEK: Thank you. I've talked to Senator Lautenbaugh and Nelson, the same thing. That doesn't mean no one else could try, but I've talked to the Clerk and I'd say that we're fairly sure that it would be germane. If no one wants to challenge that, that would make it a lot easier. I do want to say again that this idea of not being able to bring a bill to another bill, it's crazy. I've not ever heard of that in eight years: You can't do that because that bill wasn't designed for that. It's not the way it works here. You know that and I know that. And for anybody to stand around in committee and say that we're not going to let anything on here, it might happen on some but not on very many. I am not trying to harm LB946. I think it's good bill. Again Senator Murante did work with me taking some parts out of that bill that I didn't like, oddly, dealing with election commissioners. Again, I want to have this debate this year. The Speaker has assured me that Senator Nelson's bill will come to the floor. Senator Nelson has agreed to let me attach it onto his bill, which I appreciate. From then on the chips will fall where they may. And I do have to say that it's probably a good move for Senator Nelson because I voted against his bill out of committee. So if I get my amendment on, I might have to vote for his bill, maybe. But if I don't get it on, Senator Nelson, I'm sorry, I'll probably fall off. Again what I'm trying to do here I think is to improve the Legislature's position. Why would we not confirm a gubernatorial nomination? There are some that we don't, but we have some that seem very innocuous that we do. So I will be back with this amendment on LB565. If that doesn't happen, if somebody blocks it, I will be upset. And I know better in my head to do this because I'm here now and I should just mow forward. Once again, I'm trying to work together to get some things done this year and I hope that it pays me just a little bit of dividends by the end of this year. So, Mr. President, I would like to withdraw AM2517. Thank you. [LB946 LB565]

SENATOR COASH: AM2517 is withdrawn. Next item, Mr. Clerk. [LB946]

CLERK: Mr. President, Senator Burke Harr would move to amend with AM2548. (Legislative Journal pages 980-981.) [LB946]

SENATOR COASH: Senator Harr, you're recognized to open on your amendment. [LB946]

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SENATOR HARR: Thank you, Mr. President, members of the body. Senator Murante earlier stole my thunder on this. This is just what he said. After reading this over with a fine-tooth comb, there was just some language in here that we wanted to make some corrections. I want to thank Senator Murante for being open and listening to these changes. They're really nothing major. So if you look on your gadget you'll see we amend Section 11. We eliminate the first sentence and we talk about when a term of...a second half of a term of office begins. Second half of a term of office begins the first day of a session. That's kind of what we've been doing now. If you recall, we had this conversation last Thursday right before we went on recess for the weekend, four-day weekend. This is more or less the "Fulton" amendment, and so we've made some changes to it just to clarify. The next part is...deals with county surveyors. County surveyors are either elected or appointed, and there's an equivalent position like that and that is county attorneys. And so we just made the language consistent with how we handle county attorneys. The last part, well, there are two parts to part three. The first part about that deals with the appointment of a deputy election commissioner. The way it works now is once an election commissioner is appointed, ten days to send out a notice to all the political parties. They then have 15 days--10 days to hold a meeting, 5 days to respond. The way the amendment was previous written, it said the election commission couldn't appoint anyone until all lists were returned. Well, there was a question of what would happen if some party refused to return a list. The election commissioner could say, hey, I can't appoint anyone, the law is very clear, I can't do it until all lists are returned. So we settled that problem by saying if a political party does not submit a list within the time frame required by this section, the election commissioner shall select a deputy commissioner from the lists received. Just a little cleanup language, nothing crazy. And then the last part just deals with allowing Class III school districts in a primary or metropolitan area to be involved in...for bonding elections. Again, nothing too controversial. So that's what the amendment is, that's what it does, and I would ask for your support on AM2548. And I am available to answer any questions you may or hopefully may not have. Thank you. [LB946]

SENATOR COASH: Thank you, Senator Harr. (Visitors introduced.) Members, you've heard the opening to AM2548. The floor is now open for discussion. Senator Conrad, you're recognized. [LB946]

SENATOR CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I rise with some concerns in relation to Harr amendment and in particular to aspects of the legislation that seek to subvert the longstanding policy of the Secretary of State's Office in interpreting by plain and ordinary meaning of the word half as outlined in Article III, Section 12(3) of our constitutional provision related to term limits. It's my understanding in reading through some materials from the Secretary of State's Office that this has been consistent policy since this provision of the constitution was adopted by voters and had been applied in at least three prior inquiries by state senators in addition to the

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questions provoked by Senator Fulton's potential candidacy. I understand that there is a disagreement of opinion in relation to the definition of these terms between the Attorney General's Office and the Secretary of State's Office. But I do wonder if it, (A) is appropriate for the Legislature to by statute provide additional definitions to a constitutional provision that seems to be pretty clear on its face. So that kind of procedural question, supremacy question in terms of the statute versus constitutional provision is my first concern. The second, and I'm hoping maybe Senator Burke Harr would yield to a question or two. [LB946]

SENATOR COASH: Senator Harr, will you yield? [LB946]

SENATOR HARR: Yes. [LB946]

SENATOR CONRAD: Senator Harr, have you had a chance to have the Secretary of State's Office or Secretary of State Gale review this legislation and have they approved it or signed off on it? [LB946]

SENATOR HARR: By this legislation you're referring to the bill or to my amendment? [LB946]

SENATOR CONRAD: Your amendment. [LB946]

SENATOR HARR: Have I had a chance? I spoke to them prior to doing the amendment, yes. And we had a conversation about the amendment, yes. [LB946]

SENATOR CONRAD: Okay. And their position on your amendment is what? [LB946]

SENATOR HARR: They...well, it's consistent with what it was before. This doesn't change any language that was in the bill before. What it does is it eliminates a sentence. And they didn't speak out against it before, so they didn't speak out against it now. [LB946]

SENATOR CONRAD: Okay. So your communication is that they don't have a position on either the bill or on your amendment. [LB946]

SENATOR HARR: Yeah. [LB946]

SENATOR CONRAD: Okay. Thank you very much, Senator Harr. Friends, I'll tell you this. I think that the Secretary of State has done a tremendous job of governing over our electoral process and has been incredibly fair and straightforward to all parties involved at every turn. He is a consummate statesperson and an incredible professional. So I am leery of this legislation which seeks to undo the longstanding policy and over ten-year policy that his office has faithfully implemented in relation to interpretation of our term

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limits provision in our state's constitution. I am not sure about the legislative authority to expand that definition in any way, shape, or form beyond its ordinary meaning as adopted in our state constitution, and I am particularly concerned about us seeking to codify a competing Attorney General's Opinion on this topic in defiance of the Secretary of State's policy for over ten years which I think has served our state well. Thank you. [LB946]

SENATOR COASH: Thank you, Senator Conrad. Senator Janssen, you're recognized. [LB946]

SENATOR JANSSEN: Thank you, Mr. President and members. I would ask Senator Murante if he would yield to a question. [LB946]

SENATOR COASH: Senator Murante, will you yield? [LB946]

SENATOR MURANTE: I would. [LB946]

SENATOR JANSSEN: Senator Murante, have you and I...and I think I know the answer to this, but never...you're not supposed to ask questions you don't know the answer to, but maybe it's a different variation. But have I previously, previous to today and some time ago, had a discussion with you about LB946? [LB946]

SENATOR MURANTE: We have discussed LB946 before. [LB946]

SENATOR JANSSEN: Was there a certain conclusion and something I wanted to bring to this bill that seemed to not fit well with your appetite? Oh, I shouldn't say that. I think it fits well with your appetite, but not for this particular legislation. [LB946]

SENATOR MURANTE: (Laugh) Yes. You had two bills in the Government, Military and Veterans Affairs Committee, one pertaining to our electoral votes being cast winner take all and the other regarding whether voters should be required to show identification before voting. And you asked...we had, had at least the discussion about whether this would be an appropriate forum to have that discussion. And I the conclusion was, no, we should not. [LB946]

SENATOR JANSSEN: Thank you, and I...right, right. I recall that and I agreed to that. And of course today I saw that the idea was then...I heard the word stick of dynamite. There would be no other...you used a different word, but I heard stick of dynamite. No sticks of dynamite--I'll use it now--would be hung onto this. That's technical like they all are, right? And so I agreed to do that. And so I'm appreciative to see...a little bit appreciative to see what happened here today. And so even though I didn't get to exactly where I wanted to go, but I agreed to that and I agreed to many parties. So I will lay down my arms on that. But that said, would Senator Burke Harr yield to a question if

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he's here? [LB946]

SENATOR COASH: Senator Burke Harr, will you yield? [LB946]

SENATOR HARR: Yes, I will. [LB946]

SENATOR JANSSEN: Thank you, Senator Harr. So this amendment you have up, AM2548, just before I...I guess before I totally lay down my arms on what I had planned here, would you consider this a stick of dynamite on this bill? [LB946]

SENATOR HARR: This amendment? [LB946]

SENATOR JANSSEN: Yeah. [LB946]

SENATOR HARR: No. [LB946]

SENATOR JANSSEN: As blowing it up. All right. Well, I guess I'll stand down then. Thank you, Senator Harr. [LB946]

SENATOR HARR: Thank you. [LB946]

SENATOR COASH: Thank you, Senator Janssen and Senator Harr. Senator Krist, you are recognized. [LB946]

SENATOR KRIST: Just a brief...thank you, Mr. President. Good afternoon, colleagues, and good afternoon, Nebraska. Just a brief comment about scheduling and the luck of the Irish and the luck of the draw. I have to tell you that I think that having sat in that chair last Thursday, this bill would never be on Select File maybe in the shape that it is, except for the fact that it was the last thing that stood between us and the long weekend. And I think that's a fact we need to look at. It is potentially some issues that we all might take different opinions on, but on General File it was at the right time, right place, and it sped right through. I appreciate Senator Harr's attention to detail last Thursday and I compliment him on his statesmanship and working through this. And this is the kind of reasonable response I think that needs to be taken. And so for those of you who think I didn't get scheduled or I shouldn't have been scheduled here or whatever, there's a little bit of luck in this. And last Thursday was an extremely lucky position. Thank you. [LB946]

SENATOR COASH: Thank you, Senator Krist. Senator Avery, you're recognized. [LB946]

SENATOR AVERY: Thank you, Mr. President. I wanted to comment just a little bit on the underlying bill LB946 and some of the discussions that have taken place off the

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mike and address this amendment as well. LB946 was a priority of the committee, and it was designated a priority of the committee because it did deal with some important though noncontroversial technical changes to our current law. There were also a number of related election bills that had been approved by the committee with I believe unanimous vote on all of them. And those we felt would be appropriately attached to or included in LB946. So in a sense it became something like a Christmas tree bill, although I don't like that term really. But, nonetheless, it does have a number of related bills in it. These are noncontroversial. They were not controversial in the hearing. They were not controversial in our Executive Sessions. And we felt like that this would be a good way to get these bills considered before this body for approval, so we put them in together. Now Senator Murante, I think properly, had resisted all efforts to amend this bill or get other bills included that would have added controversy to the bill. And I joined with him in that trying to protect the bill. Now we have a clean election bill that we agreed to in committee almost unanimously and I believe if I would go and check I'd find out it was unanimous. So we did not want to have other bills attached to it that might put the passage of LB946 in jeopardy, and we had resisted all efforts to do that. And then we had to work very, very hard off the microphone to avoid a collision that Senator Murante has likened to the Cuban Missile Crisis. And I was trying to figure out who was Khrushchev and who was FDR or JFK, FDR was not around at that time, JFK. But certainly Senator Lautenbaugh has to be a Khrushchev and he (laugh) has his shoe off hitting his desk already. Your sense and recall of history is good. So it is a clean bill now and I hope that you can all agree with me on that and let's get it moved to Final Reading. I do want to mention one thing that came up when Senator Conrad was in a conversation with Senator Murante and there was a discussion of the presidential electors issue in the bill. This is about faithless electors and it lays down some rules for how that you deal with faithless electors. These are electors who... [LB946]

SENATOR COASH: One minute. [LB946]

SENATOR AVERY: ...don't vote the way they have been instructed to by the voters in the primary. The real reason why this is in the bill is that the Uniform Law Commission, a nationwide organization, a prestigious group of lawyers, have been working for a long time to get uniformity around the country in all kinds of law. And this is one area where Nebraska was not in compliance with the uniformity that was being forged in other parts of the country. That's the reason it's in the bill. There's no trick here. There are no surprises. It's a straightforward, clean it up, get it consistent with what other states are doing. So if you trust me to tell you this is not a surprise bill, it's not a trick, it happens to be an election bill, and it seems that every time we get an election bill on the floor people start looking for tricks. This is not one of them, folks. You may find them somewhere else, but this is not one. I urge you to cooperate with us on this, get it passed so we can clean up some of these areas of our current law. Thank you, Mr. President. [LB946]

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SENATOR COASH: Thank you, Senator Avery. Senator Murante, you are recognized. [LB946]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. On the guidance of Senator Nelson, I thought it was probably important to say that I support AM2548 and I encourage everyone to vote for it. It makes the bill a little bit better and I hope that you will support it. Thank you, Mr. President. [LB946]

SENATOR COASH: Thank you, Senator Murante. Senator Burke Harr, you're recognized. [LB946]

SENATOR HARR: Thank you, Mr. President, members of the body. Sorry I was away from the mike. I want to be clear why we're doing what we're doing. And there seems to be some idea that there's something nefarious going on here. I want to, first of all, thank Senator Krist for his kind words. But it takes two to tango, and I want to thank Senator Murante for his hard work on this as well and being willing to listen to some of my concerns and to work with me. It is much appreciated. And maybe I didn't go through it clear enough in my introduction because I thought it was innocuous. So starting with number two about the surveyors. Right now if you're a county surveyor, you have to live in the county when you file if you run for election. If you are appointed, you do not have to live in the county. All this does is change it to you have to live in the county when you are sworn into office. And you might say why are we making this change, and that's a good question. To my knowledge, this isn't being made for any one race at any...or any one county. But this is how we do it for county attorneys. And so the question is, did we want to make it consistent, and that's what we're trying to do. This language is verbatim other than where it says surveyor. You could cross that out and put county attorney and it's exactly how we do it for county attorneys. So if you're a county attorney, when you go to file, you don't have to live in that county. When you go to be sworn in if elected, you do have to live in that county. If you are appointed, you do not. It's the same way with the surveyor. I brought this amendment...or I brought this amendment but I believe the underlying issue was brought by Senator Dubas. So if there is a question about that, I'm willing to answer it. But I also think if you think there's some other reason for it, I'm not aware of it and...but...I don't think Senator Dubas is here right now, but I don't know of any other reason. As for Section 11, number one, would Senator Conrad yield to a question? [LB946]

SENATOR COASH: Senator Conrad, will you yield? [LB946]

SENATOR CONRAD: Yes, of course. [LB946]

SENATOR HARR: Thank you. Did you have a chance to talk to the Secretary of State's Office? [LB946]

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SENATOR CONRAD: No. [LB946]

SENATOR HARR: Okay. To your knowledge, do they have a problem with this? [LB946]

SENATOR CONRAD: I have no knowledge of that. [LB946]

SENATOR HARR: Okay, thank you. [LB946]

SENATOR CONRAD: That's why I was asking you. (Laugh) [LB946]

SENATOR HARR: What's that? [LB946]

SENATOR CONRAD: That's why I asked you at my time on the mike. [LB946]

SENATOR HARR: Okay. I just didn't know if you had heard something else. [LB946]

SENATOR CONRAD: No. [LB946]

SENATOR HARR: Okay. I wanted to make sure. What this does, folks...is this constitutional or not? We don't make that call. That's something for the courts. But what we are trying to do is provide some guidance and we're trying to find a policy to help interpret that constitutional right. Second half of the term, for a member of the Legislature, starts on the day of the meeting of the Legislature. This is the Fulton rule. I'll make up a fictitious politician. We'll call him "Bloomquist" because I mistakenly called Senator Bloomfield that last Friday or Thursday--and I apologize for that. If a senator is appointed in...let's say a senator runs, resigns in September of their second year. Governor appoints someone in October. That person will only be allowed to serve for six years if they're reelected, six years plus two months. That's what this amendment does. [LB946]

SENATOR COASH: One minute. [LB946]

SENATOR HARR: If they are appointed after the first day, they can serve for ten. It's just that simple. It's trying to provide some clarity to an area that's very confusing and can quite frankly be frustrating for some candidates trying to figure out what their future is. And so we're trying to provide some clarity. If they want to sue, god bless them. Have at it. But what we're trying to do is provide some guidance. We're the policymakers. That's what this does. With that, I would ask you to please advance AM2548. Thank you. [LB946]

SENATOR COASH: Thank you, Senator Harr. Senator Conrad, you are recognized. [LB946]

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SENATOR CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I didn't have an opportunity because our time ran out, but I do want to thank Senator Murante for his leadership on these issues and his helpful research and that enlightening history lesson which I was not aware of. So I think that definitely enriched my understanding of the legislation and the legislative record at that. I do still have some concerns about the underlying free speech issues and the non-enforceability aspects of the additional pledge component. And to be clear, I think the Uniform Law Commissioners are an incredible asset to our state and have carried many pieces of legislation on their behalf. But to be clear, their legislation is also not accepted carte blanche by this body. We still have an obligation to be deliberative and, in fact, some of their proposals have been rejected by this body for our own policy reasons. I'm familiar, very familiar, with the people who serve in that capacity. They are outstanding lawyers and outstanding advocates. So I'm absolutely supportive of the good work that they do, but it doesn't allow us the opportunity to forego our obligations as state senators. So I think that I appreciate what is trying to be accomplished through those aspects of the legislation. And I don't think anything nefarious is going on by any means. I just have a technical and policy disagreement with some of those aspects. And it's not personal to any of the senators involved in those issues. It's just my personal belief based upon the research that I've conducted as to each of the issues. So for that reason and the constitutional considerations in relation to the definitional issues surrounding the term component, I'm going to be voting against the legislation. But it's not because I think there's a nefarious plot. It's because I have a disagreement in terms of the legislation being presented on legal and policy basis. Thank you, Mr. President. [LB946]

SENATOR COASH: Thank you, Senator Conrad. Seeing no other lights on, Senator Harr, you are recognized to close on your amendment. [LB946]

SENATOR HARR: Thank you, Mr. President. Members of the body, this is cleanup language of a cleanup bill. We want to be very careful about what we do. I understand Senator Conrad's concerns. But I think a lot of these issues are being addressed in here. We got to be careful in the area of election law, and this has been gone over by legal counsel. Senator Murante, who's very knowledgeable in election law, he worked with others on this. And so, again, I want to thank Senator Murante for his willingness to work with me on this area that I am not as familiar in but did have some concerns. And I think this takes care of all those concerns. So I would ask that you please advance AM2548, and I would ask for a call of the house. [LB946]

SENATOR COASH: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB946]

CLERK: 25 ayes, 0 nays, Mr. President, to place the house under call. [LB946]

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SENATOR COASH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. Unexcused personnel, please leave the floor. The house is under call. Senator Hansen, please check in. Senator Ashford, please check in. Senators Nordquist, Lathrop, Schilz, Carlson, Smith, Larson, Senator Bolz, Senator Garrett, and Senator Schumacher, please return to the Chamber and record your presence. The house is under call. Senator Carlson, Senator Bolz, Senator Lathrop, please return to the Chamber and record your presence. Senator Schumacher, please check in. All members are accounted for. Senator Harr, how would you like to proceed? [LB946]

SENATOR HARR: Machine vote. [LB946]

SENATOR COASH: There has been a request or a machine vote. Members, the question for the body is, shall AM2548 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB946]

CLERK: 41 ayes, 1 nay, Mr. President, on adoption of Senator Harr's amendment. [LB946]

SENATOR COASH: AM2548 is adopted. Raise the call. Next item, Mr. Clerk. [LB946]

CLERK: Senator Scheer would move to amend with AM2448. (Legislative Journal page 981.) [LB946]

SENATOR COASH: Senator Scheer, you're recognized to open on your amendment. [LB946]

SENATOR SCHEER: Thank you, Mr. President. If the members of the body could just stay for just about two seconds, this should be a very short amendment. This is to clarify the bill that was part of LB946 was allowing school districts to have membership from five to nine, and inadvertently in the language it states that if you are a nine-member school district, you have to actually reaffirm that you want to be nine. And this simply clarifies that they don't have to reaffirm that, that anyone can stay where they're at. It's just if you would like to change that you have to have a vote. So that's the sum and substance of it and I would ask your support for AM2448 and LB946. Thank you. [LB946]

SENATOR COASH: Thank you, Senator Scheer. Members, you heard the opening to AM2448. The floor is now open for discussion. Senator Murante, you're recognized. [LB946]

SENATOR MURANTE: Thank you, Mr. President, members. I rise only to support

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Senator Scheer's amendment. I think it's a good one and I encourage you to vote green. Thank you, Mr. President. [LB946]

SENATOR COASH: Thank you, Senator Murante. Senator Lautenbaugh, you're recognized. [LB946]

SENATOR LAUTENBAUGH: Thank you, Mr. President. I always like Senator...also rise in support of Senator Scheer's amendment. I'm more comfortable telling the school boards what size they should be rather than asking them. But if this is the way we're going this year, so be it. Please vote green. Thank you, Mr. President. [LB946]

SENATOR COASH: Thank you, Senator Lautenbaugh. Seeing no other members wishing to speak, Senator Scheer, you're recognized to close on your amendment. Senator Scheer waives closing. The question for the body is, shall AM2448 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB946]

CLERK: 40 ayes, 0 nays, Mr. President, on the adoption of Senator Scheer's amendment. [LB946]

SENATOR COASH: AM2448 is adopted. [LB946]

CLERK: I have nothing further on the bill, Mr. President. [LB946]

SENATOR COASH: We return to discussion on LB946. Senator Murante for a motion. [LB946]

SENATOR MURANTE: Mr. President, I move to advance LB946 to E&R for engrossing. [LB946]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB946 does advance. Items, Mr. Clerk. [LB946]

CLERK: Thank you, Mr. President. Just one. New resolution: Senator Sullivan offers LR511. That will be laid over at this time. (Legislative Journal pages 981-982.) That's all that I have. Thank you. [LR511]

SENATOR COASH: Thank you, Mr. Clerk. We will now proceed to the next item on the agenda.

CLERK: General File, Mr. President. LB998, a bill introduced by Senator Karpisek. (Read title.) The bill was introduced on January 21; referred to the Judiciary Committee; the bill was advanced to General File. I do have Judiciary Committee amendments, Mr.

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President. (AM2079, Legislative Journal page 648.) [LB998]

SENATOR COASH: Thank you, Mr. Clerk. Senator Karpisek, you're recognized to open on LB998. [LB998]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I did not clear this with Senator Murante, but I hope he's okay that I'm bringing it. LB998 deals with penalties dealing with ignition interlock devices. If a person has been charged with a driving under the influence, or a DUI, they may be able to install an ignition interlock device in their vehicle. This device would not allow the vehicle to start if there is more than .02 or .03 of a gram by weight of alcohol per 210 liters of his or her breath. The issue with this is that if that person drives a vehicle that does not have an ignition interlock device and is pulled over, they are guilty of a Class IV felony. LB998 would change that to a Class I misdemeanor unless that person has point over...sorry, over .02 liters in their blood or breath. If that is the case, it will still be a Class IV felony. So real quickly what I'm doing here is if someone has had a DUI at the present time, they have an ignition interlock device in their vehicle, they get into another vehicle maybe to get to work. Theirs wouldn't start, they take their spouses. Haven't been drinking at all. Get pulled over, they are guilty of a felony. I think that this is far too harsh for someone to be driving not drunk just because they don't have the ignition interlock in their vehicle and be a felon. They could get two more DUIs and still not be a felon, but get pulled over driving a vehicle without an ignition interlock and you're a felon, which we all knows carries with you. Plus, Senator Ashford had a number of how many...I think they had to hire an additional prosecutor just for these cases. I'm not trying to be lenient on drunk drivers nor people who don't follow the rules and drive with the ignition interlock. But in certain cases if it's an emergency, you have to get to the doctor or something like that, you jump in another vehicle and you're a felon I think is far too severe. This would make it still a Class I misdemeanor which is no get out of jail free part...(laugh)...it would not be easy either on you. The punishment would be pretty severe. I'd be glad to try to answer any questions on this but I think it's fairly straightforward. Thank you, Mr. President. [LB998]

SENATOR HOWARD PRESIDING

SENATOR HOWARD: Thank you, Senator Karpisek. As the Clerk stated, there are amendments from the Judiciary Committee. Senator Ashford, as Chair of the committee, you are recognized to open on the amendments. [LB998]

SENATOR ASHFORD: Thank you. Oh, my goodness! Thank you, Madam Chair. Is this your first adventure up there or...and Senator Coash is there as well to instruct you. Anyway, wow! Where are we? (Laughter) No. Excuse me, Patrick. I'm sorry. I know I'm driving him stark raving mad, but I...anyway, (laughter) Senator Karpisek has related the policy behind AM2079. This is one of those laws we passed that has resulted in what

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we believe to be the overpunishment of individuals who, yes, are on the interlock system for driving while intoxicated but have for a variety of reasons been prosecuted under the law as it is now for felonies when they were not...when these individuals were not driving while intoxicated. So there have been a number of convictions, many of whom have been serving time in prison. It's one of those...and as you go forward, members, next year and the year after and start looking at sentencing, there are going to be crimes and punishments in the statutes now that are going to have to be reviewed. For example, there's a fraud statute on writing bad checks where the threshold for a felony has not been changed since the 1960s. So if you look at the number of people incarcerated today for writing a bad check in the state system, the state penitentiary system, state corrections system, you'll find a number of these bad check cases. Doesn't mean they're not serious. They are. But these kinds of situations can be dealt with, with misdemeanors, in many cases or on probation in many cases. So a number of people that are incarcerated today are there for nonviolent offenses as we've talked about. And one of these is this particular amendment, AM2079. We have reduced the penalty in many cases to misdemeanors. It clarifies the penalty for tampering, for example, with an ignition interlock device and driving while...but driving while sober from a Class IV felony to a Class I misdemeanor, for example. In addition, if you're ordered to use an ignition interlock device by a court or the DMV or the Board of Pardons and you tamper with the ignition interlock device and then drive while drunk, the penalty is a felony IV. If you're ordered to use an ignition interlock device and you drive a car without an ignition interlock device and you're driving while drunk, the penalty is a felony IV as well. If you're ordered to use an ignition interlock device by a court and the driver...but you're not drunk or not driving while intoxicated, with these amendments, the penalty is a misdemeanor I. So, for example, if you're...and these cases have actually happened, if you're in an emergency situation and you get into a car that does not have an interlock device because it's the only automobile that's available, you're driving to...because of an emergency situation, whatever that might be, you're not driving while intoxicated. You're supposed to be driving an automobile with an interlock device, those cases have been prosecuted as felonies. The idea here is to get down to what the underlying concern is, and that is, yes, if you're not...if you're not utilizing your ignition interlock properly, there should be some punishment or penalty for that. But we don't believe that felony IV in cases where someone is not intoxicated in many of those cases should not be prosecuted in our view and the committee's view as...and certainly Senator Karpisek's view who deals with these issues all the time in his committee in General Affairs should not be treated as felonies but as misdemeanor I's, which can be very serious, can involve a year in jail and so forth and so on. So that's the idea behind these amendments. Again, I think as you go forward the next couple of years, clearly you're going to be looking at sentencing as part of prison reform. That's going to be part of the CSG initiative. So this is one example of balancing out the punishment and the underlying offense in a way that's more fair in getting at the underlying problems that we're trying to address. Thank you, Madam President. [LB998]

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SENATOR HOWARD: Thank you, Senator Ashford. Members, you've heard the opening to LB998 and the committee amendments. The floor is now open for debate. Senator Bolz, you are recognized. [LB998]

SENATOR BOLZ: Thank you, Mr. President. I just wanted to mention for the record that Senator Karpisek and I had a conversation off the mike regarding the minimum sentencing for Class I misdemeanors. And it's something we're going to take a look at between the two levels of debate just to make sure that that level of misdemeanor does have penalties that are a significant deterrent. Thank you, Mr. President...Madam President. [LB998]

SENATOR HOWARD: Thank you, Senator Bolz. Seeing no other members wishing to speak, Senator Ashford, you are recognized to close on the committee amendments. [LB998]

SENATOR ASHFORD: I would just waive my closing at this point. [LB998]

SENATOR HOWARD: Senator Ashford waives closing. Members, the question is, shall the committee amendments to LB998 be adopted? All those in favor vote aye; all those opposed, vote nay. Have all voted who wish to? Senator Ashford, for what purpose do you rise? [LB998]

SENATOR ASHFORD: I was rising but I'm just...with this...I've told everybody in this body about the arthritis I now have, so I know they're all concerned. So I'm getting up and just stretching. (Laughter) [LB998]

SENATOR HOWARD: Record, Mr. Clerk. [LB998]

ASSISTANT CLERK: 25 ayes, 0 nays on the adoption of committee amendments. [LB998]

SENATOR HOWARD: The amendment is adopted. Discussion on the advancement of LB998 to E&R Initial. The floor is now open for discussion. Senator Karpisek, you are recognized. [LB998]

SENATOR KARPISEK: Is there anyone behind me in the queue? [LB998]

SENATOR CRAWFORD: Yes, one person. [LB998]

SENATOR KARPISEK: I'll waive. [LB998]

SENATOR HOWARD: Senator Crawford, you are recognized. [LB998]

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SENATOR CRAWFORD: Thank you, Madam President. I would just have a question for Senator Karpisek, please. [LB998]

SENATOR HOWARD: Senator Karpisek, will you yield? [LB998]

SENATOR KARPISEK: Yes, I will. [LB998]

SENATOR CRAWFORD: Thank you. I just had a question about the alcohol level and I wondered if you could just explain why the level was chosen and how it compares with the alcohol level that it would take for someone to be arrested for DUI. [LB998]

SENATOR KARPISEK: Sure. Thank you, Senator Crawford. In the bill, we have .02, and .08 is where you would be arrested for DUI. In the bill, we have anything under .02 would not be considered alcohol in your system. Some things that can affect that would be mouthwash; if you ate fresh bread, it may give you a false reading. Most of the ignition interlock devices will not...will let it start at .03 or under. So they work on that assumption that there could be a little alcohol on your breath from things that not...you weren't drinking. [LB998]

SENATOR CRAWFORD: Excellent. So just to confirm, this is far below the level that we would consider someone intoxicated. [LB998]

SENATOR KARPISEK: Far below-- .08, this is .02, and most of the ignition interlocks are .03 before they won't let the vehicle start. [LB998]

SENATOR CRAWFORD: Thank you. [LB998]

SENATOR HOWARD: Thank you, Senator Crawford and Senator Karpisek. Seeing no other members wishing to speak, Senator Karpisek, you are recognized to close on LB998. [LB998]

SENATOR KARPISEK: Thank you, Madam President and members of the body. I would like to remind or point out that these people would not be guilty of driving on a suspended license because they do have a license but they do have the ignition interlock device so they can drive. So that would not come into play here either. Again, I feel that people do need to be responsible and pay their dues, but to make felons out of people who are driving without the ignition interlock who haven't been drinking is just too harsh. The misdemeanor could still be up to a year imprisonment or \$1,000 fine or both. Senator Bolz did talk about that penalties on a Class IV felony. The minimum would be none, could be none then. And on a misdemeanor it could also be none. So that would still be up to the judge. I just don't think we need to make felons out of people trying to get to work that haven't been drinking that made a mistake and are paying for it. Maybe the car doesn't start, maybe it's an emergency. I would appreciate your green vote.

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Thank you, Madam President. [LB998]

SENATOR HOWARD: Thank you, Senator Karpisek. Members, you've heard the closing on LB998. The question is the advancement of LB998 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB998]

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance the bill. [LB998]

SENATOR HOWARD: Next item, Mr. Clerk. [LB998]

ASSISTANT CLERK: LB800 was introduced by Senator Mello. (Read title.) The bill was read for the first time on January 10th of this year; referred to the Business and Labor Committee; that committee placed the bill on General File with committee amendments attached. (AM1891, Legislative Journal page 602.) [LB800]

SENATOR HOWARD: Senator Mello, you are recognized to open on LB800. [LB800]

SENATOR MELLO: Good afternoon, Madam President, members of the Legislature. Designed to encourage investment in economic growth in distressed communities, some type of zone-based economic development initiative, mostly...commonly referred to as enterprise zones, is present in the vast majority of states. Nebraska's enterprise zone statutes were passed in 1992 and 1993, but the original enterprise zone designated under these bills were allowed to expire after a decade, and the statutes have gone unused since that time. LB800 would reactivate and modernize the Enterprise Zone Act, allowing the creation of up to five new enterprise zones by the Department of Economic Development. Under the act, any city, village, tribal government area, or county may apply for a designation of an area within its boundaries to be designated as an enterprise zone. Upon formal adoption of new rules and regulations by the Department of Economic Development, the department would take applications for 180 days and then could designate new enterprise zones within 60 days following the application deadline. Similar to the application periods in the 1990s, no more than one enterprise zone could be established within the boundaries of either a city of the metropolitan class or the city of a primary class. Under LB800, newly designated enterprise zones would receive preferences under a variety of existing business incentive and grant programs. As amended by the Business and Labor Committee amendment, the Affordable Housing Trust Fund, the Business Innovation Act, the Job Training Cash Fund, and the Site and Building Development Fund would give preference to projects and businesses located in whole or in part of an enterprise zone. In the case of most of these programs, the department is already required to develop an allocation plan or action plan for the distribution of incentives, so the specific details of the preferences given to the enterprise zones would be developed by the department as part of those underlying plans. Based on the existing statutory framework

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in the Enterprise Zone Act, an application must meet certain criteria in order to qualify for enterprise zone status. Under the definition in 13-2102, an application must meet at least two of the following three criteria as measured by data from the United State Census Bureau: (1) population in the area or within a reasonable proximity to the area has decreased by at least 10 percent between the data of the most recent census and the data of the immediately preceding census; (2) the average rate of unemployment in the area or within a reasonable proximity to the area is at least 200 percent of the average rate of unemployment in the state of Nebraska during that same period; and (3) the average poverty rate in the area exceeds 20 percent in the area or within a reasonable proximity to the area. At the beginning of the legislative session, my office made a request through the Legislative Research Office for GIS maps in order to give the body a good idea of which areas of the state would be eligible to apply based off the existing definitions. Copies of the map for each of these three criteria, including detailed areas for the Omaha and Lincoln areas, are being distributed by the pages. Looking at the first set of maps for population change, eligible census tracts under the criteria would have a population loss of more than 10 percent. For the second set of maps for unemployment rate, eligible census tracts under the criteria would have an unemployment rate that roughly exceeds 8 percent. And, finally, in the third set of maps for poverty rate, eligible census tracts under the criteria would have a poverty rate that exceeds 20 percent. In recent years, a handful of states have made changes to their enterprise zone statutes with the state of California even repealing their...and replacing it with a completely different type of program. While each state's enterprise zone statutes are markedly different, most of the recent changes tend to either be restricting the eligible parts of the state which could be designated as an enterprise zone or adding new reporting requirements for businesses which receive enterprise zone benefits. For the most part, Nebraska's current enterprise zone statutes do not require these type of changes as are the existing definitions and limitations ensure that enterprise zones in Nebraska are narrowly tailored to impact high poverty and high unemployment areas not to serve as a virtual statewide program as other states have done. As the body will see from the maps being distributed, there are significant portions of eastern Omaha with a higher than average rate of unemployment both in the surrounding areas of my district in south Omaha and in other parts of northeast Omaha and central Omaha. LB800 is an attempt to focus existing and somewhat limited resources where we think the need is the greatest. In drafting the bill, my office tried to limit the enterprise zone preference to those economic development programs which are most compatible and which are largely grant based. LB800 faced no opposition testimony at the hearing and was advanced by the Business and Labor Committee on a 7-0 vote. I'd especially like to thank Senator Cook for designating LB800 as her priority bill, and would urge the body to advance LB800 and adopt the committee amendments and advance it to Select File. With that, thank you, Mr. President. [LB800]

SENATOR HOWARD: Thank you, Senator Mello. As the Clerk stated, there are amendments from the Business and Labor Committee. Senator Lathrop, as Chair of

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that committee, you are recognized to open on the amendments. [LB800]

SENATOR LATHROP: Thank you, Madam President and colleagues. Good afternoon. AM1891 strikes preferences under the Microenterprise Tax Credit Act. The Department of Revenue shared concerns as to how it would apply the preference. Tax credits under the Microenterprise Act are allocated in the order the applications are received and approved. The annual limit of...with an annual limit of \$2 million. Applications start every January 1. The department questioned whether a portion of the funds should be held in case it received an application from a micro business located in an enterprise zone. Because of this concern, Senator Mello requested that the committee adopt AM1891. I would ask for your support of the committee amendment and LB800. Thank you. [LB800]

SENATOR HOWARD: Thank you, Senator Lathrop. Members, you've heard the opening on LB800 and the committee amendments. The floor is now open for debate. Senator Cook, you are recognized. [LB800]

SENATOR COOK: Thank you, Madam President, and good afternoon, colleagues. I rise in support of LB800 and urge the body to advance it, along with the Business and Labor's amendment AM1891. The creation of enterprise zones across the state will encourage investment and economic growth in communities in need by offering preferences for projects located in distressed areas under a wide variety of development programs. Upon passage of the bill, areas of the state that are under economic distress will receive preference for projects seeking incentives and grants from the Affordable Housing Trust Fund, the Business Innovation Act, the Job Training Cash Fund, the Nebraska Advantage Microenterprise Tax Credit Act, and the Site and Building Development Fund. As we know, we have limited resources for economic development in this state and limited means that we need to target these efforts where they are most needed. That is why I've chosen to prioritize LB800. While only one of these projects could go to a city of the metropolitan class, an enterprise zone could be located in my district, Legislative District 13, in northeast Omaha. Neighborhoods like Florence, Miller Park, and Minne Lusa could be included. The criteria for inclusion in the enterprise zone include population decline, high unemployment, and a high poverty rate. As Senator Mello mentioned, he's distributed some maps showing a visualization of population decline, high unemployment, and high poverty rates all across Nebraska. I hope that you have access to them and will take some time to take a look. If anything, those maps show the common interest that we have as a state in addressing these issues. Again, I'm very proud to prioritize LB800 this session. Thank you, Senator Mello. Thank you, Senator Lathrop. And I thank you in advance for your support of this measure. Thank you, Madam President. [LB800]

SENATOR HOWARD: Thank you, Senator Cook. Seeing no other members wishing to speak, Senator Lathrop...Senator Lathrop waives closing. Senator Mello, you are...

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apologize. The question is, shall the committee amendments to LB800 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB800]

ASSISTANT CLERK: 27 ayes, 0 nays on the adoption of committee amendments. [LB800]

SENATOR HOWARD: The committee amendments are adopted. Return to discussion on LB800. Seeing no members wishing to speak, Senator Mello, you are recognized to close on LB800. [LB800]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. With the adoption of the committee amendment that streamlines the underlying bill out of respect to the concern raised by the Department of Revenue of taking out a specific tax credit instead leaving just economic development programs that are largely, as I mentioned, grant-based. Once again I'd like to thank Senator Cook for prioritizing this bill. As she mentioned, yes, the five previous enterprise zones in Nebraska, there was one in eastern Omaha that incorporated Senator Chambers' district, Senator Cook's district, Senator Howard's district, my district, and parts of Senator Nordquist's district. There was one in central Lincoln and central north Lincoln. There was one in Scotts Bluff County, one in Hall County, and one in Madison County were the original five enterprise zones. Now once again, those were the original five. There will need to be five new applications put forward by cities, counties, or areas of the state if LB800 is adopted. With that, I think this is a positive step to try to address where we know we have some declining population, high unemployment, and high poverty rates, and LB800 will help strategically guide some of our existing state resources to help try to fix sometimes the ailing economy in certain parts of our state. With that, I'd urge the body to adopt LB800. Thank you, Madam President. [LB800]

SENATOR HOWARD: Thank you, Senator Mello. Members, you've heard the closing on LB800. The question is the advancement of LB800 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who wish to? Record, Mr. Clerk. [LB800]

ASSISTANT CLERK: 29 ayes, 0 nays on the advancement of the bill. [LB800]

SENATOR HOWARD: The bill advances. Next item. [LB800]

ASSISTANT CLERK: LB1067 was introduced by Senator Hadley. (Read title.) The bill was read for the first time on January 22 of this year. It was referred to the Revenue Committee. The committee placed the bill on General File with no committee amendments. [LB1067]

SENATOR HOWARD: Senator Hadley, you are recognized to open on LB1067.

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[LB1067]

SENATOR HADLEY: Thank you, Madam President and members of the body. LB1067. First, I would like to thank Senator Garrett for prioritizing this bill. It's a very important bill because it's basically the goal of this bill is to extend the sunsets on the advantage acts: the Advantage Research and Development Act, and the Nebraska Advantage Microenterprise Tax Credit Act. It provides for five two-year extensions. There are no sunsets in the other tiers. Applicants may qualify for benefits under the Nebraska Advantage Act in one of six tiers. For applicants under the Nebraska Advantage Act, Tier 1, we're going to extend the sunsets from December 31, 2012, to December 31, 2017. For applicants under the Nebraska Advantage Act, Tier 3, we extend the sunsets from December 31, 2015, to December 31, 2017. For applicants under the Nebraska Advantage Act, Tier 6, we extend the sunsets from January 1, 2016, to January 1, 2018. The Nebraska Advantage Research and Development Act, the sunsets are extended from December 31, 2015, to December 31, 2017. And then, finally, the Nebraska Advantage Microenterprise Tax Credit Act may approve applications to December 31, 2017. I would appreciate your green vote on this. If we do not have this, these acts will basically disappear. I will also remind you that we have two other companion bills that the Performance Audit has worked on in setting goals and objectives for the Advantage Act and setting up a committee to look at the Advantage Act; so it's imperative that we extend the sunsets so that we're not in a position of having to come back and reauthorize the particular acts after do we the studies and set up the committee. Thank you, Madam President. [LB1067]

SENATOR HOWARD: Thank you, Senator Hadley. Mr. Clerk for an amendment. [LB1067]

ASSISTANT CLERK: Madam President, Senator Hadley would offer AM2457. (Legislative Journal page 965.) [LB1067]

SENATOR HOWARD: Senator Hadley, you are recognized to open on your amendment. [LB1067]

SENATOR HADLEY: Madam President and members of the body, AM2457 talks about sales tax refunds. And I want to thank Gary Person from Sidney, for bringing this to our attention. Most of you have already heard complaints from cities about having to refund city sales taxes under tax incentive laws. The main concern is the impact on city budgets and the ability to plan their budgets. In 2012, the Legislature passed LB209. I was the cosponsor of that bill. In that bill we addressed these complaints we had received from city governments about these provisions of our tax incentive laws. Under these laws, companies which are expanding employment and making new investments can earn credits and receive refunds. These credits can include refunds of state and local sales taxes paid by the qualified companies. The city government complaint we

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addressed in LB209 was that as these refunds are claimed by recipients of tax incentives, city sales tax are also refunded by withholding them from local option sales taxes. In some cases these refunds are large enough to offset all city sales taxes amounts for several months. This impacts city budget planning. In response to this complaint, the Legislature in LB209 established two different ways of handling these complaints. First, we required the Revenue Department to delay deducting the payment of the city sales tax refund for one year, giving the cities time to plan for this impact in budgeting. This is a notice requirement. Secondly, we require the Revenue Department to deduct the sales tax refund over the period of a year but only in those cases where the refund exceeds 25 percent of prior years' sales and use tax receipts. Both these provisions apply only to cities of the first class, second class, and villages. Based on a recent complaint, we have determined that the applicability of these provisions is limited only to what are termed direct refunds described in Section 77-4105 or 77-5725 of state law. The amendment I am offering will broaden the coverage of these provisions to other sales tax refund provisions to include all refunds including those known as credit refunds. The provision of LB209 did not cover this type of credit refund. The amendment corrects this omission. Thank you, Madam President. [LB1067]

SENATOR HOWARD: Thank you, Senator Hadley. Mr. Clerk, you have an amendment. [LB1067]

ASSISTANT CLERK: Madam President, there is an amendment to the Hadley amendment. This is AM2546 offered by Senator Hadley. (Legislative Journal page 982.) [LB1067]

SENATOR HOWARD: Senator Hadley, you are recognized to open on your amendment. [LB1067]

SENATOR HADLEY: Madam President and members of the body, the amendment to the amendment, basically we had a conference with the Department of Revenue and they were explaining to us that they were sending out letters for refunds as low as \$7. Well, the cost of doing that is reasonably significant, and that type of refund does not really impact a city budget. So this amendment basically says that the Revenue Department will inform cities of tax refunds when that refund exceeds \$1,500. In essence, it just puts a minimum before they have to notify the cities so they're not sending out letters for \$7, \$10, \$20. We checked with the League of Municipalities; they were okay with this amendment. So this just clarifies when the Department of Revenue should send out the letters. I would appreciate your green on AM2546 and AM2457 and then LB1067. Thank you, Madam President. [LB1067]

SENATOR HOWARD: Thank you, Senator Hadley. Members, you've heard the opening to LB1067 and the amendments. The floor is now open for debate. Senator Krist, you are recognized. [LB1067]

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SENATOR KRIST: Thank you, Madam President. Good afternoon, colleagues, and hello, Nebraska. In 2012, when this bill was first passed, this floor was divided, it would be putting it mildly, because the fiscal note on portions was out of reach, because everyone was going to be able to participate, all municipalities. It became an issue coming out of Revenue with Senator Cornett in terms of getting this done, that the city of Omaha and the city of Lincoln were excluded from part of this capability. We fought hard on this floor and it became, that year, 2012, a little more divided in between the urban and the rural. And guess who lost? Omaha and Lincoln still cannot fully participate in this tax credit comeback, and hopefully, Senator Hadley and Senator Mello will both talk to this in a minute. Senator Mello and I were on the losing side of the proposition in 2012 when we tried to put Lincoln and Omaha back into the equation. The only reason that I'm not amending this today is that being fiscally conservative and being this far down the schedule, it would be a \$15 million additional fiscal note if we included Omaha and Lincoln. That's not possible. I will be back next year though. There will be a bill filed. We will discuss it in Revenue. We will talk about if this can be phased in because, colleagues, what happens is, the fiscal note is tough the first year and then it catches up as time goes on; so there's no fiscal note ongoing. We just can't afford another \$15 million this year. There will already be things that would be compromised, like parts of juvenile justice, maybe parts of corrections, things that we should spend money on that we're going to have to make some tough changes, tough decisions. But keep in mind that when you...you can't do special legislation but you can exempt cities by class; and that inherently was the discussion that day and it was divisive on this floor. When I bring it back next year, it will be heard in committee. We'll carry it through hopefully early enough in the session...actually Senator Mello and I may bring it together, I would hope. We'll have the discussion, we'll have the public opinion expressed. And we will include, hopefully, at the end of the day Omaha and Lincoln into this fantastic opportunity. I stand in full support of AM2546, AM2547, and LB1067, and look forward to, next year, in including Omaha and Lincoln. [LB1067]

SENATOR HOWARD: Thank you, Senator Krist. Senator Mello, you are recognized. [LB1067]

SENATOR MELLO: Thank you, Madam President and members of the Legislature. And I appreciate Senator Krist's thoughtful comments. The reality is, is we have tried to provide a little parity in respects to all cities in the state when it comes to dealing with the sales...the loss of sales tax revenue due to our existing tax incentive programs. And while we provided some relief from smaller cities a couple years ago, we were unable to incorporate cities of Omaha and Lincoln into that process. And the cities of Omaha and Lincoln, I think wanted to try that again this year with some changes in conversations with Senator Hadley and Senator Krist and myself. As Senator Krist just mentioned, the \$15 million...roughly, the \$15 million fiscal note that would be added, even though it's a one-time use of money, is something that this late in the session, with so many other

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competing fiscal priorities, it just didn't seem it was plausible to be able to do this year. And so I've committed to Senator Krist and Senator Hadley, both, as well working with the city of Omaha and the city of Lincoln to work on bringing this bill back next year. We realize it's more of an issue of cash flow, colleagues. The city of Omaha and the city of Lincoln aren't saying to exclude us. They know that that's not going to happen. But it helps in regards to local municipal budgeting and local municipal fiscal policy if they're given a year delay so that they can build their budget around the loss of sales tax revenue. That I think is good fiscal policy. I think it's something we should do. And, yes, it will be a one-time cash transfer, so to speak, a year ahead; but we're going to get that money back. And so it really is more of a cash flow issue for the state in respects to when they get their sales tax, so to speak, and when the companies would get the sales tax rebate. And I think it's something that we need to do. If we're not going to be able to do it this year, obviously because of what Senator Krist mentioned, and I agree wholeheartedly, it's too late in the session. It's got too large of a fiscal note. It's something with the right kind of planning, a bill brought early next year in the Revenue Committee, it's something that we can account for, whether finding the use of one-time funds to help ease that cash flow for the state as we provide a little fiscal relief when it comes to the budgeting process for the cities of Omaha and Lincoln. I appreciate Senator Hadley willing to work on this and being flexible of having the conversation. With that said, I support both Senator Hadley's amendments and the underlying legislation. We do extend the tax incentives for a couple years. But as there was a debate earlier this session, we will be having the tax incentive review committee, the select committee that will be reviewing with the Performance Audit Committee in regards to ways to enhance the oversight and the effectiveness and reporting of our tax incentives. I haven't heard anyone say we shouldn't have them, we don't need them. We know they're crucial for economic development purposes, but everyone wants to make sure that they are as effective as possible; there's intended goals and benchmarks that they're meeting. That's something that I know Senator Harms has been advocating for, generally for governmentwide programming with our Planning Committee. It's something we've incorporated more in the appropriations process. And I think extending the tax incentives for two more years allows us to continue looking at that process and still make sure we're giving businesses some stability fiscally as they're applying for these incentives for future years. With that I'd urge the body to adopt the underlying amendments and the bill. Thank you, Madam President. [LB1067]

SENATOR HOWARD: Thank you, Senator Mello. Seeing no other members wishing to speak, Senator Hadley, you are recognized to close on your amendment. [LB1067]

SENATOR HADLEY: Madam President and members of the body, AM2546 basically just says that the Department of Revenue will inform cities when the refund is \$1,500 or more, just to cut down on the paperwork of informing the cities. I would ask for your green vote on AM2546. [LB1067]

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SENATOR HOWARD: Thank you, Senator Hadley. The question is, shall the amendment to AM2457 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1067]

ASSISTANT CLERK: 30 ayes, 0 nays on the adoption of the amendment to the amendment, Madam President. [LB1067]

SENATOR HOWARD: The amendment is adopted. Return to discussion on AM2457. Seeing no members wishing to speak, Senator Hadley, you are recognized to close on your amendment. [LB1067]

SENATOR HADLEY: Madam President and members of the body, AM2457 deals with the sales tax refunds, both the direct and credit. I would also like to speak to the concept that Senator Mello and Senator Krist brought. I think it is time that we look at the cities of the primary and metropolitan class. And next year we'll look at it when it comes to the body. It is just a timing issue, and this would be something that would be very appropriate out of the Cash Reserve to do that. With that I would ask for your vote on AM2457, your green vote. Thank you. [LB1067]

SENATOR HOWARD: Thank you, Senator Hadley. Members, you've heard the closing to AM2457. The question is, shall the amendment to LB1067 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1067]

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of the Hadley amendment, Madam President. [LB1067]

SENATOR HOWARD: The amendment is adopted. We now move to discussion on LB1067. Senator Chambers, you are recognized. [LB1067]

SENATOR CHAMBERS: Thank you, Madam President, members of the Legislature. I would like to ask Senator Hadley a question or two. [LB1067]

SENATOR HOWARD: Senator Hadley, will you yield? [LB1067]

SENATOR HADLEY: Yes. [LB1067]

SENATOR CHAMBERS: Senator Hadley, you were here yesterday, weren't you? [LB1067]

SENATOR HADLEY: Yes. [LB1067]

SENATOR CHAMBERS: And we had some very, at times, heated discussion and differences of opinion relative to whether we ought to extend assistance in obtaining

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medical coverage to people who are working and they make too much to get Medicaid but not enough to obtain federal subsidies. [LB1067]

SENATOR HADLEY: Yes. [LB1067]

SENATOR CHAMBERS: Okay. And that would have been a direct benefit to people, individuals like you and me; I don't mean necessarily based on our circumstances, but we're talking about human beings and not legal entities, is that true? [LB1067]

SENATOR HADLEY: That's correct, Senator Chambers. [LB1067]

SENATOR CHAMBERS: What we're talking about today are legal entities that would benefit under this, and they are known variously as corporations or capitalist operations. Is that true or false? [LB1067]

SENATOR HADLEY: It would be partly true, Senator Chambers, because some of them could be subchapter S, which basically the income flows back to individuals. [LB1067]

SENATOR CHAMBERS: But this primarily aims at helping corporations or businesses. [LB1067]

SENATOR HADLEY: Corporations, subchapter S corporations, LLC corporations. Yes. [LB1067]

SENATOR CHAMBERS: Now when you mentioned...we...you and I discussed this the other day, it was prior to yesterday. Is that true? [LB1067]

SENATOR HADLEY: Yes. [LB1067]

SENATOR CHAMBERS: And you told me that this would be a two-year extension on the sunset on those bills or that bill, maybe more now with these amendments, that would benefit these outfits that currently gain those benefits. This would extend the sunset on that, is that correct? [LB1067]

SENATOR HADLEY: That's correct. Basically for two years on three of the Advantage acts. [LB1067]

SENATOR CHAMBERS: And did you...did I tell you or did you already know that ordinarily I oppose those kind of business benefit pieces of legislation? [LB1067]

SENATOR HADLEY: I had heard that and you told me that. [LB1067]

SENATOR CHAMBERS: But I nevertheless told you that I would support what you're

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doing here, is that true? [LB1067]

SENATOR HADLEY: That is true. [LB1067]

SENATOR CHAMBERS: And it's going to benefit those entities that ordinarily I'm not interested in trying to benefit. Is that true? [LB1067]

SENATOR HADLEY: Yes. [LB1067]

SENATOR CHAMBERS: Why did I tell you that I would support this? [LB1067]

SENATOR HADLEY: Because I think you said something about myself bringing it. [LB1067]

SENATOR CHAMBERS: Yes. You're a man of integrity and of your word, and based on the discussion you and I had, I was convinced that it's not going to go beyond what you said. There is no...well, earlier they were talking about some kind of election bill, and Senator Avery assured that there was no trickery, none of that in it; and you gave the assurances to me that there was nothing like that in this bill, and I accepted what you said. [LB1067]

SENATOR HADLEY: That is correct. [LB1067]

SENATOR CHAMBERS: And did I also tell you that probably nobody else on this floor could have gotten me to do what I'm doing; do you remember me saying that? [LB1067]

SENATOR HADLEY: I do believe that. I wrote it down on a pad and I keep it in my billfold to look at, really. [LB1067]

SENATOR CHAMBERS: And that was before we had that rancorous discussion yesterday, is that true? [LB1067]

SENATOR HADLEY: That's correct. [LB1067]

SENATOR CHAMBERS: Senator Hadley, when I give somebody my word, even if intervening circumstances appear but the one to whom I gave my word has nothing to do with those intervening circumstances, I feel bound by what I said. If I did not feel that way, this would give me an opportunity to seek some revenge for what happened yesterday, wouldn't it? [LB1067]

SENATOR HADLEY: Yes, it would. [LB1067]

SENATOR CHAMBERS: But I'm not going to do that, and I just wanted everybody to

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understand why, and that when people deal with me a certain way, then that's the way I deal with that person. And my word does mean something to me. If I dealt with 100 people, and 99--and I'm one of the 100--99 of them were promise breakers, people whose word meant nothing, they could be as unstable and unreliable as water or mercury... [LB1067]

SENATOR HOWARD: One minute. [LB1067]

SENATOR CHAMBERS: ...it would not put me in a position where I would become like them, because my standards are based on what I believe I should do, not what somebody else does. So as painful as it is for me, I'm going to stick to my promise. Senator Hadley is not asking for roll call votes or record votes. Nobody would know whether I'm actually voting for all of this stuff or not. But I would know. So whether anybody paid attention or not, I'm going to vote as I said I would. Senator Hadley, you'll never put me in this position again, however. (Laughter) [LB1067]

SENATOR HOWARD: Thank you, Senator Chambers. Seeing no other members wishing to speak, Senator Hadley, you are recognized to close on LB1067. [LB1067]

SENATOR HADLEY: I would appreciate your green vote on LB1067, and it is my word that these just basically extend the sunsets for two years on the Advantage Act. And we have the committee and the Performance Audit group looking at the advantage acts and such as that, so I'm sure the next two years we'll have plenty of time to debate the success and failures, whatever they might be, of these particular acts. With that I would appreciate your green vote, Madam President. [LB1067]

SENATOR HOWARD: Thank you, Senator Hadley. Members, you've heard the closing on LB1067. The question is the advancement of LB1067 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB1067]

ASSISTANT CLERK: 34 ayes, 0 nays on the advancement of the bill, Madam President. [LB1067]

SENATOR HOWARD: LB1067 advances. Next item. [LB1067]

ASSISTANT CLERK: The next bill, Madam President, is LB1115 which was introduced by Senator Davis. (Read title.) The bill was read for the first time on January 22 of this year, and referred to the Natural Resources Committee. That committee placed the bill on the General File with committee amendments attached. (AM1999, Legislative Journal page 579.) [LB1115]

SENATOR HOWARD: Thank you, Mr. Clerk. Senator Davis, you are recognized to

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open on LB1115. [LB1115]

SENATOR DAVIS: Thank you, Madam President. I want to preface my remarks today by thanking Chairman Carlson and the members of the Natural Resources Committee for advancing LB1115 to General File unanimously. I also want to thank Speaker Adams for selecting the bill as his priority bill and my fellow cosigners Senators Brasch, Dubas, Ken Haar, Senator Schilz, Seiler, Smith, and Sullivan. As introduced, LB1115 would appropriate \$200,000 from the General Fund to the Power Review Board for a study of existing and future state, regional, and national transmission infrastructure and policy to serve Nebraska's electric consumers, utilities, and private generation facilities in Nebraska seeking to export electricity out of the state. The handout you received discusses the goals of LB1115 and a map which demonstrates Nebraska's unique resources which place us fifth nationally in wind potential. Nebraska has a significant opportunity to export electricity to other states, including states outside the Midwest. In 2010, the Legislature passed LB1048 which created a process for the Power Review Board to consider renewable energy generation facilities designed for exporting electricity. LB1048 has not been as effective as originally hoped, in part because developers lack a clear path to get the electricity out of state and, in particular, to get it to other regions of the country. The high voltage transmission grid is much like the interstate system. LB1115 would appropriate funds for the Power Review Board to contract for and manage a study of how to best connect Nebraska to the interstates around the state with the goal of understanding how to maximize the potential for export of electricity out of Nebraska to the rest of the country. This study would focus first and foremost on Nebraska; therefore, a more comprehensive understanding of constraints and opportunities for connections from the state and the region to the rest of the nation is necessary to maximize Nebraska's future participation as a significant supplier in the national energy market. Passage of LB1115 would lead to a better understanding and eventually to greater opportunity by funding the Power Review Board to contract for a professional study of engineering and policy constraints, needs, and opportunities. The scope of the study would be shaped by input from a working group including but not limited to members of the Legislature, representatives of public power entities, renewable energy companies, the Southwest Power Pool, the Western Area Power Administration, environmental interests, and other parties with interest and expertise. This broad input would ensure that the funds serve the interests of as many Nebraskans as possible. The Power Review Board would present the results of the study to the Legislature and the Governor on or before December 15. Thank you. [LB1115]

SENATOR HOWARD: Thank you, Senator Davis. As the Clerk stated there are amendments from the Natural Resources Committee. Senator Carlson, as Chair of the committee, you are recognized to open on the amendments. [LB1115]

SENATOR CARLSON: Thank you, Madam President and members of the Legislature. LB1115 would provide legislative intent to appropriate the \$200,000 from the General

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Fund to the Nebraska Power Review Board for this study. And Senator Davis has gone through the scope of the study as far as receiving input from various groups, and I won't go through that. But the bill would also authorize the Power Review Board to issue a request for proposals without having to go through the state's typical competitive request for proposal process. There are a very limited number of entities that conduct this type of study and this provision allows the Power Review Board to seek proposals and choose a contractor more efficiently which will allow the board and contractor to complete its work by the deadline at the end of this year, and that process will be to find a consultant to help do the study. There were six positive testifiers in addition to Senator Davis, no one in opposition, and about three I think in a neutral position. Public power also tries to find a market to export power but they look at it from a different perspective than the private power companies, and I think that makes the reason for this study real and appropriate. And so I would ask for your support of LB1115 and the underlying amendment AM1999. Thank you, Madam President. [LB1115]

SENATOR HOWARD: Thank you, Senator Carlson. Members, you've heard the opening to LB1115 and the committee amendments. The floor is now open for debate. Senator Coash, you are recognized. [LB1115]

SENATOR COASH: Thank you, Madam President. I'm struggling a little bit with not necessarily this bill in and of itself but bills of this nature asking for pretty large amounts of money in order to do a study. And I noticed in the green copy of the bill the money for the study was going to be a cash fund expenditure from the funds from the Power Review Board, and the committee amendment is going to change that expenditure from a cash fund to a General Fund obligation for this study. In my now sixth year in the Legislature, I've noticed a trend of task forces, special committees that include people outside of members of this body. It's become a little bit troublesome to me that we continue to abdicate our authority with these monstrous task forces that include people from a wide variety of sources that all have skin in the game and something to gain or lose depending on the outcome of those task forces. It's a road that I am more and more skeptical about going down. And now we have in front of us a bill that's going to cost \$200,000, and my question is, could the six proponents who came and said we want to look at this, what would stop them from ponying up a portion of that \$200,000, commissioning their own study, working with the Natural Resources Committee, and come to the same outcome? The goals that are trying to be achieved through LB1115 are worthy goals. Studying the things that are proposed to be studied in this bill could have some positive outcomes if we get our arms around the issues that are purported to be studied. But it seems like we are asking to use a General Fund appropriation to do something that will benefit the people who want to see the study, and I'm wondering if it's more appropriate to ask them to pony up their own money, work with the Legislature--I'm not saying we should exit out of the equation, but work with the Legislature and to say to the Natural Resources Committee, for example, hey, we've all come together; we think we...we'd like to look at this issue; we'd like to see where the

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gaps, the opportunities are, because we think we want to be part of a solution if there is one, and we're willing to put our own money in the game to do so and we want to involve the Legislature because whatever might come out of that study the Legislature might have to act on. And I'm wondering if that's a better approach than the one that we are taking here today. [LB1115]

SENATOR HOWARD: One minute. [LB1115]

SENATOR COASH: And again, this is not a comment on the outcomes that we're trying to achieve through the bill. It's a comment on the mechanism by which we're trying to achieve it. So with that in mind, I'm going to continue to listen to the discussion on this, and I wanted to be first in line because I wanted to see if members of the Natural Resources Committee had considered that. So I'll continue to listen. Thank you, Madam President. [LB1115]

SENATOR HOWARD: Thank you, Senator Coash. Senators in the queue include Ken Haar, Senator Sullivan, Scheer, Harms, Nelson, Davis, Christensen, and Carlson. Senator Haar, you are recognized. [LB1115]

SENATOR HAAR: Madam President, members of the body, I want to thank Senator Davis for this bill. Depending on who you listen to, Nebraska has either the fifth or the fourth or even the third greatest wind potential in this United States. If you look at the map on the back of this page that was handed out and you look at the purple, some people have called Nebraska the Saudi Arabia of wind, Nebraska and all the states that go down the center of the United States. And anybody who's been outside in the last few days or weeks or months knows how that wind is blowing. And to a great extent we're not using our wind potential. Compared to Iowa, for example, or Colorado or South Dakota or Kansas, anywhere you drive out of Nebraska, you can see the wind potential is being used to a much greater extent. Now, of course, the investors in those wind projects make money, and that's okay, that's good. And, in fact, in some of the bills we'll be seeing or we have seen, local investors should get even a bigger return for their money. But all you have to do is look at the communities in Nebraska that have had the benefit of wind development. For example, up near Bloomfield, Nebraska, the property tax that's generated for the county, the rental per year on each of the turbines that goes to the landowner, the property taxes that goes to the schools, these are all advantages. So I heard a little bit of maybe an inference that the main people who are benefiting from these are going to be the investors. Again, that's okay for them to make money. But the real winners are going to be Nebraska. It's going to be in terms of investment in this state, capital investment, tax monies coming in, all those kinds of things. Nebraska could be a big winner if we can figure out a way to get our wind exported out of Nebraska. Just about a week or two ago we saw that there is a real interest in a California company to develop I think it was an \$8 billion project--\$8 billion project--in Wyoming and ship that wind to California. So the beneficiaries are going to be

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Nebraskans, and I think it's totally appropriate to do the kind of study; in fact, we need the kind of study, a great part of this will be highly technical, to figure out ways how to get that electricity into the western grid especially. And we also, of course, need the stakeholders, not just the people who are investors but the people who are going to be the beneficiaries of these. And, you know, as we look at high property taxes and those kinds of things, one of the reasons is we keep shipping our money out of Nebraska instead of our natural resources, and one of our greatest natural resources is our wind potential. This study has great implications for Nebraska. If we don't get on the bandwagon soon we could left behind. That's my other concern. So I think it's totally appropriate for the state of Nebraska to do this study. It is going to make a difference and I rise in full support of AM1999... [LB1115]

SENATOR HOWARD: One minute. [LB1115]

SENATOR HAAR: Thank you...and LB1115. We're always looking at ways to deal with property tax, ways of bringing development other than agriculture back to rural Nebraska. This study is an important step and I would recommend that we support AM1999 and LB1115. Thank you. [LB1115]

SENATOR HOWARD: Thank you, Senator Haar. Senator Sullivan, you are recognized. [LB1115]

SENATOR SULLIVAN: Thank you, Madam President. And I am one of the cosponsors of this legislation but I do have some questions that I'm going to eventually ask Senator Davis just to kind of flesh out the details of the legislation. Senator Coash's point is well taken, but, you know, I think we have seen a rise in the number of these special committees. You can speculate that maybe term limits may have something to do with that. The other idea is that perhaps with the Legislative Planning Committee and more emphasis on long-range planning, that maybe these special committees are a tool to accomplish that. So I don't necessarily have a problem with that. But to, as I said, flesh out some of the details of the legislation, I'd like to see if Senator Davis would yield. [LB1115]

SENATOR HOWARD: Senator Davis, will you yield to a question? [LB1115]

SENATOR DAVIS: I will. [LB1115]

SENATOR SULLIVAN: Thank you, Senator Davis. Well, regarding the money, it looks like the Power Review Board will ask for some RFPs; but what's the money actually going to be used for? [LB1115]

SENATOR DAVIS: Very little of the money is going to be used for the committee work. The RFP will be...when the Power Review Board asks...solicits the RFP, we anticipate

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that the cost will be somewhere between \$150,000 and \$200,000. If it's less than that, the cost will be less than that. [LB1115]

SENATOR SULLIVAN: And they're going to send out these RFPs to consultants who the...and the consultants would do what? [LB1115]

SENATOR DAVIS: You know, they go through a process, and by meeting with the designated individuals who are in this bill, which is quite large. After that meeting takes place, and Tim Texel who is with the Power Review Board and he is out in the lobby if anybody wants to visit with him, he will take notes, figure out what he needs to put into the RFP, and then we'll put that out through the Nebraska process. [LB1115]

SENATOR SULLIVAN: What do you think the...or what do you see as the Legislature's role? There will be some members of the Legislature on this board or this group? [LB1115]

SENATOR DAVIS: You know, it's open...basically it's open to anyone I think who wants to come into the group. In reality, I sort of envision it as maybe four or five people who really have an interest in wind energy and development who will take part in the initial planning for it. After that, the Power Review Board will do the RFP and then we'll come back in the fall and look at it. But I think the really important part of this is we need a document that belongs to the state, not to industry and not to anybody else, that will be here and will be available to anybody to use as a tool for future wind development, because we have lagged behind the other states so much, partly because of our public power structure and partly because of our isolation, and we need to sort of move beyond those problems. [LB1115]

SENATOR SULLIVAN: So what's your real intent for this? Is it more to focus on wind energy development or to identify where and how a transmission network will enhance our public...or our power supply? [LB1115]

SENATOR DAVIS: Well, I think those two things go hand in hand. But let's say what we're really looking...this is sort of a marketing study and a transmission study. So if we identify that if we can develop a wind energy industry in, we'll say, western Nebraska, and there is a potential to add and enter into transmission lines that are west of there, we'll know what it's going to cost, how far it is, what needs to be done, and that information will be available then for a developer who might be wanting to work with the Banner County Wind Association, for example. [LB1115]

SENATOR SULLIVAN: Thank you, Senator Davis. And I do support this legislation but also I want to reiterate that I'm a strong supporter of public power. I hope that...and it does indicate that public power will certainly have a seat at the table. I think we are unique in Nebraska but I think that we want to preserve that uniqueness. But with this

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legislation... [LB1115]

SENATOR HOWARD: One minute. [LB1115]

SENATOR SULLIVAN: ...enhance our long-range planning and also enhance the great resource that we have in this state whether it be wind power or just basically public power. Thank you, Madam President. [LB1115]

SENATOR HOWARD: Thank you, Senators Sullivan and Davis. Senator Scheer, you are recognized. [LB1115]

SENATOR SCHEER: Indeed thank you, Madam President. If I might, I'd ask Senator Carlson to yield to a couple questions that I have, please. [LB1115]

SENATOR HOWARD: Senator Carlson, will you yield? [LB1115]

SENATOR CARLSON: Yes, I will. [LB1115]

SENATOR SCHEER: Thank you, Senator Carlson. Just more informational for myself, I was listening between Senator Davis and Senator Sullivan, and Senator Davis said he thought the study would run somewhere between \$150,000 and \$200,000. Would that be your understanding as well then? [LB1115]

SENATOR CARLSON: Yes, it is. [LB1115]

SENATOR SCHEER: And about how...I mean, my concern is that we're avoiding the bidding process, so I'm just trying to get more of a handle of...you mentioned two or three. Are those within the state entities or where would these people that would be bidding...that if you were going to bid it would be located at? [LB1115]

SENATOR CARLSON: I don't know that, Senator Scheer. I don't know where they're located, whether they are in the state or out of the state. I know that it makes sense that if you only have a few that can actually bid on it that you try and streamline the process so that's it's the least expensive as possible and that it goes as fluidly and quickly as possible, if you're limited in the number of people you can even talk to. [LB1115]

SENATOR SCHEER: I guess I'm just...you're confident that there's that few of vendors out there that would be interested? [LB1115]

SENATOR CARLSON: I'm confident what, I'm sorry? [LB1115]

SENATOR SCHEER: You are confident that there is only two or three vendors that would be interested in providing these services? [LB1115]

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SENATOR CARLSON: I would say yes. I'm not entirely certain of that and I think it's a decent question and I'll try and ask that. [LB1115]

SENATOR SCHEER: Okay. Thank you. And secondly, I noticed that the Power Review Board was a neutral testifier at the committee. Could you briefly just explain why they would have taken a neutral position in relationship to this study? And I might be reading something into it so I just wanted clarification from that standpoint. [LB1115]

SENATOR CARLSON: I've found in my eight years' experience here in the Legislature that more times than not a government agency comes in, in a neutral position. Sometimes they come in, in a negative position, but I would say most of the time they tend to be in a neutral position. They're not trying to make the decision. They're not trying to push a result. They're there for informational purposes and that's the way they testify. [LB1115]

SENATOR SCHEER: Okay. I guess I was more concerned that they did not provide anything that would have been a negative connotation in relationship to the study. Let me, I guess, be more (inaudible). [LB1115]

SENATOR CARLSON: I think I interpret a neutral testimony as it's certainly not negative. [LB1115]

SENATOR SCHEER: Okay. Thank you very much, Senator, and thank you, Madam President. [LB1115]

SENATOR HOWARD: Thank you, Senator Scheer and Senator Carlson. Senator Harms, you are recognized. [LB1115]

SENATOR HARMS: Thank you, Madam President. I rise in support of this amendment and underlying bill. Wind energy is not anything new in western Nebraska. We've been talking about this for a number of years. And the Banner County Wind Energy Association has been, earlier in times, was one of the leaders in bringing all this forward. And I'd like to ask a question of Senator Schilz if he would yield just for a moment. [LB1115]

SENATOR HOWARD: Senator Scheer, will you yield? [LB1115]

SENATOR HARMS: No, Senator Schilz. [LB1115]

SENATOR HOWARD: Senator Schilz, will you yield? [LB1115]

SENATOR SCHILZ: I sure will. [LB1115]

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SENATOR HARMS: Senator, you and I both have been involved in this discussion with Banner County. Could you help us better understand what has happened? They had a great study that was done, revealed that Banner County was one or two in the nation in potential wind energy. What's really happened to all this and why is it that we have not been able to get this accomplished in western Nebraska but yet we can do it in central and eastern Nebraska? [LB1115]

SENATOR SCHILZ: Yeah, thank you, Senator Harms, for the question, and I don't want to take up all of your time and I can hit my button here if this doesn't work either, but...the big difference that we have in Nebraska to other states is a number of things, and the first thing is we're the only completely public power state in the nation, which precluded us from getting some of the federal subsidies that were available to do some of these projects. Secondly, we also have another difference in Nebraska in that the east/west disconnect interconnect is about there at the beginning of the Panhandle, and everything west of that is on a different kind of circuit than everything east of that, for lack of a better term. The other thing that we have is then having the rest of Nebraska public power entities and most of the state of Nebraska under the Southwest Power Pool makes it extremely hard to look west because we just...our focus has not been there, and when you talk about Banner County and the opportunities there. So that's the underlying situation, the lay of the land. When you talk about Banner County and you look at what's out there, they had a study done and a project capacity or the capabilities for a project that could have produced about 2,000 megawatts of energy, and it's one of the best wind spots in the whole nation. That 2,000 megawatts of energy, depending on when you would have built it and what it would cost, would have been a multibillion-dollar project. I say that with a B--a billion-dollar project. It would be very similar to the project that just was reported out of Wyoming a couple weeks ago, if I understand, three weeks ago maybe, where they talked about selling power to Los Angeles, wind energy to Los Angeles, and that project was going to be an \$8 billion project in Wyoming. So the key and the problems that we've run into in Banner County is, first, it's transmission; secondly, it's who do we sell the power to; and thirdly, how do we get it there, the transmission issue. We need to understand the markets that are there. We need to make those relationships with those folks that may have the intent and may want that power in the future and be willing to pay for that power. And then we have to figure out over time how we get that power there. And it's not an easy hill to climb and the folks out there have learned that. They're in it for the long haul. They understand that the resource that they have is a top-notch resource and they are willing to be somewhat patient; but on the other side that needs to move forward, especially if we want to start answering the questions of property tax relief in rural Nebraska and areas like that. A project that would be \$5 billion to \$6 billion in western Nebraska could go so far in helping us with local property taxes and what's going on there. And I think that's one of the things that this study will help to get us to and help us to understand better. [LB1115]

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SENATOR HOWARD: One minute. [LB1115]

SENATOR HARMS: Thank you very much, Senator Schilz. Senator Sullivan, I'm not going to ask you to yield. I'll just share a comment with you. Banner County has done a phenomenal study and if Senator Schilz would be able to get a copy of that study and maybe share it with you, it will give you some idea just exactly what would be in a more macro side. They did it in a micro, in a smaller unit. It's well done. They brought consultants in, and it pretty much lays it out very nicely. This would really help you have a better understanding and also for Senator Davis that it would show you the larger views of where we might have to go in the future with wind energy. But this is important to us, not only wind energy but solar energy and all the other sources of energy. Geothermal energy is another big issue that we could...it's not an issue, but potential in western Nebraska. We just need to put together some comprehensive directions of where we want to go with this. It is an opportunity for western Nebraska and for all of Nebraska. So I thank Senator Davis for bringing... [LB1115]

SENATOR HOWARD: Time, Senator. [LB1115]

SENATOR HARMS: Thank you...for bringing this forward. Thank you, Madam. [LB1115]

SENATOR HOWARD: Thank you, Senator Harms and Senator Schilz. Senator Nelson, you are recognized. [LB1115]

SENATOR NELSON: Thank you, Madam President and members of the body. I share some of the concern that Senator Coash does, also perhaps Senator Sullivan, and for that reason I feel I need more information and perhaps I should start by asking some questions of the Chair of the Natural Resources Committee if he will yield. [LB1115]

SENATOR HOWARD: Senator Carlson, will you yield? [LB1115]

SENATOR CARLSON: Yes, I will. [LB1115]

SENATOR NELSON: Thank you, Senator Carlson. I guess my first question is, why are we changing...if the Power Review Board is going to conduct this study, why are they not able to use their own cash funds rather than take this out of the General Fund? [LB1115]

SENATOR CARLSON: The money that has gone into that cash fund comes from public power companies not from private companies, so I think that's part of the reason. The second part was there wasn't a sufficient amount of money in that cash fund at the current time in order to be able to handle this. But when it's for the benefit of the private companies that want to market power and export it, I don't think it's the responsibility of

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public power to pay for that. [LB1115]

SENATOR NELSON: So it's private companies coming in and requesting this study, is that correct? [LB1115]

SENATOR CARLSON: Yes, I would say that, and it's companies that are considering coming to Nebraska. That may be companies that are already here. [LB1115]

SENATOR NELSON: Well, I'm certainly not an expert on this but I do know a little bit about our electrical system. But hasn't it already been established that the problem right now is the inability to transfer electricity transmission, you know, generated by wind power, to get it on the grid and get it out of the state for sale? Don't we already know that? [LB1115]

SENATOR CARLSON: Well, that's part of the challenge, and so...but when you have private companies that are already generating power, you know, in the state our public power companies don't need all that and so there is a need to export it. And you could say, well, if they need to export it let them pay for it, and maybe that's right. On the other hand we're trying to encourage companies through LB1048 to come into this state and invest money and generate power. So it is in our interest to help them identify markets for that export power. [LB1115]

SENATOR NELSON: Well, I agree with that; but the problem is exporting it, the grid is what it is. And the Power Review Board, I mean, using information from NPPD and others, knows what the obstacles are at this time. So is this basically just an opportunity to try...if I might say just to try to develop more wind power when we're not even sure that it can be exported for sale through the grid outside the state of Nebraska? [LB1115]

SENATOR CARLSON: I think it's a separate issue with public power than it is with private companies. Public power, they don't have any responsibility to try and provide market access for private companies. They need to market their own power that they have available for export, and you know that we produce more power in this state than we actually use; so they have power available and private companies do as well. I understand why they'd like to identify markets that better serve them, and it would be good if we could find those markets and keep those companies inside the state. [LB1115]

SENATOR NELSON: All right, thank you. The study is to be conducted by the Power Review Board; that's my understanding, is that right? [LB1115]

SENATOR CARLSON: The study is what? [LB1115]

SENATOR NELSON: It's to be conducted by the Power Review Board; it's not a

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legislative committee or it's not anything that we're going to have to nominate members to serve on. How is this going to work? [LB1115]

SENATOR HOWARD: One minute. [LB1115]

SENATOR CARLSON: No, that's not going to be done by members of the Legislature. That will be through a bidding process that the Power Review Board goes through to identify a consultant that is a good one, and it does take a professional to do this kind of work. I have experienced that with the Water Sustainability Task Force. [LB1115]

SENATOR NELSON: And so there's going to be a request for a proposal. They will hire a contractor. And then according to Section 4 that's where all the input is going to come from apparently. Is that your understanding? [LB1115]

SENATOR CARLSON: I'm looking at this as we talk. [LB1115]

SENATOR NELSON: Yeah. I mean it lists a whole large number of groups there that I suppose are going to have input of sorts, and that will be channeled through the contractor that conducts the study and then it will be reported back to the Power Review Board. [LB1115]

SENATOR CARLSON: I think that's... [LB1115]

SENATOR HOWARD: Time, Senators. [LB1115]

SENATOR NELSON: Thank you, Madam President. Thank you, Senator. [LB1115]

SENATOR HOWARD: Thank you, Senator Nelson and Senator Carlson. Senator Davis, you are recognized. [LB1115]

SENATOR DAVIS: Thank you, Madam Chairman. I'd like to just answer a few...or try to address some of Senator Nelson's questions and concerns. So, Senator Nelson, would you yield to a few questions? [LB1115]

SENATOR HOWARD: Senator Nelson, will you yield? [LB1115]

SENATOR NELSON: Yes, I will. [LB1115]

SENATOR DAVIS: You were asking Senator Carlson some questions, and if you just...I kind of have some of the idea. If you want to just ask me those questions again I'll try to answer them as best I can. [LB1115]

SENATOR NELSON: Thank you. [LB1115]

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SENATOR DAVIS: One of the things you talked about was private companies and couldn't these private companies do that; and, of course, they could. And you talked about NPPD, and NPPD works with the Southwest Power Pool. But let's remember that NPPD's obligation is to address the power needs of the state of Nebraska. So it really has no interest outside the state, and NPPD is at, you know, near surplus and over surplus sometimes during the year. So, you know, developing more wind energy within the state isn't realistic. And if everybody looked at the map again, I know you've seen this in other debate and other times, but we're number five in the country in terms of our ability but we haven't done anything with it. The benefits, the economic benefits to the state are tremendous, and especially to the rural parts of the state where we are dealing with the loss of population and high property taxes. We've all heard about that. So on the 18th of February there was an article that was pulled from the World-Herald and talked about the Clean Line which is a transmission line proposed across Iowa. If that is constructed it is going to add...and it's going to tap into the wind energy in northern Iowa. But it's 500 miles long and it's going to add hundreds of thousands of dollars and millions of dollars in property tax valuation to the counties; a lot of revenue to landowners, about \$100,000 for each farmer they say, is going to be paid for that. So this is going to be a benefit for the whole state really in terms of what we will get out of it. And you asked a little bit about who's going to make up the committee, Senator Nelson. And the objective that we had when we constructed the bill was to try to make this as open a process as possible to bring in anybody who had an interest in the discussion when we were defining the parameters for the RFP. Any other questions? [LB1115]

SENATOR NELSON: Yes. No, thank you; that's very helpful, Senator Davis. If I understood you, is...you say Iowa is constructing a transmission line right now that will come into Nebraska? [LB1115]

SENATOR DAVIS: You know, I'm not sure. No, it starts at Sanborn, Iowa, and runs to Davenport, so it's just a little short of Senator Bloomfield's country up there. Accessing something like that would be a huge benefit for Bloomfield's part of the state. In the west, if we looked to try to do some transmission to the West Coast and could build a transmission line or find out what it's going to cost to do that, it might open up tremendous opportunities for growth in the west. [LB1115]

SENATOR NELSON: Well, having found that information, who's going to build the lines? [LB1115]

SENATOR DAVIS: The article really talks more about the construction of the poles, Senator Nelson, in terms of this. [LB1115]

SENATOR NELSON: Uh-huh. [LB1115]

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SENATOR DAVIS: So I will take time to read it more thoroughly again and then I'll find an answer for you. [LB1115]

SENATOR NELSON: All right. All right, thank you. [LB1115]

SENATOR DAVIS: Thank you. [LB1115]

SENATOR NELSON: Thank you. [LB1115]

SENATOR DAVIS: Thank you. [LB1115]

SENATOR HOWARD: Thank you, Senator Davis and Senator Nelson. Senators wishing to speak include Senator Christensen, Carlson, Dubas, Brasch, Haar, Bloomfield, Schilz, and Hansen. Senator Christensen, you are recognized. [LB1115]

SENATOR CHRISTENSEN: Thank you, Madam President. Would Senator Davis yield to a question? [LB1115]

SENATOR HOWARD: Senator Davis, will you yield? [LB1115]

SENATOR DAVIS: I will. [LB1115]

SENATOR CHRISTENSEN: Senator, have you ever sat down with Nebraska Public Power and seen where all the transmission lines are that we have and where they are in the other states and what it would take to connect? [LB1115]

SENATOR DAVIS: A lot of that is done by the Southwest Power Pool, Senator Christensen, and I have visited with NPPD on this bill specifically and several other times. NPPD came in neutral on the bill and they would like to have a place at the table when we do the debate. [LB1115]

SENATOR CHRISTENSEN: Well, I guess the reason I asked that, to me it's very simple to grab them maps and see where we need transmission lines. It's not that I don't agree with what you're doing; it's like I'd rather take the \$200,000, make it \$2 million, and put it towards getting some transmission lines built. Because to me we don't need to spend money finding where, we need to figure out how to get it done. Do you see this bill figuring out how to get it done, or to me it's almost like we're...we know wind energy would be built if the transmissions were there. We know if we had the transmission lines here, they could be utilized, whether it was buying and selling electricity or whether it was just exporting. So do you see this facilitating that or are we duplicating something that I right now am not sure needs to be done? [LB1115]

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SENATOR DAVIS: Well, as I said earlier, Southwest Power Pool and NPPD try to deal with the power problems that are developing within their particular region or their particular state. So you may have heard that NPPD is building what's known as the "R line" which goes up through southern Cherry County or maybe not quite that far but it's going up there. That was a proposal that NPPD made to Southwest Power Pool not for wind energy development but because they wanted to have another route around after they had severe freezing damage several years ago. So the objective they had was not to help wind energy. Wind energy will be a beneficiary of that transmission line when it's finished. So I think what we're trying to do here is look at the bigger picture and say, okay, where is transmission needed? Because I couldn't tell you where that is and I'm not sure NPPD could say, well, if we put this line between point X and point Y that's going to solve the problem. This is a little bit of a marketing study, too, Senator Christensen, to see what opportunities are out there. [LB1115]

SENATOR CHRISTENSEN: Well, I appreciate hearing that, because it's been maybe two years since I sat down with them and went through...it was ahead of last session, anyway, when I sat down with them and looked at the lines and looked at, you know, if we build in certain areas, because we kind of know where the premier wind sites are but it also is the areas we don't have the transmission lines. And so that's why I was wondering if this is duplication or not in your eyes. [LB1115]

SENATOR DAVIS: I really don't think it is duplication. I think we're taking a really great step here and we're going to have a document when we're finished that's going to be available to a lot of developers and it will probably move Nebraska. If you know you can do...you can access a study that says this is what needs to be done and you don't have to do it yourself, that's going to put you ahead of anybody else. You know, what our real problem is, is that we're isolated in the middle of the country. So, you know, where is our market? Well, if we were going to market to Denver, that's already been done pretty much. If we're going to market to Chicago, maybe that's been done; but there may be opportunity for us to market to North Dakota where they need a lot of energy, and, you know, I think in some respects bigger than that, I think the West Coast and the southeast and the places where the population are where there isn't any energy today. Whether you like it or not we seem to be moving away from coal. Nebraska needs to take a forward step in trying to get to the head of the line. [LB1115]

SENATOR HOWARD: One minute. [LB1115]

SENATOR CHRISTENSEN: Thank you, Senator Davis. And if you want the last minute you can have it. [LB1115]

SENATOR DAVIS: Thank you. I'll waive that, Senator Christensen. [LB1115]

SENATOR HOWARD: Thank you, Senator Christensen and Senator Davis. Senator

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Carlson, you are recognized. [LB1115]

SENATOR CARLSON: Thank you, Madam President and members of the Legislature. I want to go back over some things that I tried to cover a little bit earlier. We had LB1048 in years past which was a bill that would help set the stage for private companies to come into Nebraska, develop wind farms, and then export energy. And, of course, the truth is we don't really need the energy in Nebraska because public power produces more energy than what we use. But we have wonderful wind potential, and so it is a good place for companies to build a farm and then we're interested in them being able to export and be profitable in it. So it seems to me like a study to determine some marketing possibilities for the state of Nebraska is appropriate. Now I looked at the testifiers at the hearing and there was Banner County Wind Association, Cherry County Wind Association. These are private individuals that are interested in being in a position to recruit a company to come in and build a wind farm. Nebraska Farmers Union, they're interested in it over the entire state. But they are not groups with deep pockets. And then Geronimo Energy was another one that testified in favor and they are a company that would have resources, and as I understand it, they have plans to build a wind farm in Nebraska. But I think that the question is, where is the market and how could we take advantage of that market? And in that regard I think it justifies putting some dollars in a position where a consultant is hired that has the professionalism and the ability to identify markets for the state of Nebraska. That is a step toward economic development and wind energy, and I think it is appropriate. So I would ask for your support of AM1999 and LB1115. Thank you, Madam President. [LB1115]

SENATOR HOWARD: Thank you, Senator Carlson. Senator Dubas, you are recognized. Senator Dubas waives. Senator Brasch, you are recognized. [LB1115]

SENATOR BRASCH: Thank you, Madam President, and thank you, colleagues. I also was a cosponsor of LB1115 for Senator Davis. And when he brought the legislation forward and I had reviewed it, it does provide an opportunity to search opportunities, to explore what we could do with wind energy to help property tax relief, and it is a viable avenue. I recall, I believe the year was 2010, when then Keith Olsen from Farm Bureau made front page news talking about their support of wind energy. And four years ago he had said that if Nebraska is not sitting at the table, then we're on the menu. And it was in reference to we need to look at this, we need to move forward, and we have made some movement forward. And I believe that Senator Haar, I wasn't on the floor at the time but I got in on his last of his testimony, his last few words, and we do have in Burt County and in other counties entrepreneurs, individuals, Burt County Wind. There are a group of 22 individuals, half of them under the age of 40, wanting to move forward on Burt County Wind. There's things we need to do that we need to look at. It is an avenue for property tax relief and also property tax revenues for our counties that desperately need them for their schools and their main streets to move forward. So I do stand in support of the amendment AM1999 and the bill itself, and I would encourage your green

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light and vote on this as well. Thank you, colleagues. Thank you, Madam President. [LB1115]

SENATOR HOWARD: Thank you, Senator Brasch. Senator Bloomfield, you are recognized. [LB1115]

SENATOR BLOOMFIELD: Thank you, Madam President. I wonder if Senator Davis would be available for a question or two. [LB1115]

SENATOR HOWARD: Senator Davis, will you yield? [LB1115]

SENATOR DAVIS: Yes. [LB1115]

SENATOR BLOOMFIELD: Thank you, Senator Davis. I share some of the same concerns that Senator Scheer brought up about why we're going out around the bidding process on this. Can you explain a little more on that? [LB1115]

SENATOR DAVIS: You know, we're not going around the bidding process. But for Nebraska, the way Nebraska operates, there are specific protocols that have to be followed. So what we're doing with our committee structure is the people that are named in this bill will meet and then we will have the Power Review Board construct the request for proposal, and then they will submit that out. I don't know how many bids would come in. I would think maybe more than one would think. [LB1115]

SENATOR BLOOMFIELD: Okay. So we're not really circumventing the bid process on these people that are going to come in and do this study? [LB1115]

SENATOR DAVIS: No. [LB1115]

SENATOR BLOOMFIELD: Okay, that's not as I understood it, but if that's the case, thank you. [LB1115]

SENATOR DAVIS: Well, I'll double-check that, Senator Bloomfield. [LB1115]

SENATOR BLOOMFIELD: Okay. And if you've got anything to say, you can have the remainder of my time. [LB1115]

SENATOR DAVIS: Thank you. I'll waive your time. I would...just thank you. [LB1115]

SENATOR HOWARD: Thank you, Senator Bloomfield and Senator Davis. Senator Schilz, you are recognized. [LB1115]

SENATOR SCHILZ: Thank you, Madam President. I just wanted to just say a couple

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more things before we get going, and I was talking to others on the floor. When we talk about a study like this and we talk about the money that's going to be spent, I think it's important to understand that not only will this study look to see what we need to do as far as transmission and things like that to go to these places where we can sell the power, but it will also look and give us the opportunity to see what the probability of that investment can be and whether or not we think we can actually do it. And it will also provide us an opportunity to find out where that power and where that energy could be sold and give us the opportunity to create relationships with some of those folks moving forward. As I said before, the biggest issue that we see in western Nebraska to get power anywhere is transmission. As I talked about the project that we heard about in Wyoming, the city, Los Angeles that is buying the power from them, it's my understanding that they are partnering with either the state or the developers to build that direct line right from the wind farm directly to the city. And those are the types of solutions that if we're going to expand and we're going to develop wind energy in western Nebraska those are the types of opportunities we need to take advantage of. I know it's \$200,000, but understand that it's \$200,000 that are giving us answers to some of the questions we should have. And those questions are: Where should we do it; how should we sell it; who should we sell it to; and should we be doing it at all? And I think that's a question that needs to be asked as we move forward. So look at it as an investment to tell us the direction that we need to move forward in. And I couldn't think of a better way to do that. We've sat here for a number of years now and we continue to try to find that thing that spurs the development that we need, and western Nebraska has huge opportunities as far as the resource and now we've just got to find how to package it and sell it to somebody that's willing to pay us for it. Thank you, Madam President. [LB1115]

SENATOR HOWARD: Thank you, Senator Schilz. Senator Hansen, you are recognized. [LB1115]

SENATOR HANSEN: Thank you, Madam President and members of the Legislature. Would Senator Schilz yield for some questions? [LB1115]

SENATOR HOWARD: Senator Schilz, will you yield? [LB1115]

SENATOR SCHILZ: Yes. [LB1115]

SENATOR HANSEN: Thank you, Senator Schilz. You talked earlier about a 500-mile line in Iowa. I've never been in northern Iowa or much of any other than in Iowa just across the border. What type of...what soil types would you expect to see in Iowa? [LB1115]

SENATOR SCHILZ: Did you ask me what soil types would I...? [LB1115]

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SENATOR HANSEN: Soil types. Yes. [LB1115]

SENATOR SCHILZ: Soil types. Probably heavier soils, clay soils. [LB1115]

SENATOR HANSEN: Okay. What about Banner County? What type of soils do they have in Banner County? Is that where you're thinking about a wind farm in your district? [LB1115]

SENATOR SCHILZ: Yes. Well, we've got...that's one spot in the district, and, yeah, Banner County was the one we were talking about. They would have lighter soils but still lighter soils than what would be in Iowa, yes. [LB1115]

SENATOR HANSEN: Rocky? [LB1115]

SENATOR SCHILZ: Yes. [LB1115]

SENATOR HANSEN: Yes. Is there an Ogallala Aquifer underneath it in Banner County? [LB1115]

SENATOR SCHILZ: You know, I would guess probably there...probably there, there probably isn't a huge outcropping of the Ogallala, but there could be other aquifers that are there but it probably wouldn't be the Ogallala. [LB1115]

SENATOR HANSEN: Okay. Thank you. What about a transmission line that NPPD has proposed now that goes north of Gerald Gentleman to the southeast corner of Cherry County and then straight east over to the Neligh area? Are you familiar with that project? [LB1115]

SENATOR SCHILZ: Yes. [LB1115]

SENATOR HANSEN: What kind of soil type is that in...? [LB1115]

SENATOR SCHILZ: Well, as you would go north, obviously we get into the Sandhills, so very sandy. [LB1115]

SENATOR HANSEN: What about the ecology? I mean, what...I think this is something a lot of my constituents are worried about is a transmission line going across the Sandhills. You know, if we were talking about a pipeline, you cover those up, you get them repaired or covered, that soil is the same no matter how deep you go. I mean, you can go 300 feet deep in the sand and it's still all the same soil type. But they're worried about the ecology. Do you think that anybody in the state of Nebraska should be worried about the ecology across the Sandhills? [LB1115]

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SENATOR SCHILZ: You know, I think that as we've looked at what's been done with NPPD across the Sandhills already, there could be some questions in certain spots as to the sensitivity of the ecology and possible species that could be impacted. But overall, I think that...I think all that can be mitigated through reclamation and things like that. So I'm not too concerned about that. Now somebody may stand up and tell me I'm all wet, but I don't think that's a huge issue. [LB1115]

SENATOR HANSEN: Okay. Thank you, Senator Schilz. I appreciate it. I just...I do think that we need to be concerned about the ecology, wherever we put any of these lines. And we...I think the folks in Cherry County should be a little bit concerned about the ecology and the long-lasting effects of this line and other lines that might be proposed to take these out. I think Banner County is a great place to put wind power because it's right close to Wyoming where they have some transmission lines. Soil types are entirely different than what we are now. I'm not against the NPPD line that's going from Gerald Gentleman clear up to Cherry County and then east. They need it. They made the case for it. I think that they've made a good case for it. But there are people that are worried about the ecology of the Sandhills. The Sandhills are only about 800 years old. That soil, those sand particles, blew in from somewhere, and probably Canada, where you go up there in Dakotas where they...you know, it blew all the sand down into the Sandhills and now all there is up there is rocks and oil. And so we'd have to go pretty deep to find the oil, but. I'll go ahead and support the amendment which becomes the bill, but I do want to raise those facts and those concerns. And I also did talk to former Senator Langemeier outside,... [LB1115]

SENATOR HOWARD: One minute. [LB1115]

SENATOR HANSEN: ...and he's very happy that LB1048 is still in place, and so am I. Thank you, Madam President. [LB1115]

SENATOR HOWARD: Thank you, Senator Hansen and Senator Schilz. Seeing no other members wishing to speak, Senator Carlson, you are recognized to close on the committee amendments. [LB1115]

SENATOR CARLSON: Thank you, Madam President and members of the Legislature, and thank you for the discussion that has taken place. I think that AM1999 is a reasonable amendment, and, of course, it makes the bill, and so I would ask for your support and then further support on LB1115. Thank you. [LB1115]

SENATOR HOWARD: Thank you, Senator Carlson. Members, you've heard the closing on the amendment to LB1115. The question is, shall the committee amendments to LB1115 be adopted? All those in favor vote aye; those opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB1115]

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ASSISTANT CLERK: 29 ayes, 0 nays on the adoption of committee amendments, Madam President. [LB1115]

SENATOR HOWARD: The amendment is adopted. Discussion on the advancement of LB1115 to E&R Initial. Seeing no members wishing to speak, Senator Davis, you are recognized to close. [LB1115]

SENATOR DAVIS: Thank you, Madam President. I just want to answer a couple of the questions that were asked in the debate. And I first of all want to say NPPD is outside and interested in talking to anybody that would be interested in visiting with them, but they do support the bill and they are interested in transmission outside the state. They did testify in a neutral capacity, as you know, and they want a place at the table, which I think will be welcome and good. To answer Senator Bloomfield and Senator Scheer's questions about the process, the Power Review Board will solicit requests. They do that through trade journals, through lists that they have. But because it's a very specialized study, they anticipate maybe four to six applications; so I would think that will be plenty of applications for us to be able to...for them to be able to choose the best candidate for the least price. The bill is very good for Nebraska. We have huge potential. It's untapped. It needs to be developed, and this bill will be a step in getting that done and I urge the body to move it forward. Thank you. [LB1115]

SENATOR HOWARD: Thank you, Senator Davis. Members, you've heard the closing on LB1115. The question is the advancement of LB1115 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB1115]

ASSISTANT CLERK: 30 ayes, 1 nay on the motion to advance the bill, Madam President. [LB1115]

SENATOR HOWARD: The bill advances. Items for the record. [LB1115]

ASSISTANT CLERK: Thank you, Madam President. Your Committee on Enrollment and Review reports LB130, LB905, LB906, and LB949, all as correctly engrossed. Amendments to be printed: Senator Burke Harr to LB191, Senator McGill to LB853A. That's all that I have at this time. (Legislative Journal pages 983-986.) [LB130 LB905 LB906 LB949 LB191 LB853A]

SENATOR HOWARD: Next item, Mr. Clerk.

ASSISTANT CLERK: LB908 introduced by Senator Coash. (Read title.) The bill was read for the first time on January 15 of this year; referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments. (AM1911, Legislative Journal page 630.) [LB908]

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SENATOR HOWARD: Senator Coash, you are recognized to open on LB908. [LB908]

SENATOR COASH: Thank you, Madam President. Good afternoon, colleagues. I am pleased to introduce LB908 and I will have a Judiciary Committee amendment to follow, which I also support, and I thank the Speaker for prioritizing it. LB908 is a bill that originated from an interim study that I conducted last year on the barriers to permanency last November. LB908 clarifies certain adoption filings for children born out of wedlock; it defines the term "abandonment" for use of the courts; and provides for guardianships for certain adjudicated children, changes provisions related to wards and guardianships. LB908 makes it easier for children to find permanency quickly and meaningfully, and it strengthens permanent guardians in our state. As I mentioned, LB908 has three main components of the bill and I'm going to run through those at this time. The first component is needed for clarification resulting from a recent Supreme Court case, Jeremiah J. v. Dakota D. It clarifies that a biological father can file a valid objection to an adoption any time during the pregnancy or as late as five business days after the birth. Current statute has created confusion for some people thinking that they have only the five day window between the birth and the first five business days to file a notice of objection to adoption and intent to obtain custody. LB908 clarifies the existing law and minimizes this confusion. The second component of this bill is that it defines the term "abandonment" for the purposes of...for the courts to provide some clarity. This definition replicates the existing case law definition for abandonment found in statute 43-292(1). Currently, you find termination of parental rights are on two bases: one is abandonment in six months; the other is prolonged foster care 15 out of the most recent 22 months. Let me give you an example of where this comes into play. If you have an instance where a mother delivers a baby at a hospital, gives clear intention of not wanting to keep the child by telling a nurse to give the baby up for adoption and then the mother takes off, under current law it is not clear when termination of parental rights can begin. It can take six months before filing a petition of parental rights...termination of parental rights, even though the mother has made it clear she does not want her child. By inserting this definition a judge has the discretion to begin the termination of parental rights and speed up the process of finding a permanent home for the displaced child. The third component of this bill...for the third component of this bill, Nebraska is one of a small number of states that does not have a statute establishing permanent guardianship proceedings under the juvenile family dependency court. Other states have adopted models to do this after the federal government enacted the Adoption and Safe Families Act in 1997, and further improvements after the adoption of the Fostering Connections Act in 2008. LB908 takes this step for Nebraska. Additionally, under LB216 of last year, Senator McGill's bill, the Department of Health and Human Services is left without the authority to extend subsidies for state subsidized guardianships. This bill clarifies that the guardianships can be extended, allowing the subsidy to be extended as well. This will make sure that there is no disincentive to permanency unintentionally caused by the Bridges to Independence program. LB908 allows permanent

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guardianships and subsidies to be extended beyond the child's 19th birthday as allowed under the current law passed by LB216, while ensuring that young people have the legal authority to make decisions for themselves. It also clarifies when permanent guardianships are appropriate as well as the duties and the rights of guardians. LB908 passed out of the Judiciary Committee unanimously with no opposition during the hearing, and it had minimal fiscal impact in our state. We are working with...we have worked with DHS...HHS to clarify language which is addressed in the amendment. The amendment states that guardianship assistance funding provided by HHS and received by the guardian for the purposes of an extended guardianship shall be used for the benefit of the young adult. This ensures that funds cannot be used to purchase extravagant items such as TVs, and if the funds are misspent it allows DHHS to recoup those funds. LB908 puts children on the path to a safe, loving, and permanent home, which is the reason that I brought this bill, and I would ask for your support of the bill. Thank you, Madam President. [LB908 LB216]

SENATOR HOWARD: Thank you, Senator Coash. As the Clerk stated there are amendments from the Judiciary Committee. Senator Ashford, as Chair of the committee, you are recognized to open on the amendments. [LB908]

SENATOR ASHFORD: Thank you, Madam President. And Senator Coash has gone through the amendments in his introduction. The amendments are very specific and not as substantive to a great extent, but what they do provide is that a young adult must consent to the extended guardianship. Senator Coash mentioned that. The amendment also ensures that any funds that are provided by DHHS must be used for the benefit of the young adult--really more clarification language--and that DHHS is given...granted the authority to promulgate rules and regulations under the act. Again this is a continuation...Senator Coash has mentioned, this is a continuation of the efforts that this body has put forth over the years to move towards permanency and Senator McGill's LB216 of last year which extends foster care to young adults. And again, this is another effort in this line of bills and eventual statutes which is moving our state towards what is a great goal, a good goal that we have had for some time, which is to support and encourage permanency for young adults and children. With that I urge the adoption of the amendment. [LB908 LB216]

SENATOR HOWARD: Thank you, Senator Ashford. Members, you've heard the opening on the committee amendments and LB908. The floor is now open for debate. Seeing...Senator Nelson, you are recognized. [LB908]

SENATOR NELSON: Thank you, Madam President, members of the body. Would Senator Coash yield to a question or two? [LB908]

SENATOR HOWARD: Senator Coash, will you yield? [LB908]

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SENATOR COASH: Yes, I will. [LB908]

SENATOR NELSON: Thank you, Senator Coash. With regard to Section 3, I've had, over years past, been involved in proceedings to have a finding by the court of abandonment. And generally, my recollection is, unless it's changed, that that was pretty much based on the refusal or neglect of the parent to provide support, financial support. Would that be true? So... [LB908]

SENATOR COASH: I think that is a component, Senator Nelson. I... [LB908]

SENATOR NELSON: So now we're expanding it, and I'm just...I'm not questioning it, I'm just interested that we're saying "intentionally withholding from a child, without cause or excuse...presence, care, love, protection, and maintenance and the opportunity for the display of parental affection for the child." Can you explain why that language was put in there? [LB908]

SENATOR COASH: I can, Senator Nelson. We...when I did this interim study we had some juvenile court judges who came to the study and they said that the current definition is problematic because it's not clear enough as to what abandonment is, and they gave the story that I gave in my opening that said, look, if a parent just says, I'm out of here, they may have not had the opportunity to give financial support, but they clearly have abandoned the child. And the bench was pretty clear when they testified that we need to have a little bit more of a direction on the definition of abandonment, and this language was suggested from a review of several states that we vetted through the judiciary and I believe California is the state that we took this part of the language from. [LB908]

SENATOR NELSON: All right. Thank you. If we can move to page 19 here, there appears to be an entirely new section. I'm just curious. Here the guardianship terminates when the child reaches the 19th birthday "unless the child is eligible for continued guardianship assistance payments under" sections cited there, "and an agreement is signed by the department." So this extends payments from age 19 on up to 21, is that correct? [LB908]

SENATOR COASH: That's correct. [LB908]

SENATOR NELSON: All right. But then it goes on to say regardless of that extension, "the guardian no longer has any legal authority to make decisions on behalf of the child," which I guess is no longer a child, they're no longer a minor. So what's the point of keeping up the guardianship? [LB908]

SENATOR COASH: Well, this was...this provision of this bill came from Senator McGill's bill that we passed last year where we have the extended ability to...for foster children to

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receive supports past their 19th birthday to keep them out of the criminal justice system. And what we needed to do with LB908 was make sure that there was the ability for the guardian to continue to be in that role if mutually agreeable. Some former wards will continue to want to have a guardian because that will allow these funds to flow from LB216 to them for their support. [LB908 LB216]

SENATOR HOWARD: One minute. [LB908]

SENATOR NELSON: So the guardians...they don't live with the guardian. They're separate and apart, is that it? [LB908]

SENATOR COASH: No, they would live with their guardian. [LB908]

SENATOR NELSON: They what? [LB908]

SENATOR COASH: They would be with their guardian. [LB908]

SENATOR NELSON: They are working with their... [LB908]

SENATOR COASH: They are working and living with their guardian. [LB908]

SENATOR NELSON: Well, and we're running out of time. But then it goes on to talk about "does not terminate the parent-child relationship." Is that talking with the guardian or with the natural father and mother? [LB908]

SENATOR COASH: The intent of that would be their natural parents. [LB908]

SENATOR NELSON: All right. Okay. So the guardian really is a figurehead only after age 19. I mean, the child has no responsibility to follow their instructions or their advice or anything of that sort. [LB908]

SENATOR COASH: For all purposes, yes. It's kind of like a 19-year-old right now that still lives with their parents and still lives... [LB908]

SENATOR NELSON: Okay. [LB908]

SENATOR COASH: It follows that model. [LB908]

SENATOR NELSON: All right. Thank you, Senator Coash. Thank you, Madam President. [LB908]

SENATOR HOWARD: Thank you, Senator Nelson and Senator Coash. Seeing no members wishing to speak, Senator Ashford, you are recognized to close on the

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committee amendments. Senator Ashford waives. Members, the question is, shall the committee amendments to LB908 be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB908]

CLERK: 27 ayes, 0 nays, Madam President, on the adoption of committee amendments. [LB908]

SENATOR HOWARD: The amendment is adopted. Discussion on the advancement of LB908 to E&R Initial. Seeing no members wishing to speak, Senator Coash, you are recognized to close on the advancement of the bill. [LB908]

SENATOR COASH: Thank you, Madam President. I want to use the opportunity to close to clarify some things that I was discussing with Senator Nelson. Here's why we need to do that. Nebraska is one of a small number of states that does not have a statute that establishes permanent guardianship proceedings under the court. Currently, guardianships in Nebraska are treated as temporary out-of-home placements that still require judicial review after every...every six months. Best practice nationally dictates that the permanent guardianship should mirror adoptions as closely as possible so that relatives and other close trusted adults can offer permanent loving homes for children. Different counties in Nebraska handle guardianships in different ways and many inappropriately have relied on the probate court. This means that some families and children miss out on the opportunity to get the subsidies and miss out on juvenile court expertise. HHS currently does not feel that they have the authority--and this is where the amendment came in--to extend these subsidies for state subsidized guardianships under LB216 of Senator McGill's, and this bill clarifies that. These guardianships can be extended. This will make sure there is no disincentive, and this is where this came from. I asked a very straightforward question in the interim study, and I said, what is keeping kids from finding permanent homes? And one of the things was, well, there's a disincentive to do that because these children are looked at as being in out-of-home placement through this process. So now we can look at these as permanent homes and not have any gaps in that way. And so for that reason I appreciate your support on the advancement of LB908. Thank you. [LB908 LB216]

SENATOR HOWARD: Thank you, Senator Coash. Members, you've heard the closing on LB908. The question is the advancement of LB908 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB908]

CLERK: 31 ayes, 0 nays, Madam President, on the advancement of LB717 (sic--LB908). [LB908]

SENATOR HOWARD: The bill advances. Next item, Mr. Clerk. [LB908]

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CLERK: LB908. I'm sorry, Madam President, I misspoke. May I read some items, Madam President? [LB908]

SENATOR HOWARD: Yes, please.

CLERK: Enrollment and Review reports LB967A, LB660A, and LB853A to Select File. (Legislative Journal page 986.) [LB967A LB660A LB853A]

LB717, a bill by Senator Gloor. (Read title.) Introduced on January 8; referred to the Banking, Commerce and Insurance Committee. The bill was advanced to General File. I do not have committee amendments. I do have an amendment to the bill by Senator Gloor. (AM2135, Legislative Journal page 845.) [LB717]

SENATOR HOWARD: Senator Gloor, you are recognized to open on LB717. [LB717]

SENATOR GLOOR: Thank you, Madam President, and good evening, members. LB717 is a bill I introduce on behalf of the Nebraska Real Property Appraiser Board. LB717 would update Nebraska's Real Property Appraiser Act to comply with the federal and Real Property Appraiser Qualification Criteria as developed by the Appraiser Qualification Board of The Appraisal Foundation. These federal criteria will become effective on January 1, 2015--next January. Our Nebraska Real Property Appraiser Board must adhere to these criteria to meet the requirements promulgated by the federal Appraisal Subcommittee under the authority of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, F-E-R-R-E-A (sic--FIRREA), FIRREA. The Appraisal Subcommittee monitors the requirements of the Title XI and is authorized under it to take action against noncomplying states. So here's what I just said. If Nebraska statutes were to fall out of compliance, the Appraisal Subcommittee would remove all Nebraska credentialed appraisers--all Nebraska credentialed appraisers--from the federal registry, resulting in no Nebraska appraisers being qualified to appraise real property in connection with federally related transaction. And, members, this is about 80-90 percent of all mortgage loan activity in the state of Nebraska. So this, in spite of all the terminology and acronyms, is a very important bill for Nebraskans. LB717 would update our Real Property Appraiser Act in many areas. Among the changes, it would update internal references to FIRREA and the Uniform Standards of Professional Appraisal Practice, known as USPAP. The bill would update educational and continuing education requirements for each category of credential. The bill would provide new requirements for supervising trainees. The bill would update the scope of practice of the various categories of credentials. The bill would update the requirements for obtaining a reciprocal credential. The bill would update requirements for renewals of credentials, and the bill would specify additional grounds for discipline or denial of credential. LB717 is an important bill. It needs to pass this session so that we can have the new federal Appraiser Qualification Criteria in place for when they become applicable in 2015--January 2015. Then Nebraska credentialed appraisers will continue

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to be qualified to appraise real property in connection with federally related transactions. And again, that's 80-90 percent of all mortgage loans in this state. I urge advancement of this bill. [LB717]

SENATOR HOWARD: Thank you, Senator Gloor. Mr. Clerk for an amendment. Senator Gloor, you are recognized to open on your amendment. [LB717]

SENATOR GLOOR: Thank you, Madam President. AM2135 was brought to me by the Nebraska Real Property Appraiser Board also. And, of course, it's the Appraiser Board that originally sought the introduction of the bill that I just introduced, LB717. AM2135 would not change the substance of the bill. Its principal purpose would be to add both an emergency clause and a delayed operative date. The Appraiser Board would like to see some of the bill's sections become operative as soon as possible, that's the reason for the emergency clause, and the other sections become operative on January 1, 2015. The Appraiser Board feels that the sections that would amend definitions or enact new definitions should become operative as soon as possible. Those sections would include such things as updating the Appraiser Act's internal references to the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and the Uniform Standards of Professional Appraiser Practice, known as USPAP. The Appraiser Board also feels that sections would amend provisions regarding applications for credentials, renewals of credentials, continuing education, grounds for disciplinary action, or denial of an application. This all should become operative as soon as possible. As it relates to the delayed operational date that's part of this amendment, the Appraiser Board feels that sections that would make credentialing requirements comply with the 2015 federal Real Property Appraiser Qualification Criteria should not become operative until 2015. Those sections involve credentialing of trainee real property appraisers, supervisory appraisers, licensed residential real property appraisers, certified residential real property appraisers, and certified general real property appraisers. Again, this portion has to do with their training and educational background, and the amendment would also strike Section 17 that would amend Section 76-2229.01. That section currently governs yet another credential category: registered real property appraisers. As introduced, Section 17 would make credentialing requirements for registered real property appraisers comply with the 2015 federal criteria effective in January. However, that category of credential under current law is scheduled to become extinct in January 1, 2015; thus these amendments would provide that the 2015 federal criteria do not become operative until 2015. Then there would be no reason to amend the section that I just mentioned, which I will forgo mentioning again, with the 2015 federal criteria if that category of credential, registered real property appraisers, becomes extinct in 2015, and that's the reason for striking Section 17 from the bill. Those are the provisions of AM2135 to LB717. I would also urge their adoption. Thank you for your patience, and I would ask a green light on both the amendment and the bill. [LB717]

SENATOR HOWARD: Thank you, Senator Gloor. Members, you've heard the opening

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to the amendment to LB717. The floor is now open for debate. Seeing no members wishing to speak, Senator Gloor waives closing on the amendment. The question is, shall the amendment to LB717 be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB717]

CLERK: 31 ayes, 0 nays, Madam President, on the adoption of Senator Gloor's amendment. [LB717]

SENATOR HOWARD: The amendment is adopted. Discussion on the advancement of LB717 to E&R Initial. Seeing no members wishing to speak, Senator Gloor waives closing. The question is the advancement of LB717 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB717]

CLERK: 26 ayes, 0 nays, Madam President, on the advancement of LB717. [LB717]

SENATOR HOWARD: Next item, Mr. Clerk. [LB717]

CLERK: LB1048, a bill by Senator Murante. (Read title.) Introduced on January 22 of this year; referred to the Government, Military and Veterans Affairs Committee; advanced to General File. There are committee amendments. (AM1894, Legislative Journal page 644.) [LB1048]

SENATOR HOWARD: Senator Murante, you are recognized to open on LB1048. [LB1048]

SENATOR MURANTE: Thank you, Mr. President, member...Madam President, members. Good evening. I rise today to introduce LB1048. LB1048 is a bill which started last year as an idea brought to us by Dave Shively, the Lancaster County Election Commissioner, which seeks to change numerous statutes which pertain to the nomination of the political parties for the office of President of the United States. It does a number of things. First of all, it repeals several sections of statute which the Government Committee and really Mr. Shively and Lancaster County was the impetus behind this specific idea, in which the state law regulated the conduct of political parties, such as telling them when they had to have their county conventions, outlining dates, things of that nature. The Government Committee felt that that was an inappropriate exercise of legislative authority, and we are repealing that in LB1048. However, the more substantive elements of LB1048 is that both political parties on the national level seek to change the way in which they nominate presidents. Specifically, both political parties want to have their national conventions where the presidential candidates are actually nominated moved up substantially. Now they are conducted near Labor Day, and the political parties seek to move that up to about June. Unfortunately, our statutes, if LB1048 is not adopted, would not permit the state of Nebraska to send delegations to

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the national conventions. And accordingly, the state of Nebraska would have no seat at the table when it comes to nominating candidates for President of the United States. So we began the process last year, and I have to commend Senator Avery, Senator Mello, and Senator Lautenbaugh for reaching out, really all of us, in a bipartisan way to construct a bill which both political parties understood that they needed but at the outset neither political party could really agree to the terms and what needed to be done. And after months of negotiation, LB1048 was introduced the way that it was, which now repeals several statutes which were overly burdensome but also enacts a new law where the political parties must file delegate selection plans to the state, to the Secretary of State. And it creates a situation where Nebraska was one of the very few states in the Union in which the political parties could simply ignore the will of the people. And through LB1048 and, quite frankly, the work of both political parties, that practice will be ended and the voice of the people as expressed in the partisan primary elections will be the one that is finally heard. And the people of Nebraska will be the decisionmakers as to who becomes our party or the parties' nominees from the state of Nebraska for the office of President of the United States. During the committee hearing several testifiers came and provided more guidance about ways to tighten up the bill, make it more permissive for the political parties while at the same time ensuring that the voice of the people of Nebraska were heard. And those ideas resulted in the committee amendment that Senator Avery is about to introduce and which I support. I encourage your support of LB1048. It is a necessary bill. That is why the Government Committee prioritized it, and I thank Senator Avery for prioritizing it. I can't emphasize enough that if we do not pass this piece of legislation the state of Nebraska will not have a seat at the table when it comes to nominating a President of the United States. I'd be happy to answer any questions, but I will now allow Senator Avery to introduce the changes in the committee amendment. Thank you, Mr. President. [LB1048]

SENATOR BRASCH PRESIDING

SENATOR BRASCH: Thank you, Senator Murante. As the Clerk stated, there are amendments from the Government, Military and Veterans Affairs Committee. Senator Avery, as Chair of the committee, you are recognized to open on the amendments. [LB1048]

SENATOR AVERY: Thank you, Madam Chair. The committee amendment adds two provisions to the bill. These provisions were worked out in careful negotiations and discussions with the two major political parties. The first provision requires the Secretary of State to deliver a copy of the official election calendar to the state party headquarters of each recognized political party within ten days after publication of the calendar. This change is to address the concern that there is in virtually all parties a high turnover in staff. And it would be helpful to the parties to have the election calendar sent to them directly rather than to the staff persons. Secondly, the amendment allows the delegate selection plan to specify whether the delegates are committed to a candidate for

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President based upon the results of a combination of a caucus system and a statewide primary election. This change is in response to a concern raised at the public hearing. At the hearing, the representative of the Democratic Party suggested that they might want to use a combination of caucus and primary election and that it would be good if we would consider that as an amendment. As you know, in recent years the Democratic Party has held both caucuses and a statewide primary. The committee agreed to this and advanced the bill on a 7 to 0 vote with 1 member being absent. The two major political parties I would like to emphasize were proponents of the bill. We had amiable discussions with both parties, and I insisted all along, and Senator Murante did not disagree with that, that the parties would have veto over any aspect of this amendment or the bill. And they agreed to that and we worked it out. There were no opponents to this in the hearing, and the two parties agreed that they were content with the language we had in the bill and in this amendment. So I urge you to vote yes on AM1894 because it does add elements to the bill that the two parties want. Thank you, Mr. President. [LB1048]

SENATOR BRASCH: Thank you, Senator Avery. We have just heard LB1048 and AM1894. And, Senator Chambers, you're recognized to speak. [LB1048]

SENATOR CHAMBERS: Thank you, Madam President. Members of the Legislature, I was doing some work here and I began to listen to Senator Murante present what he was saying. I never knew he had such power with words. He kept saying that people would not be at the table when you select the President. And he kept saying table, table to such an extent that I actually began to smell food. (Laughter) Seriously. So I'm wondering where that table is spread. I'd like to ask Senator Murante a question or two. [LB1048]

SENATOR BRASCH: Senator Murante, will you yield to a question? [LB1048]

SENATOR MURANTE: I will. [LB1048]

SENATOR CHAMBERS: Now, Senator Murante, you and I have spoken on occasion about the line of work you're in, but I never knew you had the kind of powers that I just described. Where is this table that you were speaking of? [LB1048]

SENATOR MURANTE: 119th and Pacific Street. (Laughter) [LB1048]

SENATOR CHAMBERS: And what, how...what is usually spread on that table when it is serving the function of a table? [LB1048]

SENATOR MURANTE: Pizza usually, salad too. [LB1048]

SENATOR CHAMBERS: Any of various types of pizza? Can you get (inaudible)?

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[LB1048]

SENATOR MURANTE: Hamburger has always been the most popular. [LB1048]

SENATOR CHAMBERS: But are there other meats and toppings that you put on it? [LB1048]

SENATOR MURANTE: Absolutely. [LB1048]

SENATOR CHAMBERS: Do you smell the aroma right now in this Chamber that is similar to the aroma smelled in that establishment way out on 100-something and Pacific that you mentioned? [LB1048]

SENATOR MURANTE: Absolutely not. [LB1048]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Bloomfield a question. [LB1048]

SENATOR BRASCH: Senator Bloomfield, will you yield? [LB1048]

SENATOR BLOOMFIELD: Yes, I will. [LB1048]

SENATOR CHAMBERS: Senator Bloomfield, do you smell the aroma of food wafting through this Chamber? [LB1048]

SENATOR BLOOMFIELD: There might be a faint aroma, but it smells nothing at all like pizza. [LB1048]

SENATOR CHAMBERS: Thank you. Now I want to ask a serious question of Senator Avery. [LB1048]

SENATOR BRASCH: Senator Avery, will you yield? [LB1048]

SENATOR CHAMBERS: If he's in the house. [LB1048]

SENATOR AVERY: Yes, I will. [LB1048]

SENATOR CHAMBERS: Senator Avery, I don't really understand how the parties operate. But it seems that on this bill both of the major political parties as they're called have come to agreement on what this bill is doing. [LB1048]

SENATOR AVERY: That is correct. [LB1048]

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SENATOR CHAMBERS: Senator Murante continued to say that this bill will allow the voice of the people of Nebraska to be heard. Have you heard...when he was speaking, did you hear him use phraseology like that? [LB1048]

SENATOR AVERY: I did. [LB1048]

SENATOR CHAMBERS: So when each party says that, it is talking about the people of Nebraska belonging to his or her respective party. Isn't that true? [LB1048]

SENATOR AVERY: Mostly we're talking about the two major parties, Democrat and Republican. [LB1048]

SENATOR CHAMBERS: So if you were to say the people of the voice of the people of Nebraska, you would mean the voice of the Nebraskans who belong to the Democrat Party, correct? [LB1048]

SENATOR AVERY: And the Republican Party. [LB1048]

SENATOR CHAMBERS: So you... [LB1048]

SENATOR AVERY: If I were speaking on behalf of a party, it would be the party to which I belong, yes. [LB1048]

SENATOR CHAMBERS: So who are you speaking for today, if I might ask? [LB1048]

SENATOR AVERY: I'm speaking for both parties today because both parties have a stake in this legislation. [LB1048]

SENATOR CHAMBERS: A stake. [LB1048]

SENATOR AVERY: A stake. [LB1048]

SENATOR CHAMBERS: Why did you have to use that word when we're talking... [LB1048]

SENATOR AVERY: It's barbecued I mean (laugh). Pizza. [LB1048]

SENATOR CHAMBERS: See, it has infected you without you even realizing it. Next thing we know...Senator Avery, if a person files any papers that might be required under this bill, where would those papers be filed? [LB1048]

SENATOR AVERY: With the election commissioner. [LB1048]

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SENATOR CHAMBERS: And who has the final word... [LB1048]

SENATOR AVERY: Maybe it's the Secretary of State. [LB1048]

SENATOR CHAMBERS: The Secretary of "Steak"? (Laughter) [LB1048]

SENATOR AVERY: State (laugh). [LB1048]

SENATOR CHAMBERS: The Secretary of State. [LB1048]

SENATOR BRASCH: One minute. [LB1048]

SENATOR CHAMBERS: Senator Avery, I would like you, if you could, to concentrate on what we're talking about this evening. But that's all that I will ask you. Thank you. Members of the Legislature, I never knew that the two political parties were so much fun. I can see why people join them. And they can say when they get through, and a good time was had by all. And today I will thank both the "Repelicans" as represented by Senator Murante and the other one as represented by Senator Avery. But as we proceed, I am going to pay attention to this bill because I'm really not familiar with what it is they're talking about, but I hope to learn. Thank you. [LB1048]

SENATOR BRASCH: Thank you, Senator Chambers. Senator Avery, you are recognized to speak, seeing there are no other senators. [LB1048]

SENATOR AVERY: Thank you, Madam Chair. This committee amendment AM1894 has the agreement of both the major political parties. And it is...these are not huge changes but they do, do meet some of the specific objections that the two parties had to the original bill. And I urge your green vote on this AM1894. Thank you, Madam Chair. [LB1048]

SENATOR BRASCH: Thank you, Senator Avery. The question is, shall the committee amendments to LB1048 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB1048]

CLERK: 27 ayes, 0 nays on the adoption of committee amendments. [LB1048]

SENATOR BRASCH: We will return to discussion on LB1048. Seeing there are no other members wishing to speak, Senator Murante, would you like to close? [LB1048]

SENATOR MURANTE: I would love to, Madam Chair. I will simply say that I appreciate all of the hard work that was done by Senator Avery, Senator Mello, Senator Lautenbaugh to reach this bipartisan solution. It wasn't always easy to have the two parties sitting down, but we got it done; and I would appreciate your support on LB1048.

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Thank you, Mr. President, Madam President. [LB1048]

SENATOR BRASCH: Thank you, Senator Murante. The question is the advancement of LB1048 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those who wish to vote voted? Record, Mr. Clerk. [LB1048]

CLERK: 27 ayes, 0 nays, Madam President, on the advancement of LB1048. [LB1048]

SENATOR BRASCH: The bill advances. Next item, Mr. Clerk. [LB1048]

CLERK: Madam President, if I may, new resolution, LR512, introduced by Senator Scheer. Pursuant to that introduction, I have a communication from the Speaker directing LR512 to Reference for referral to standing committee for public hearing purposes. (Legislative Journal page 987-988.) [LR512]

Madam President, LB759 is a bill by Senator Mello. (Read title.) Introduced on January 9, referred to the Nebraska Retirement Systems Committee. The bill was advanced to General File. There are committee amendments pending. (AM2140, Legislative Journal page 748.) [LB759]

SENATOR BRASCH: Senator Mello, you are recognized to open on LB759. [LB759]

SENATOR MELLO: Thank you, Madam President, members of the Legislature. Current statutory requirements for various political subdivisions require that if those subdivisions have a defined benefit retirement plan they must file a quadrennial actuarial report with the Public Employees Retirement Board and the Nebraska State Auditor. While these current reporting requirements provide a minimal level of state oversight for local pension plans, the goal of LB759 is to provide additional state oversight that is specifically targeted towards those local pension plans that are facing a funding shortfall. Recently the State Budget Crisis Task Force cochaired by former Federal Reserve Chairman Paul Volcker recommended strengthened state oversight of local finances, specifically citing underfunded pension plans as a significant area of concern. Under LB759, any political subdivision which offers a defined benefit retirement plan would be required to file an additional report each year with the Nebraska Retirement Systems Committee if one of two conditions are met. The first, contributions to the plan do not equal the actuarial requirement for funding or, two, the funding ratio for the plan is less than 80 percent. In the report to the committee, the political subdivision must provide an analysis of the conditions of the plan as well as recommendations for future benefit changes, contribution changes, or other corrective action that would improve the condition of the plan. The bill also allows that committee to require that the political subdivision present its report to the committee at a public hearing. While the bill amends a variety of existing statutes dealing with the pension plans of specific political subdivisions, these new requirements will apply to every political subdivision which has

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a defined benefit plan. Unfortunately, while the Nebraska Retirement Systems Committee 2011 joint interim study on local pension plans identify a number of known defined benefit plans, there is currently no requirement that political subdivisions notify the state that they have a defined benefit plan and thus should be meeting the reporting requirement. The committee amendment makes several changes to the provisions of LB759. First, the amendment requires that on or before November 15, 2014, each political subdivision that offers a defined benefit plan must notify the Nebraska Retirement Systems Committee that they offer such a plan. Each of these political subdivisions would also be required to file a copy of the most recent actuarial valuation report with the committee on or before November 15 and would be required to file an annual actuarial report by November 15 each year thereafter. Second, the amendment clarifies that the new reporting requirements would only apply to political subdivisions that offer a defined benefit plan which was open to new members on or after January 1, 2004. This provision was designed to address an issue brought forward by the League of Municipalities at the public hearing. A number of first-class cities had defined benefit pension plans for firefighters which were closed in 1984 but still have a handful of retired firefighters receiving benefits from those plans. Because these plans are closed and only have a small handful of participants, it's somewhat impractical to require an annual actuarial report for these plans. Third, the amendment adds a provision that authorizes the State Auditor to audit or cause to be audited at the political subdivision's own expense any political subdivision that fails, and I repeat, that fails to comply with the reporting requirements. At the end of the day, LB759 is really aimed at encouraging local governments to adopt best practices in management of local public pension systems. While many local pension plans are conducting annual actuarial reports as opposed to the quadrennial reports that are currently required in statute, moving to annual actuarial reports and providing additional legislative oversight are commonsense changes that should help improve the long-term health of local pension plans, creating a positive effect on local budgets. LB759 received no opposition testimony at the public hearing and was advanced by the Nebraska Retirement Systems Committee on a 6-0 vote. I'd like to thank Senator Nordquist and the committee for making the bill a committee priority bill and urge the body to advance LB759 to Select File. Thank you, Madam President. [LB759]

SENATOR BRASCH: Thank you, Senator Mello. As the Clerk stated, there are amendments from the Retirement Committee. Senator Nordquist, as Chair of the committee, you're recognized to open on the amendments. [LB759]

SENATOR NORDQUIST: Thank you, Madam Chair and members. Senator Mello did a fine job of highlighting the components in the committee amendment that relate to the underlying bill, LB759, including date changes, giving the Auditor the ability to audit political subdivision pensions that do not file. But there are a few other components of the committee amendment I'd like to highlight. This amendment incorporates a couple of bills that were pending before our committee: two bills from Senator Gloor, one from

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myself, and one from Senator Conrad. The first one is LB929, which amends the city of the first class police and firefighter retirement acts to define the term sex-neutral basis. The definition allows the city to use either the insurance or annuity tables when they are available or a formula to define sex-neutral payouts when the tables are not available. It also clarifies that when there is a retiree request...when a retiree requests the averaging of three different estimates, all the estimates have to use the same calculation method. All calculations must be based on products that are available for purchase in Nebraska. And I'm sure Senator Gloor will talk about the specific example that came up before our committee related to Grand Island. The second bill by Senator Gloor, LB713, relates to the Nebraska Capital Expansion Act. Under the Nebraska Capital Expansion Act, banks and capital stock financial institutions and qualifying mutual financial institutions are eligible to obtain time deposit open accounts in the amount of \$1 million from funds available for investment by the State Investment Officer. Under this bill that was brought by Senator Gloor, if the total amount of funds offered are not accepted, the State Investment Officer is authorized to reoffer the balance of the total allotment of funds to reoffer that so that each entity could receive a higher amount up to \$5 million. My bill, LB918, was brought by the Nebraska Investment Council. Our county and state retirement...county and state employees that participate in the County and State Employees Retirement Act, they have...one of the investment options available to them has to be a stable return account that's offered for those that are in the defined contribution plan. The statute specifies that the stable return account is to be invested by the State Investment Officer in one or more guaranteed investment contracts. LB918 removes this limitation and grants the State Investment Officer more flexibility that provides capital preservation, consistent and steady returns. The current statutory guidelines are limiting the Investment Officer's ability to find the best investment option for those state and county employees that want to invest in a stable return fund. And then finally, LB977 by Senator Conrad, retirement or pension funds of most political subdivisions must be invested with corporate trustees according to the prudent person rule pursuant to Section 30-3209. Investments that are restricted to bonds, stocks of certain companies or other commercial paper. Subsection 2 of the statute contains an exception for the city of a metropolitan class, metropolitan utilities district, and a county in which a city of the metropolitan class is located. These exempted retirement plans can offer investments in any fund as long as it is a prudent investment. This bill was brought on behalf of Lincoln Electric System and for LB977 adds that a city of the primary class and a public power district to...would add a city of the primary class and a public power district to the list of exempt entities and would allow those entities to use a custodian to hold the funds and again would allow them to offer or would allow them to offer investments in a larger array of funds. Those are the four pieces of legislation that are incorporated into the committee amendment along with the components that Senator Mello has already mentioned. This package was moved unanimously by the Retirement Committee. Thank you. [LB759 LB929 LB713 LB918 LB977]

SENATOR BRASCH: Thank you, Senator Nordquist. You have just heard the opening

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for LB759 and the committee amendment, AM2140. And the floor is open for discussion. Senator Ken Haar, you are recognized. [LB759]

SENATOR HAAR: Madam Chair, thank you. Good to see you in that spot. I have a question for Senator Mello if he's available. [LB759]

SENATOR BRASCH: Senator Mello, will you yield? [LB759]

SENATOR MELLO: Absolutely. [LB759]

SENATOR HAAR: Okay. Senator Mello, you mentioned that these new requirements would apply to all political subdivisions that have defined benefit plans. Would that include public power districts and rural electric associations? [LB759]

SENATOR MELLO: Thank you for the question, Senator Haar. With the committee amendment, it actually clarifies language in the bill so that all political subdivisions that have a defined benefit plan, with the exception that I mentioned in my opening of plans that are closed plans essentially prior to 2004 and are not taking any new members after 2004, would be required to file this annual actuarial report with the Nebraska Retirement Systems Committee if their plan faced one of the two options I discussed: either (1) not meeting their actuarially required contribution or (2) having a plan that's not funded at 80 percent. We try to make sure all political subdivisions, that includes public power districts, rural electric association districts, cities, counties, whoever it may be all fall under this...all fall under the political subdivision amendment as clarified by the committee amendment. [LB759]

SENATOR HAAR: Okay. Thank you very much. I'd yield the rest of my time to Senator Mello if he wishes. [LB759]

SENATOR BRASCH: Senator Mello, there are 3:32. [LB759]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. Hopefully, Senator Haar, I answered Senator Haar's question that, yes, we had some questions that were raised after the bill was introduced. We worked it out with the committee counsel and Senator Nordquist in regards to making sure that we wanted all political subdivisions and, yes, public power is a political subdivision. It is a governmental unit. It is not a public-private unit. It is not a private entity. It is a public government unit that they would qualify the same way as a city, county, or everyone else would. And we think that the committee amendment is clear, as adopted by the committee to the underlying bill, clarifies that in comparison to other political subdivisions that the body typically deals with and NRDs, counties, cities, school boards, things of that nature. So hopefully that clarifies and answers Senator Haar's question. Thank you, Madam President. [LB759]

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SENATOR BRASCH: Thank you, Senator Ken Haar and Senator Mello. Senator Gloor, you are recognized. [LB759]

SENATOR GLOOR: Thank you, Madam President. I just want to add some degree of specificity for the record on LB929 that Senator Nordquist talked about as relates to the gender neutral basis under annuities. This is a specific case that came up in my district in the city of Grand Island relating to retirement for police and firefighter retirement. This only will affect those who joined those forces before 1984 because before 1984 it was allowed in your pension to lump sum out. Under state law, these retirement and actuarial assumptions are supposed to be done on a gender or sex-neutral basis. But the city couldn't buy products. So here's a case where we had a statute that said one thing but the market itself didn't allow the city to purchase the product required by state law. And so what we've worked out and what's been found acceptable to all parties involved in this and what's being brought forward through retirement is that we'll have two approaches that can be taken. If you can buy a blended nongender specific product, fine, that takes care of an issue. But if it can't be bought, then the benefit calculation, I'm going to read this: the benefit calculation performed...will be performed using arithmetic mean by adding the male-specific actuarial assumptions to the female-specific actuarial assumptions applicable to a particular participant, in other words retiree, and dividing the sum by two. So we'll take male, female, add them together, divide by two and that will be the number that can be used. That will provide both the city and the insurance company an opportunity to meet statute, whether a gender-specific product is available or not. The other one a bit more complicated in some ways but simple in many others. We have a Nebraska Capital Expansion Act goes back to the late 1978s. Should the State Investment Officer decide that there are monies that in fact can go to local banking institutions for deposit, it's limited to a million. It was a long time ago that we set that level of a million. And with improving times, there are a number of our banks who...and by the way the Capital Expansion Act was developed in part to put a little liquidity back to our banks. Liquidity means they have more funds to loan for businesses, for us to buy cars, farm equipment. It's been a long time that we've been at that \$1 million, and the intent is to increase that million dollars from one to six million dollars as funds are available as the State Investment Officer should so decide. So that's a little more meat on the bone as relates to those two components of this amendment. Thank you. They are very important, by the way, and would ask for a green light on the amendment and LB759. [LB759 LB929]

SENATOR BRASCH: Thank you, Senator Gloor. Seeing no other members wishing to speak, Senator Nordquist is recognized to close on the committee amendment. [LB759]

SENATOR NORDQUIST: Thank you, Madam Chair. Again, this has essentially five parts and clarifying pieces to the underlying bill: two bills, LB929, LB713 by Senator Gloor; LB918 which was my bill; and LB977 by Senator Conrad. I'd appreciate your

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support of the committee amendment and of the underlying bill. Thank you. [LB759 LB929 LB713 LB918 LB977]

SENATOR BRASCH: Thank you, Senator Nordquist. The question is, shall the committee amendments to LB759 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish to? Have you all voted? Record, Mr. Clerk. [LB759]

CLERK: 30 ayes, 0 nays, Madam President, on the adoption of committee amendments. [LB759]

SENATOR BRASCH: The committee amendments are adopted. We'll return to discussion on the advancement of LB759 to E&R Initial. Seeing there are no other members wishing to speak, Senator Mello, do you wish to close? [LB759]

SENATOR MELLO: Thank you, Madam President, members of the Legislature. With the adoption of the underlying committee amendment that made some underlying changes to LB759 and turned it into the Retirement Committee's Christmas tree bill with the other five bills that were incorporated, as Senator Nordquist said, all on a unanimous vote of the committee, the underlying bill, LB759, tries to provide more state oversight over local pension plans, specifically defined benefit plans, that are not meeting their actuarial required contributions and are underfunded below the 80 percent threshold that is considered to be industry standard of a healthy defined benefit plan. With that, I'd urge the body to advance LB759. Thank you, Madam President. [LB759]

SENATOR BRASCH: Thank you, Senator Mello. The question is the advancement of LB759 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB759]

CLERK: 31 ayes, 0 nays, Madam President, on the advancement of LB759. [LB759]

SENATOR BRASCH: The bill advances. Next item, Mr. Clerk. [LB759]

CLERK: Madam President, LB976 is a bill by Senator Karpisek. (Read title.) Introduced on January 17, referred to the Executive Board, the bill was advanced to General File. At this time I have no amendments to the bill. [LB976]

SENATOR BRASCH: Mr. Clerk, we will proceed...excuse me, Senator Karpisek, you are recognized to open on LB976. [LB976]

SENATOR KARPISEK: Thank you, Madam President and members of the body. Again, I did not clear this by Senator Murante to bring so I apologize, Senator, but he has seen that I brought it. LB976 is about the way that we do redistricting in the state. As I

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watched the most recent shutdown on Capitol Hill that led to a government shutdown, I couldn't help but feel disappointed. I was disappointed in our federal government's ineffectiveness. I was disappointed in our leaders' unwillingness to work together. I was disappointed that our leaders would put party before people and politics before policy. As a nation, I thought we were better than this and it disappoints me. In the end, our congressional leaders finally backed us off the fiscal cliff, the debt ceiling was raised because it had to be, the United States paid its bills because it had to, and the federal government was once again open for business. But at what cost to the country and why does it have to come to this? While it is easy to blame Washington, D.C., for our problems, there is enough blame to go around. We, the people, created this mess. We, the people, need to fix it. So what do we do about it? How do we address the rampant partisan bickering in Congress? How do we promote compromise and consensus building? The answer, I believe, is quite simple. We as a nation must take the partisan politics out of the redistricting process. Across the country you will find gerrymandered congressional districts that were drawn by state legislatures to create safe districts for the incumbents of that state's majority party. Because these safe districts are either very conservative or very liberal, there is no incentive for the representative to compromise because doing so would be viewed by his or her constituents as crossing party lines and this would be a cost to him or her in a reelection to a more partisan opponent. That is why I am proposing legislation to take the politics out of the redistricting process as much as possible. Now some of you might be wondering why this matters in Nebraska since there area currently only three congressional districts to draw. I think the impact in Nebraska regarding congressional districts would be minimal, but there was clearly a partisan undercurrent as I and others tried proposing alternative maps in the last redistricting process but were met with little or no explanation as to how the map was drawn. Redistricting was one of the most partisan issues I have seen in the Legislature since I have been here. No one would ever give me a public explanation why Saline County had to be in the 3rd District and why Madison County had to be in the 1st Congressional District. I think I know why and I suspect that you do too. But I'm not here today to complain about the past fight or old battles. I'm here instead to prevent future battles when it comes to redistricting. My ultimate hope is that other states recognize what is at stake on the federal level every time petty partisanship interferes with policymaking and understand it is within each state's power to address this issue and end the partisan gridlock that has become synonymous with Congress. We are supposed to be a nonpartisan Legislature so let's act like it and lead by example. LB976 would be much like Iowa does now. They pick a committee to draw the maps. They turn them in to the Secretary of State and to the Legislature. The Legislature can vote on these maps. And if that cannot be...come to a consensus, it will go to the Supreme Court. Again, I think that we really for the most part work as a nonpartisan body here. But when it came to redistricting, we couldn't help it. We all had to fall on one side or the other, and I don't think that it was a very good process that we took. Trying to make sure that people have safe districts I don't think is a benefit for any of the voters or the state. Again, I really don't want to refight those old battles, but I'd like to move forward and

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come up with a little bit better way, nonpartisan as much as we can, to move forward on this. And as I say that, I see the other side already starting to mull over it because for them, of course, it is partisan. I hope we can get something done with this. I know there are some problems, some issues. Senator Murante has some questions about how the people are picked for this committee. Those sort of questions I'm more than open to talk about how we do that, change how we do that. At the end of the day, I hope that we can come to some sort of compromise and take redistricting out of partisan hands and still leave the Legislature to be the ones who decide. Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Karpisek. You have just heard the opening to LB976. The floor is open for discussion. Senator Wallman, you are recognized. [LB976]

SENATOR WALLMAN: Thank you, Madam President. Good evening, members of the body. I want to thank my good friend Senator Karpisek for this bill because the state of Iowa does it this way. And I've never seen so much jacking around with district lines as I did when we redistrict. And Senator Bloomfield is laughing and he knows. Some of it affected him in my district. So there's little jigs and jags here and there to try to get the exact numbers. And why did we do that? Because it became partisan. And when that happened, especially in the metropolitan areas, it didn't affect us rurals so much, but I switched districts and now I'm in the 3rd District. And I've always been with Lincoln in this district and now we go from coast to coast. And that's a long ways for the people to campaign. Adrian Smith just told me this and Mark Sullivan has told me this, that's a lot of lot of miles. And we could have just as well went vertical or catty-cornered or whatever you want to call it. There had to be a better way. And the state of Iowa learned this a long time ago. And if we follow Iowa's lead, we'd have a lot more relief from property taxes, have relief from school taxes. I've studied Iowa. I've studied Kansas. Why don't we emulate what they do? Why? More friendly to livestock people. There's lots of things that Iowa does that we just ought to just put it in the rule book and do the same doggone thing. And we'd save money for school taxes. They don't depend on property taxes for everything. So I know they have more people, but they also have more roads. And so why don't we have independent body do the redistricting? Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Wallman. Senator Avery, you are recognized to speak. [LB976]

SENATOR AVERY: Thank you, Madam Chair. I recognize this bill because I carried the bill identically...a bill identical to this two years ago and it didn't get out of committee. Senator Karpisek was alert enough to realize that the prospects might be a little bit better this year, and he brought the same bill. So I like the bill (laugh). It does what I think the state of Nebraska ought to take seriously, a serious look at, at least, because it does offer the possibility of reducing the rancor and the partisanship that we experienced in 2011. I was on the commission. I was in on the meetings. And I was very

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disheartened by the manner in which we conducted the business of redistricting. Now I understand that partisanship and divisive activity are in many ways endemic to redistricting. I know that because it fosters animosity and distrustful relationships in our singular body. We are a uniquely nonpartisan body, and when we have these procedures and when we have these tasks that we have to perform that exaggerate partisanship, it's painful because it does divide us along party lines. And one of the things that I like about this institution has been our commitment to the constitutional requirement that we be nonpartisan. Obviously, if we're going to remain nonpartisan, it's up to us to maintain nonpartisanship. Because it's in the constitution does not require us to behave individually in ways that keep partisanship at a minimum. And I have always admired the fact that I could work across the aisle with people of other parties and persuasions and people with different ideologies. And it has been one of the great experiences of my life to serve in this body and realize that I've got friends in here in both parties, people that I never would have met, much less become friends with because of this institution. And I value that a great deal. This bill is not a dangerous bill unless you consider a reduction in the partisanship and rancor that accompanies partisan redistricting, which is the way we have been doing it in this state. If you consider that to be a negative, then I can understand why you might see this as a dangerous bill because it would change that. It would change it in fundamental ways similar to the way Iowa conducts their redistricting. And Iowa is often held up as a model for conducting redistricting according to rules and procedures and practices that do not emphasize partisanship. In fact, it deliberately tries to diminish partisanship. The redistricting commission would have 21 members. [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR AVERY: No, it doesn't. I'm wrong on that. There are 21 states that currently have independent commissions that draw up a plan, advise the legislature on the plan, and act as a backup if the legislature fails to draw up a plan for legislative districts. Iowa, of course, is the model as I've said. I think that we're all able to see how that has turned out for Iowa. Why wouldn't we want to try something like that? The independent redistricting commission being proposed in this bill would be comprised of two members from each legislative caucus who do not share the same political affiliation. Members would be Nebraska voters who have not changed political affiliations in the past year. They would be...they could not be registered lobbyists... [LB976]

SENATOR BRASCH: Time. [LB976]

SENATOR AVERY: Time? It goes fast. Thank you, Madam Chair. (Laugh) [LB976]

SENATOR BRASCH: Thank you, Senator Avery. Senator Krist, you are recognized. [LB976]

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SENATOR KRIST: I...thank you, Madam President, and good evening, members; and good evening, Nebraska. I was not present this day during the Exec Session so you'll notice that I was absent, therefore, I could not vote. If I would have been there, there would have been some more debate. And I'm leaning towards not voting out this bill, not because I don't believe in it--and I want to talk about that in just a second--but the way that it's structured. You see, I went through the process of redistricting along with many, many in the rest of this body. And I think there were one or two or three people that spent a lot of time at the computer drawing lines, and I wonder to what extent. Why, when we had several alternatives, and I'm speaking to you, greater Nebraska, outstate Nebraska, rural Nebraska, why when we had so many other alternatives did 49 have to come into Douglas, Sarpy County area, into the metropolitan area? Why? Was there a motivation? Was there a process involved that we redrew lines for one or two or three in terms of conveniences? I'm trying to be statesmanlike and say I believe that there was. I had two alternatives and at least three of the other members that are here tonight had alternatives that did not move District 49 into the area of the greater metropolitan area. Now it was an alternative. But if you want to see the definition of gerrymandering, look at District 10. Look at District 10. There was enough partisanship involved with our last redistricting process that it bothered me and I walked away. I walked away because I was disgusted at the amount of partisanship that was involved. That doesn't mean that I believe that Senator Karpisek's idea nor Senator Avery's idea from a couple of years ago is correct. I think you could bring in the same capability, the same company that was here with all the geo tracking that we had available and you could draw a line based upon two or three key inputs, putting criteria together, give me the most contiguous, keep the most precincts together, try to preserve the most representation for the most diverse geographic areas across the state and you could have probably done it in 24 hours with three or four runs and it presented an option that did not do what we did. But there was some emphasis put on making sure that the 2nd Congressional District is as it is now. There was some emphasis that certain parts of the redistricting process allowed for certain districts to move into other areas. There was even...I'm sorry that Senator Bloomfield couldn't be with us right now. I know that he's in his office attending other business, but there was even an effort to make sure that a certain piece of--I see him walking back in now--but that a certain piece of district fell on the other side of the river line that he was concerned with. There is a process involved I'm sure, and other states are using it. There is a right way to do this, and I think we are not there yet with this piece of legislation, although I applaud Senator Karpisek for bringing it forward. Redistricting is a disease. It's a disease when partisanship can pull things in different directions and decide at their own convenience to move things around. My opinion... [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR KRIST: ...my opinion. I'd accept any questions on my opinion, but I'm sure no one wants to hear them. I went through the process, and I can tell you it was

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partisanship at its best. Dispute that. Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Krist. Senator Crawford, you are recognized. [LB976]

SENATOR CRAWFORD: Thank you, Madam President. I rise in support of LB976. Colleagues, in our federal system, the state governments have a sacred responsibility to ensure that elections are free and fair. And an important responsibility that we give state governments is the drawing of these electoral district lines. And gerrymandering by either party is a huge affront on our responsibility to provide for free and fair elections at all levels of government. We at the state level have that responsibility of drawing those lines for all other jurisdictions and governments. It's a critical responsibility that we have. And it's critically important that we try to use the best policies that we can to ensure that we protect democracy and protect the integrity of our elections. It sounds hyperbolic, but the very integrity of our democracy depends on the integrity of our legislative districts. Now I wasn't here last time when the districts were drawn. So I will just tell you from a citizen's perspective what that looked like as a resident of Bellevue, Nebraska. As a citizen, it looked extremely partisan, and I could see no reason why Bellevue would have been pulled out of CD2, which was in the metropolitan area, and placed instead in CD1, no offense to my CD1 colleagues. But it just did not seem to make any sense in terms of a policy that was in an effort to improve districting for the integrity of elections; and, in fact, frankly, it seemed quite the opposite. Also as someone who got involved later in the race, all kinds of interesting stories surfaced about where lines were drawn in that Bellevue area and interesting shapes of the district and interesting residents in and out of those lines that were drawn. And all of that really, as a citizen, angered me greatly, frankly, because, again, it's the state government's responsibility to draw districts in ways that preserve the integrity of the elections. And there's just too much temptation to do otherwise when this is left to the regular partisan mechanisms that we have in place. We do a great job here of usually being nonpartisan, but district lines are just too much of a temptation. And so we really need some other institutional protections to make sure that we draw sound lines for our districts because again, this is something we do for all levels of government. And it's an incredibly important responsibility that we bear. And so I urge you to support LB976 as an effort to make sure that we maintain our obligation as a state government to protect the integrity of our elections at all levels of government. Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Crawford. Senator Karpisek, you are recognized. [LB976]

SENATOR KARPISEK: Thank you, Madam President and members of the body. We talked about a lot of things when we redistrict...did redistricting last time. And I know as you can all recall I was not very happy. I filibustered that bill and it took 33 votes, of

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course, and there was exactly 33. If that same bill would come today, lines would look much different because there wouldn't be 33 votes to stop for cloture. I have some other states here that are very gerrymandered, and I know that it's...we're not talking about other states. But when you look at how we did our congressional lines, I had a map that drew a line basically north and south, putting Omaha still...Omaha metro still in District 2. District 1 would have been roughly not very far outside of Lincoln west, and then everything east. And I don't remember his name who was running the map machines, and I didn't ever want to get him in trouble, but he said, well, that's the map that makes the most sense, the most sense I've seen yet. But I didn't want to get him in trouble because he was just working, and I'm sure he probably wasn't supposed to be giving advice or maybe he was. I don't know. But I also remember that Senator Nelson said that couldn't work because I didn't have the right, the exact number of people in each district. So we would have had to split a county in half. And his argument was that's why my map wouldn't work. Well, guess what happened? The map still had to split a county in half, and I think Senator Bloomfield got the short end of the stick on that. So in the map that we still made, a county had to be split in half. So that was that argument out the window. And now I hear everyone refers to the map now as Pac-Man because it looks like Pac-Man is eating the 1st and 2nd Districts. There just wasn't a rhyme or reason. Again, I don't want to replay that and I apologize. I said I wouldn't. But I think that this is a way to go. Now a way to get there if someone doesn't like how we put these people on this committee, I'm very open to how we pick that. Senator Murante and I have talked and he had some issues. I am more than happy to work with him on that. And I think his concerns are valid. I want this to be as nonpartisan and open to the public as we can make it. I think we owe it to ourselves and the voters. Trying to draw a map just so it's easier for reelection just...it just flies in the face of everything that I think we stand for. That's not how we operate in here most of the time. Senator Avery, I hate to say, gave me some goose bumps when he talked about he's made some friends in here that he never would have met. [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR KARPISEK: How true that is. What a wonderful ride it's been. And I hang out with a lot of the people that maybe don't like this bill and that's okay. I appreciate everyone's input. It's fun to argue once in a while except I think I always lose (laugh). Maybe there's a reason for that. But I think that this is a way to go. If we get there a different way, I'm very open and willing to work with anyone to try to get to the end goal of a committee drawing the map and the Legislature approving it. Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Karpisek. Senator Murante, you're recognized. [LB976]

SENATOR MURANTE: Thank you, Mr. President, members. Good evening. Madam

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President, I apologize, sincere apologies. I rise with a number of concerns regarding several of the technical aspects of LB976, communicated with Senators Karpisek and Avery about a few of them. Senator Karpisek referenced one. I think with enough work and enough time there's probably a way that those can be ironed out. And I hope to stand up and perhaps outline some of those. But unfortunately the discussion on LB976, which is really about a public policy going forward for the state of Nebraska, an issue that a bill that stands on its own merits and contemplates how the state of Nebraska should operate going forward has brought about a relitigation of the 2011 redistricting process. And I'm not going to stand up and justify what this Legislature voted for. There was plenty of discussion about that. And there have been some implications, perhaps direct implications made on this floor about how that process worked and the rationale behind some of the decisions that are made. What I would ask the members of this Legislature is that if you are truly curious about the intentions of individuals on this floor or elsewhere about the conduct of the 2011 redistricting process, why don't you ask them? Because I've got to tell you, I have heard a lot of assumptions, guesses, implications about why things happened the way they did. And I can tell you from the perspective of a staff member at the time that some of those assumptions don't have much merit to them. Some of them do, admittedly, some of them do. So if you have a problem with someone, why don't you ask them the question and see what happened because you might be surprised what the answer is. And I put my light on again to talk about the merits of LB976 and I'll do that when I'm up next. Thank you, Mr. President. [LB976]

SENATOR BRASCH: Thank you, Senator Murante. Senator Avery, you are recognized. [LB976]

SENATOR AVERY: Thank you, Madam Chair or Madam President, excuse me. I want to take up where I left up with my short five minutes when I was previously on the microphone. I was talking about the qualifications for members of this commission. I think this is important. I mentioned that they had to be Nebraska voters who have not changed political parties in the past year. They shall not be registered lobbyists. They shall not be public or political party officeholders. They shall not campaign or hold political office within the redistricting authority for two years. And they shall not be relatives of any officeholders. And what we're trying to do with this is to achieve as close to absolute lack of conflict of interest of a political or a personal nature on the commission. What you want on this commission are commissioners who have nothing to gain and nothing to lose by their participation on the committee. Now obviously the way we do it now everybody has something to gain, everybody has something to lose. So every vote is just laden with partisanship and personal interest and the things that divide us and cause rifts that we have to work on for weeks and sometimes months to resolve. And I don't know if the...if there are lingering resentments over the process in 2011, but I do know that it was tough. I do know that I left those meetings every day feeling like I had been rolled because every vote was partisan. Every proposal was

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partisan. And I'm not saying it was just one party. My goodness, my side was doing the same thing. So it's corrosive. It's corrosive to the camaraderie that we can develop in this institution. It's corrosive to the smooth working of this body. These are things that we need to jealously protect for future Legislatures. So when we leave, as we all will, when we leave, we leave behind a commitment to the nonpartisanship that has made this institution so unique. So we want commissioners who have nothing to gain or lose. And we would also--I believe this is in the bill, it was certainly in mine--we want to require the commissioners to file with the Accountability and Disclosure Commission timely reports so that conflicts of interest could be discovered, should they exist. We would also like to see the commission abide by open meetings and public records. Oh, my God, think of that: a Redistricting Committee committed to conducting their business in the open--Senator Lautenbaugh, what do you think of that? (Laugh)--and to have all of the records be open to the public. In fact, I think that the whole process ought to be so open that we would have a... [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR AVERY: ...Web site devoted to it. One minute, Madam Chair? [LB976]

SENATOR BRASCH: Senator. [LB976]

SENATOR AVERY: One minute? [LB976]

SENATOR BRASCH: It's one minute. [LB976]

SENATOR AVERY: Yes, thank you. I think we ought to have a Web site that would publish regularly the business that the committee is up to. Some states do this. I would have the commission working with the assistance of the Legislative Research Office, their software, supplies, and personnel much like we did it in this last redistricting effort. And they would aid the Legislature and they would aid in the redrawing of member districts for the whole redistricting process. I may have more to say on this. It depends on what Senator Murante does with all those amendments he's got rolling around in his head. And I will end this now and... [LB976]

SENATOR BRASCH: Time. [LB976]

SENATOR AVERY: See, I did. Thank you. [LB976]

SENATOR BRASCH: Thank you, Senator Avery. Senator Harms, you are recognized. [LB976]

SENATOR HARMS: Thank you, Madam President. Colleagues, I rise in support of this piece of legislation. I was watching this take place when our redistricting took the course

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that it had taken. And I have to tell you, colleagues, I was very disappointed when I watched what took place. The decisions were made behind the scenes. Regardless of what you want to think, they were. You can look at it as politics at its best or politics at its worst. My biggest concern is in the future is that rural Nebraska is losing population. And the question is going to come up the next time you go through this, will we have equal representation for rural Nebraska? You can't place them all back here in eastern Nebraska. And that's when I think the wheels are going to come off of this process if you start seeing these kinds of things taking place. Yeah, I understand we're losing population. I understand how this works. But you also have to understand that the people in rural Nebraska want to have representation. I look at Senator Davis' district. My gosh it's huge. I don't know how he does it. It's got to put a great deal of pressure on him to be able to just deal with the issues that people want. And in rural Nebraska, as a senator, your responsibilities are a lot different than what they are in urban Nebraska. When these small communities want to have a parade or when they're going to have an activity, they want you there. They want to talk to you. They want you to be a part of that because that's a big thing for them. And the larger the districts get, the more difficult it's going to be. This needs to be fixed, colleagues. I was really, as I said, disappointed when I watched what took place. And I talked with a lot of people here and people outside of this door that watched it also take place. The bargaining took place long before, long before the decision was brought in on this floor and they locked it in. And I don't think that's the way it ought to be. And if we're going to do this, we need to have, to be frank with you, somebody from the outside, outside of the politics in this room to help us lay out those districts, because the next time it's going to be a lot more difficult and you're going to find that the public is going to be a lot more involved in this decision, particularly for rural Nebraska. So I would just say to you that I would ask you to support this. At least let's have the discussion because I think it's important. It's important for Nebraska. It's important particularly for rural Nebraska to understand that they will have representation, that they will have some equal access to this political world. The way it is now, they don't feel that. And we are going to complicate that problem in the future. We have to as senators set away the politics and try to do what's the best thing for rural Nebraska. I saw some great plans. In fact, I presented one, one evening late that was a good plan. And what I found really interesting was in the first plan...one of the plans that we originally started with, they had divided Alliance, Nebraska, almost down the middle. And I asked the question, have you been to Alliance, Nebraska? No. Well, have you talked to the people in Alliance, Nebraska? Well, no. Then how do you know this is going to work? The people are going to be extremely upset with this, and that's not even in my district. I just grew up in that area and I understand how they think. So they did make some adjustments over and took a corner. But I don't think it was a fair process. I don't think it was done objectively. And people had a certain...a group of individuals had their own minds made up ahead of time. You can say what you want, but I saw the real thing. And whoever is in this seat... [LB976]

SENATOR BRASCH: One minute. [LB976]

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SENATOR HARMS: Pardon me, Madam President? [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR HARMS: Thank you very much, Madam President. I had a chance to experience it and I don't think it's appropriate. And I wasn't happy with it and I'm not happy with it today. So I hope as we look at this process we bring some fairness to it, some objectivity to it and do what's right for representation. Let's do what's right for rural Nebraska also because you can't continue to move them back here. You will have a revolt eventually. Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Harms. Senator Wallman, you are recognized. [LB976]

SENATOR WALLMAN: Thank you, Madam President, and thank you, Senator Harms, because I sat through some of those hearings and one after the other did not approve of some of those plans. And when they did away with my good friend Senator Loudens' district, for goodness sakes. And so did rural Nebraska get the shaft? Absolutely. Absolutely, because look how big the 3rd District is. How you going to campaign on that? You know, you talk to Congressman Smith or Adrian and it's miles and miles and miles. And if you want cohesiveness, you got to have some rural with metropolitan. You got to...I drew up many, many maps as well as Senator Karpisek. We had the map drawers busy as well as Senator Harms. And every one of those maps was more fair than what we ended up with, every one. But metropolitan areas got what they wanted. So if you're for rural America, folks, vote for this bill. Thank you. [LB976]

SENATOR BRASCH: Thank you, Senator Wallman. Senator Davis, you are recognized. [LB976]

SENATOR DAVIS: Thank you, Madam President. I'm not going to take much time, but I want to say how strongly I think this is needed. As a resident out there, I've always lived on the cusp of a district. Every ten years people were being moved around constantly. But the last time around, and Senator Harms made reference to it, one of the original plans was to divide the city of Alliance in half. I contacted Senator Fischer and told her, I said that's just absolutely a terrible idea. And the answer was, well, we're going to have to find some solution. I'm not sure why that was done in that way, and I'm really glad they changed that. But it should never even come up as a concept because in rural Nebraska dividing one of the main towns in order to please someone somewhere else just never should never happen, just should never happen. We need to be fair and straightforward about how we do it. Building a district the size of mine is complicated, I've got to tell you. And I understand the problems that they had because of the sparseness of the area and the lack of big communities. I don't think...I think what I

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would like to say about it is try to regionalize people so you've got a large part of the Sandhills that starts there at Cherry County and maybe that should have gone on east and maybe Senator Loudon's district ought to have expanded into that area instead. But I think this makes a lot of sense. We need to look seriously at this. We are a nonpartisan body. It's the Nebraska way and let's maintain that and move forward with this bill. Thank you. [LB976]

SENATOR BRASCH: Thank you, Senator Davis. Senator Nelson, you are recognized. [LB976]

SENATOR NELSON: Thank you, Madam President, members of the body. I rise in strong opposition to this bill, LB976. And I think...I served on the Redistricting Committee. And I appreciate what Senator Davis says. He realizes there are a lot of problems. You don't realize what the problems are with redistricting until you get on that committee and you have to meet certain goals and requirements. I remember the Alliance situation. What do you do when you have a city...when you have to have 35,500 in each district or as close as you can come to that? And Alliance with I think 12,000 population, maybe larger than that, sits kind of on the border of two counties and the rest of the county has hardly any population at all. You talk about gerrymandering. I don't know how...maybe you could go 50 miles on a long narrow strip and solve the problem, but there had to be a division somehow. And we did hold hearings. It was done remotely and we heard a lot of testimony from the dissatisfaction of the people out there at Alliance. And we did understand their problems, and I don't remember exactly how we solved it, maybe not to everybody's satisfaction, but we did. I know there's dissatisfaction over the three congressional district lines. But do you think that's going to make a difference in Washington? I mean that seems to be the red herring. All the states can redistrict without gerrymandering so to speak and that's going to make a difference in Washington and going to clean things up. You have to be realistic. You can appoint a nonpartisan commission and they will do the best they can. And when it comes out to the floor, I don't care what your priority is. You're going to try to protect your own position and perhaps the party, even though we call ourself nonpartisan here. You want to protect your voting majority or try and reduce the voting majority if you can. That's just what we have to contend with. If you want to talk about protecting your own interest, Senator Karpisek I know wound up in another district. But at least he didn't lose his office in the Legislature. And this is what can happen. This bill provides that the nonpartisan committee can't have any knowledge about the incumbents, where they are, where they're located. And what do you think is going to happen? In the race to get the right amount of numbers and have the districts contiguous and all within one county if you can, if they don't know where you live, you're going to get cut out. That's very possible. And that means after you've worked very, very hard to get elected and you want to run again in four years you're not in that district anymore. You're going to have to run against somebody else in a district where nobody knows you. That's one of the problems that I see with this bill. I don't know how, you know, whether we can remedy

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that in any way. We go...we gain some measure of expertise here in the body after four years. And then if you happen to be in the situation where redistricting happens when it's just before you have to run again, you've got a real problem. Yes, there's politics involved. But I think anyone who sits on that Redistricting Committee has to have a little bit of knowledge about how things need to work in the political system. If we talk about moving... [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR NELSON: ...a district, you have to realize that that seemed to be the only feasible solution when you had a huge population shift to the east. And if you have to have a certain number within each district out west, you can't try and fix things around so that you maintain all that. I know how unhappy Senator Louden was the way it worked out. But we basically had to choose between that county and a county up north in Senator Bloomfield's area. So the decision has to be made. There are a lot of other things that you have to think about when you're a member of the committee. You have to become very adept at trying to work the lines so everything works out. In Douglas County, we managed to get 14 districts within the boundary lines of Douglas County. [LB976]

SENATOR BRASCH: Time. [LB976]

SENATOR NELSON: Thank you, Senator. [LB976]

SENATOR BRASCH: Thank you, Senator Nelson. And, Senator Lautenbaugh, you are recognized. [LB976]

SENATOR LAUTENBAUGH: Thank you, Madam President and members of the body. What a day we are having. We're going to have a bill about election commissioners and we're going to vaguely talk about some concerns, but we don't want to get into them really so, Senator Lautenbaugh, don't respond. And we're going to have a bill about redistricting and we have a lot of concerns and some of us are just mad as heck about the last time around, but we don't want to get into the specifics. So, Senator Lautenbaugh, don't talk about that either. Let's look to the future after we get our licks in. Not going to happen, folks. I was here. I was on the committee. And let me say a few things about the stuff that's been said here tonight because we don't seem, some of us, to be content to go on a go forward. We want to rewrite what happened in the past. The base map that was presented by Legislative Research proposed either moving 47 or 49 from the Panhandle to the metropolitan area. Those wild-eyed partisans in Legislative Research made that proposal. If memory serves, it was Senator Mello who proposed that the new district go to Gretna, which is obviously where it should go because that's where all the growth in numbers was, in Sarpy County. Again, partisanship rears its ugly head. I was here. I know. I remember when one of the senators proposed a map that

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threw out everything else for the legislative offices across the state and wanted to propose it on Select File and became very upset when incredibly we didn't adopt it on the fly on Select File after having public hearings and working out a compromise and taking input from people and taking input from everyone else. The complexity of this project can't be overstated. And if this is going to turn into people airing grievances and having a creative way of remembering their grievances from back then, then we're going to respond. I'm going to respond. I'm not sure who we are, but I'm going to because I was there and I know what happened. And we made a conscious choice. Do you move 49 that's about to be vacated by an incumbent to Gretna or do you move 47, which is not, to Gretna? We chose 49--partisanship. I don't know if we want to poke at the past because at some point someone is going to respond and try to set the record straight because I was here and I remember. And I remember us tweaking those county lines to get those congressional districts down to almost exactly precise mathematical equality. But I remember we were doing that because people were standing up here on what I called constitutional open mike night and saying all sorts of outlandish things about what made one map constitutional and what not. So we were having to do foolish things to try to achieve absolute perfect balance. And then the complaint was, well, gee, you had to split a county here and there, something we were supposed to avoid under the rules. And so we tried to avoid that and then people were angry, and we said we don't want to split a county and then we had to split a county to satisfy something else. And to think that some independent commission is not going to struggle with those same things is foolish. But to give half of the story of the past as an indictment of the past and expect no one to stand up and say, hey, that's not exactly how it happened, is a little naive, too, apparently... [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR LAUTENBAUGH: Thank you, Madam President...because I'm not going to sit still for that. None of the districts is perfect and guess what? They never will be. And if you think some of the districts out west are huge, that's because there's not a lot of people in them. And that's a problem that a future Redistricting Committee isn't going to be able to solve by putting people in them. So we can have a traditional redistricting airing of the grievances in an off year or we can talk about the merits of this bill because there are constitutional problems with the actual bill. But I'm not going to have the past impugned without setting the record straight. Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Lautenbaugh. Senator Bloomfield, you are recognized. [LB976]

SENATOR BLOOMFIELD: Thank you, Madam President. Colleagues, when we're talking about redistricting, my name has come up three or four times, with my district up there. What we did didn't just affect my district; it affected Senator Brasch's district, Senator Sullivan's district, Senator Larson's district. And it didn't have to happen the

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way it did. I'm not going to support what we're looking at here, because I don't believe it's the answer to the problem. But to say there is no problem is sticking your head in the sand. I was flat-out told...after I presented a map, I was told by a member who is no longer in the body that if I didn't like the map the way it was, they could eliminate my district instead of 49 and move it to the Omaha area. I got a little quieter after that. I didn't go away. We happened to have a fire drill or a tornado drill, I don't remember, we had a drill where we had to go outside of the building, and I happened to run across Senator Nelson. I asked him about my map that I had had drawn with the help of Senator Krist. And Senator Nelson had never even seen the map. The person I had given it to, who is no longer in this body, tucked it away. Colleagues, things that were done last time around should not have been done. They are. And I'll proudly serve Thurston County, where I used to serve Dixon County; Senator Larson now serves Dixon County well. But there were some things done that shouldn't have been. And also when we got into the federal House of Representatives thing, I think if you go up and look in the town of Emerson, we carved that out by half a city block. And I think Senator Wallman is responsible for that because there was somebody down in his district or in his town or his county--he's not going to argue with me, he knows it--because of the little dip in the line...didn't work there. And he was the only guy there; everybody in the state would have known how that guy voted if we hadn't done that, so it had to be done. I don't believe what we're looking at here is the answer. I'm not sure I know the answer. But I do know there were some things done last time that should not have been. As it stands now, I'm quite content with the district; I'll serve it for another two years. I won't be here when they redistrict again. I don't believe we had to lose a district out in the rural part of the state. I think we could have kept one more out there at least one more time around. But we didn't. And, in part because we didn't, we are now blessed with Senator Murante, which is a good thing; I think he does a fine job for us. I'm not so sure the people in western Nebraska are excited about the size of that district or the shape of the district, but it is what it is now, and we're not going to go back and change it. I'm not going to lament it. But I do think... [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR BLOOMFIELD: ...looking forward, we need to study this a little bit. Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Bloomfield. Senator Mello, you are recognized. [LB976]

SENATOR MELLO: Thank you, Madam President. Members of the Legislature, I was hesitant about talking, but as I jokingly told Senator Lautenbaugh, if he was going to get up and speak a little bit about the past, I probably felt it was best I share a little bit of my view of what happened in 2011. But I don't want to relitigate that. I don't want to relitigate what was, I think all of us can agree, a terrible experience for those who were

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in this body, perhaps the worst redistricting experience the state of Nebraska has seen, the most partisan redistricting experience the state has ever seen. So we won't relitigate that. We're not going to talk about the executive branch and their involvement of creating the maps, or the congressional representatives, of them having to okay different congressional maps, and the political parties' involvement. We're not going to talk about that, because I agree with Senator Lautenbaugh, if we want to relitigate that, we can do that another time. But what we do have is a bill that makes sure that we don't do this again, that we won't have to go through a partisan exercise...which those of us who claim this is a terrific example of what Washington, D.C., should follow. What we're trying to do, I think, with LB976 is another perfect example of that unique nonpartisan spirit. I talked to Senator Murante and Senator Karpisek before the debate today and suggested, look, if there are changes that need to be made to LB976, let's sit down, let's talk about them; we've got some time to do it, we can wait till tonight, we can wait till tomorrow, we can work on it over the weekend. But the reality is this: All I've heard from those who oppose LB976 is defending what happened in 2011. It's not about moving forward. It's not about trying to take out the partisanship that is inherent in redistricting. Colleagues, we can make tweaks and changes in this bill in regard to, one, how people are appointed, the number of people from political parties or nonpolitical parties are appointed. We can make those changes. But if you look at the bill, it follows the similar criteria that the Legislature passed in 2011 which set the guideposts for how redistricting was supposed to be done. Now, we can make the arguments--and I'm more than willing to make them again, but I don't want to--of how we didn't follow a lot of those guideposts in 2011. But moving forward we have a unique opportunity to do something. Our friends to the east, Iowa, has done this for multiple redistricting periods now: an independent commission--that, yes, is created by an independent board--sent to their legislature...they have the ability to vote it up or vote it down, twice; and if they don't pass both times, then they have to draw the maps. But they've never had to do that yet. And, yes, senators and representatives in their house of representatives may get redistricted into other members' districts, and they have to run against another member; that's a possibility. That's what happens when you have independent commissions make the determinations, and not senators and/or people outside of the body, i.e., the executive branch or congressional members who are looking out for their districts. Iowa has done this in a very fashionable, respectful, transparent process in a state that's widely known for their bipartisanship, and they've been able to make it work. So I've yet to hear anyone explain, in the opposition, why this is a terrible idea. Why can't we involve the citizens of our state in this process and take us out of it? Take the elected officials out of the process. Instead, follow our friends in what Iowa has done. Other states that have looked for independent commissions have seen the same results. I'm intrigued to hear those who oppose this bill of giving the concrete reasons, besides the belief that, well, the Legislature should have the final say. The Legislature will always have the final say, colleagues. [LB976]

SENATOR BRASCH: One minute. [LB976]

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SENATOR MELLO: If you read the bill, it follows the similar path that Iowa does, where the Legislature will have to still vote on maps, will still have to vote on districts; and the Legislature will still have the ability to change those, if it needs to be done. Colleagues, this is an important step of trying to change what we know is a messy process. And I don't think anyone wants to relitigate what happened two years ago. So the thought is, we can make changes moving forward. We can adopt an independent path forward and try to strike a balance between citizen involvement, citizen engagement, citizen input, and, yes, a nonpartisan Legislative Research Office or entity like a commission, as put out in the bill, who will do most of the work. It's been proven in other states; it's been proven to work in other states. And it's a process that our Legislature should strongly consider moving forward with... [LB976]

SENATOR BRASCH: Time. [LB976]

SENATOR MELLO: ...LB976. Thank you, Madam, President. [LB976]

SENATOR BRASCH: Thank you, Senator Mello. Senator Krist, you are recognized. [LB976]

SENATOR KRIST: Thank you, Madam President. And good evening again, colleagues. And good evening, Nebraska. My first time on the mike I brought together my own thoughts, my own personal experiences, my own opinion about the way I saw things go down when I went through the redistricting process. If those are misconceptions, misperceptions, or they are falsehoods, then I'll call them again "my opinion." But I'd like us to review for just a second the criteria by which Senator Lautenbaugh suggested that we move forward. I used to be a Star Trek fan, and one of the things that was kind of intriguing is that Captain Kirk never saw something that he couldn't find an answer to. It's called the Kobayashi Maru. Look it up; Google it. There's a point at which you are given a set of data that says you have to move 47 or you have to move 49. Now, having sat in front of the Esri computer system for a few hours--and I know there are several other experts in this room that spent a lot more time than I did there--you can plug in the criteria that you want to be considered: no incumbent should be displaced, if possible; no precinct lines should be broken, if possible; no county line...you get the point. So you load up the formula, you load up the parameters, and you hit the button; and then you look at it. And the percentage might have been out 2 percent here, 3 percent there. Then you go back and you say: Get me closer, get me a 2 percent deviation; don't cut any rivers in half. And, oh, by the way, I guess I have to say we should consider the incumbents not part of the equation because there might be a problem here or a problem there. Senator Garrett has dealt with computer systems more intricate than I ever have. And he knows the computer will tell you anything you need it to tell. When you feed in the parameters and you give it good parameters, it will give you good data. So my argument with the system is, if you look at the Esri process that we used and the

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consultant who was there, and you feed in the parameters that you want to have it spit out, you give it the parameters, then the human factor is involved in terms of making decisions. To Senator Davis' question, I spent a lot of time, at the request of someone that you know well, trying to make sure that 49 didn't disappear. And it didn't have to. Now, we made a decision as a body that it had to because of other factors. And that, in the essence, is what I'm talking about here tonight. I don't know that LB976 is the answer. I know...I just talked with Senator Murante off the mike; he's going to be talking to Senator Karpisek about potentially tweaking the parameters. Senator Bloomfield, I understand your concerns about this really may not be the answer. But I'd say, folks, that LB976 is a good start. Get it onto...between General and Select, let Senator Murante, who was involved in the process as an LA and knows the process that I'm talking about, and Senator Karpisek work out some parameters so that we can move forward. The compromise here is simply this. Senator Harms and others have said, let's not go forward into the next redistricting and introduce the partisanship that was present...prevalent in the past. And if...again, my opinion, so you can question the opinion itself, but I think you've heard from many people who were here during the redistricting; there was that perception. You know what, folks, perception is everything in our business. And here's my bottom line. Baseball season is starting. [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR KRIST: Strike out or hit a home run; win or lose. But own it. If you got there by whatever means, own it. The past redistricting committee believes they hit a home run. Own the process. Some folks on the outside would say it could have been done different. Let's tweak it and make sure it doesn't happen in that...that way again. Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Krist. Senator Murante. [LB976]

SENATOR MURANTE: Thank you, Madam President and members. I figure, what the heck, I'll talk about LB976 while I'm on the microphone. So I had mentioned...I'm going to outline just a few...I think this is maybe a process...a way to start the process of, after looking at the bill and coming up with some concerns, perhaps expressing them and seeing what remedies at all we can come up with to do that. So I think the best way to start is to just start at the very beginning. A concern that I have is that parts of this bill prohibit this established redistricting commission--and we'll get into the concerns about how the redistricting commission is established later--but it establishes certain things that the commission cannot do when drawing the maps to send to the Legislature. And for example, it provides that no single district shall dilute, augment, fracture, or pack any voting majority or minority based on race or language. And let me tell you a concern I have just on the language. Obviously, we have...we have, and any legislative body has, constitutional requirements when it comes to these things. But this bill does not define what those terms mean. And there isn't a commonplace, accepted definition, especially

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on the term "packing" as it pertains to the redistricting process. It's not in the bill. There is some case law that pertains to what constitutes "packing" of a minority. But the concern I have here is, what sometimes happens is that when maps are introduced and people don't like the way they look, arguments are made based on what these terms are. And if there isn't a definition of the terms as we have provided here, the words kind of morph into meaning everything and nothing. What constitutes "packing" is different from member to member whether they like the map or not. I've crafted an amendment which defines what these terms mean, based on what NCSL uses in their what I believe to be the best resource on redistricting information in the country, along with a couple of other statutes from other states. I think that is a simple change. But defining what those terms mean, I can guarantee you, if we do it in this bill, it is going to result in--I don't believe any of us will be participating in the next redistricting process, unless anybody leaves and comes back--but it will make the next Legislature...it will narrow the scope of the discussion, which I think is a good thing. I am concerned about what members of the commission are able to do. As I have stated repeatedly on the microphone, I am not a constitutional lawyer; but anytime we start down the road of telling anyone, really, that they can't donate to political campaigns, they can't run for office, they can't campaign for anyone running for office... [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR MURANTE: ...that's a concern to me. I'm not smart enough to know whether those are...those rise to the level of being constitutional concerns, but if we are going to curtail someone's right to participate in the political process simply because they are a member of a redistricting commission, I think we ought to have a really good reason why we're doing that. Another concern I have is on page 9. We're establishing a six-member commission, and three members constitute a quorum. Well, that's all well and good, but what happens if three members go off into one room and three members go off into another room; they both have a quorum, and they both send maps to the Legislature? I don't know how to remedy that problem. I've never seen a situation where a quorum is defined as less than a majority of a body, but that's where we're at with this redistricting commission. [LB976]

SENATOR BRASCH: Time. [LB976]

SENATOR MURANTE: Thank you. [LB976]

SENATOR BRASCH: Thank you, Senator Murante. Senator Wallman, you are recognized. [LB976]

SENATOR WALLMAN: Thank you, Madam President. Would Senator Karpisek listen...I mean answer to a question? (Laughter) [LB976]

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SENATOR BRASCH: Senator Karpisek, will you yield? [LB976]

SENATOR KARPISEK: I will try to listen; but I'm better at talking, I think. [LB976]

SENATOR WALLMAN: Senator, did you copy some of this legislation out of Iowa's rules, or...? [LB976]

SENATOR KARPISEK: Do you know what I did? I copied it right out of Senator Avery's file. [LB976]

SENATOR WALLMAN: Okay. Thank you. I think it's very plain, the people that are against this bill do not want anybody else to take over a heavy-duty responsibility. And I talked to a ranch family out west, and they was upset with the redistricting. And they said, maybe we ought to go back to a two-house legislature. That's how upset they were, because they felt they were not represented. And I had to agree with them. And so why would you not be for something that's fair? What is our motto? Justice for all? Fairness for all? Why would you be against something like this? You're worried about constitutionality. You're worried about this; you're worried about that. You can worry about anything we pass in here; somebody may challenge it in court. Somebody could have challenged our last redistricting maps in court; maybe it wouldn't have passed. So these are issues. I want to thank you to, you know, Senator Avery and Senator Karpisek. I think it's a doggone good bill, because it takes partisan out of the thing. And if you lose your seat, what's the matter with running again? Good grief, folks. If we're about fairness and justice...no, we're paranoid about losing elections; maybe we shouldn't run for office, because you could lose. Put your name on that line, you could lose. Does it scare the heebie-jeebies out of some people? Yes. But let's have a little common sense in this body, because this is not about what happened, this is what's going to be happening next time, because we've seen how unhappy people were. And so this is why I think it's a good bill. And please vote green. Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Wallman. Senator Ken Haar, you are recognized. [LB976]

SENATOR HAAR: Madam President and members of the body, I just had the honor, really, of talking to two young people from North Star High School who are here to watch what's going on and maybe will wind up here one day, I hope. Well, one of the great things, obviously, about Nebraska is that we have a physical aisle, but we don't have a political aisle. It always surprises people, when I go to a national meeting and I talk about how our Legislature works, first of all, that there aren't political aisles; and the second thing is that if I have a bill, if I have an idea, I don't have to go to some caucus chairperson and convince them that mine is an important idea. Every bill that I introduce, or that Senator Wallman introduces or Senator McCoy, that gets a public

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hearing. And that is unique in this country. So I do agree with Senator Nelson when he says continuity is important. If we went to this system, and I think we should, there would be one year in there where there might be some difficulties because a state senator would wind up with different constituents. And it's really important to know your constituents. But I think that one year of disruption would be worth it, you know, in perpetuity, really, because once you had a system like this in place, districts wouldn't change that much. And the other thing, of course, is this may not be a perfect bill, but I think it's a start. And I...I look going forward, but looking at when we redistricted in the past, not only did we see partisan divides among friends, but even within the same party. I can recall two friends of mine who were both lobbying me to get an area that they wanted. And that's the kind of system we have now: it's a setup; it's not good. And I rise in strong support of LB976. I won't experience the benefits of that personally, in my stay as a state senator. But I think the state of Nebraska would be well served. The current system is not fair; it's full of, as someone has said, temptations. And, again, I rise in support of LB976, and I want to thank Senator Karpisek for this bill. Thank you. [LB976]

SENATOR BRASCH: Thank you, Senator Ken Haar. Senator Burke Harr, you are recognized. [LB976]

SENATOR HARR: Thank you, Madam President and members of the body. I want to also follow up on that and thank Senator Karpisek, and I want to thank the Exec Board for prioritizing this. I think this is an important bill, and I think it's a good conversation we're having tonight. Redistricting is one of the few areas where everyone is affected. Every member in this body is affected by the bill. And it's very personal to every member in the body, because this could affect your ability to get reelected or to even live in your district, as Senator Loudon found out. So it's very personal and important to each and every one of us. And it's not possible for each of us to get our way. And often we cry over the spilled milk when it's done. But I think we can do better than that. It's important that we do something this year, on LB976, for the reasons I just stated. None of us will be in the body, as was stated earlier, unless we're reelected--sit out a term and are reelected--when redistricting is determined. A lot of us were in here before when we redistricted and remember the pain of birth of the redistricting. That happened. So it's a good thing to do it this year. We are a nonpartisan body. We're of populist design. And it's wonderful and it's great that we're nonpartisan. And when I was a first-year freshman and we were doing redistricting, I remember someone saying to me: Well, this is the only time you're allowed to be partisan. I think we should be looking for a better way to do this. I think we should be finding a way, just as the founding of this Legislature was to take partisanship, as much as we could, out of politics, we should be continuing that tradition and trying to find a way to take the partisanship out of redistricting. It's very, very important. Senator Murante earlier asked a question, and I do not feign to be a constitutional scholar, but he did ask the question, which I appreciated, because I think we all--a side note--we all agree it's a good thing to do something, that the way we did it

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before left a lot of angry feelings, hurt feelings, so let's try to find a better way to do it. And he actually addressed the subject matter of the bill. And he asked: Well, I'm not sure if it's right that we tell people--it's a constitutional question--can they not campaign, can they not run for office, how do we do that? Well, the way you get around that is this is a voluntary appointment. So there isn't a First Amendment issue because you voluntarily waive that to serve on this committee. His other issues were spot-on. Three and three, you have a quorum; that's exactly right. This bill isn't perfect, by any means; but what it is, is a good start. We have a lot of bills that aren't perfect. I think we all remember Senator Ashford's juvenile justice bill that we debated for 40 minutes, and then Senator Ashford in a way he could only say, "Well, it's not done; let's just pass it and we'll fix it." And we did. And we ended up with a pretty gosh-darn good bill. And I think we can do that here, if we all decide that we want to do this, that it's the best way forward, and it's best for the body. So I would ask that we please advance LB976, with the understanding between General and Select there will be a great deal of work done on this. Thank you. [LB976]

SENATOR BRASCH: Thank you, Senator Burke Harr. Senator Lautenbaugh, you are recognized. [LB976]

SENATOR LAUTENBAUGH: Thank you, Madam President and members of the body. And I have been paying attention, and I won't yell at you all this time. And I think we can all agree that we're a nonpartisan group of people, and let's just all agree we're thin, too, while we're at it. I wonder if Senator Mello would yield to a question. [LB976]

SENATOR BRASCH: Senator Mello, will you yield to a question? [LB976]

SENATOR MELLO: Absolutely. [LB976]

SENATOR LAUTENBAUGH: Now, Senator Mello, you made a very kindly offer, off the microphone, to confirm some things that I said before, is that correct? [LB976]

SENATOR MELLO: I did. [LB976]

SENATOR LAUTENBAUGH: So was I correct that the base map came to us moving one of those two western districts east? [LB976]

SENATOR MELLO: You were absolutely right, Senator Lautenbaugh. The Legislative Research Office created the initial maps for the Legislature to base its map drawing off of. And the initial Legislative Research map moved initially L.D. 47 to Sarpy County, and that was where everyone started from. And from conversations the Redistricting Committee had, everyone looked at instead utilizing District 49 since Senator Loudon was term limited, of looking at that number instead of District 47 for future map drawing. [LB976]

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SENATOR LAUTENBAUGH: Thank you, Senator Mello. And I guess the point I'm trying to make is, you know, those of us who were on the committee do actually remember how things transpired. And my biggest problem with this bill is that we're the ones who are weighing it, and too many of us have memories of redistricting, and too many of us have axes to grind over specific instances regarding redistricting; but too few of us have a comprehensive understanding of what all transpired in redistricting. I don't say that to say I'm all-knowing; I'm saying I was on the committee and I remember a lot of the details of this. And so the most compelling reason not to do this, I would say, is because we are the decision makers and we are too close to the issue, and we aren't going to need this for another eight years or so. No, that's not right; six years. Either way, seven years. It isn't next year, is the point I'm trying to make, poorly. So there's no reason to do this now. And I think the public would be served better if none of us who were here and have axes to grind from the prior process were here when we decided how to do the future process, because we seem to have memories that are colored by our disappointments, I guess is a colorful way to put it. And I think we should not touch this, this year. We aren't the ones we've be waiting for on this issue. Now, rest assured, I'll be back in 2021. (Laugh) And we got Senator Campbell to turn around on that one. That's not true...perhaps...yeah, if my wife isn't watching; it certainly won't be true if she is. But in any event, that's the best reason I can think of to not do this, is that a lot of us have issues--I should just stop there--a lot of us have issues with how the redistricting came out, and we can't put those aside. And so it's time for us to let this go, and it's time for the Legislature to let about half of us go. And well they should, and well it should. I think I put it best when a supporter the other day was saying, "I don't support term limits anymore because I don't want to lose you." And I said, "Well, take heart; it's time for me to go, and I'm going to take a lot of God-awful senators with me." [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR LAUTENBAUGH: So it's time. Well, one minute, and then it's time; but I won't use it. Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Lautenbaugh. Senator Murante, you are recognized. [LB976]

SENATOR MURANTE: Thank you, Madam President. I'll continue where I left off. I think we'll have a couple more speakers, and then Senator Karpisek and I will have an opportunity over the weekend to work on this, but I'll continue with a few of the other concerns I have. And I'll file an amendment on one of them shortly, which I already informed Senator Karpisek about. What we talked about, undefined terms, those reappear on page 12, and something that I find a little bit concerning as well. Well, first, one of the more obvious ones is that if we pass this law the way that it is, on page 12, line 14, we are commanding this redistricting commission to draw a map of

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congressional districts, and they have to draw "three single-member districts." There's just one problem: the Nebraska State Legislature does not determine how many congressional districts the state of Nebraska has. And if we pass the bill as it's written and the federal reapportionment formula runs its course and we lose a congressional seat, we're going to have a problem. And it might result in a special session, due to the timing in which the apportionment information gets relayed to the states. And that is, we are going to have a law which directs a redistricting commission to draw three districts when we don't have three congressional districts. Again, I don't think this is an amendment that...I suspect it will take about a five-minute conversation between Senator Karpisek and I to iron that detail out. But that is an important detail because there will not be a legislative session between the reapportionment process and when the Legislature convenes and this redistricting process begins. We have the problem...and it...a problem that I find very concerning is the...both on pages 11 and on pages 12. The bill states several times over that the redistricting commission--and it states quite obviously--that they cannot violate federal law, the Voting Rights Act, constitutional law when it comes to drawing maps for minority communities. That should be obvious, and that's not a concept that should be offensive to anyone. But what the bill says, both on pages 11 and 12, is that the redistricting commission is not allowed to have access to demographic information. So on the one hand, we tell the redistricting commission, both in our state law and with federal law, that they have to protect, in particular, minority communities in east Omaha, and they have to draw districts accordingly, but they can't have access to the information to let them know whether the districts are drawn accordingly. It seems to...again, the amendment I have here at least allows that demographic information to be reinserted into the process. There's all sorts of information that the redistricting commission is not allowed to have access to, and I don't take exception with almost any of them. I find some of the language regarding protecting "existing boundaries of counties" odd, considering the redistricting process has no ability to change the existing boundaries of counties, so I don't know why we're protecting those. But there are certain things in the bill that the redistricting commission cannot do, and I think that that's understandable. But they need the demographic data to know whether they're... [LB976]

SENATOR BRASCH: One minute. [LB976]

SENATOR MURANTE: ...doing it or not. Also, it was repeatedly established, and I don't think it's a debatable point, that the redistricting process cannot shorten the term of state senators. I probably don't have enough time to explain how...I won't explain further, beyond to say that that doesn't make this bill unconstitutional--what I'm saying right now does not make this bill unconstitutional--but it creates a system which makes it likely that the maps that the redistricting commission draws will be unconstitutional; and they won't even know it, because they won't have access to the information. That's something that I believe needs to be remedied. And I think we can do that, but, again, it takes...it's going to take some time. So I will listen to further debate and put my light on

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again. Thank you, Madam President. [LB976]

SENATOR BRASCH: Thank you, Senator Murante. Senator Lathrop, you are recognized. [LB976]

SENATOR LATHROP: Thank you, Madam President; and, colleagues, good evening. I support LB976. You know, I was on the Exec Board when we put the crew together that ended up being the committee that did redistricting. And, actually, herein lies the problem. The rule says...the rule that allows for this committee basically says that there shall be nine people, no more than five from any one party. Well, guess what happens. You get five Republicans, four Democrats; and then the Republicans can go run the table. And I think...I mean, I wasn't there; I heard the rumbling, though. I can tell you that there's probably a few things that we can take up here that cause sort of our partisan nature to step forward. Right? One would be if we elected committees by open ballot. That's been a partisan issue that we've been able to avoid so far. That, I think, creates animosities, makes it harder for people to work with. It isn't based upon getting the most capable chair, but getting the chair of a particular party, and particularly when the parties get involved in that process, as almost happened the last time. The other is when we do redistricting. And it is sort of a natural...a natural thing, I suppose, and a reason why it's better to have a...as much as you can, you're never going to come up with a perfect system, right? And maybe this bill needs some tweaking, and maybe there's something we can do to try to get to a place where we can find it acceptable. But I'll tell you what, I think that last process created some hard feelings. It created hard feelings in an urban/rural-split sort of a way, which Senator Davis has spoken to, and I think Senator Harms. But it also leaves a partisan haze over the Legislature for some time. And it takes a little while for that get over, because if you don't feel listened to, if you don't feel like your suggestions are taken seriously because they might at some point frustrate the goals and objectives of the majority as they redistrict the state, then you're going to feel like your colleagues...like it isn't a fair process. And I certainly think, although I wasn't there, I certainly heard those rumblings a lot, a lot, the last time we went through this process. And I think we can do better than that. I think we can avoid wading into the partisan waters if we set up a process that is not partisan but is a commission, people who are thoughtful but not there in a partisan way. And I think LB976 does that. And perhaps with some modification, with some tweaking, it can be improved, but it certainly takes us down the proper road, and I would encourage your support of LB976. I will say this. I'm just going to make this observation because I...I wasn't on that committee, but I was always curious, I was always curious why after Lee Terry had represented Offutt Air Force Base for so long we took we took it away from him. I mean, what did Lee Terry do or not do for Offutt Air Force Base that we thought we needed to take it away from him and put it into a different congressional district? [LB976]

SPEAKER ADAMS PRESIDING

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SPEAKER ADAMS: One minute. [LB976]

SENATOR LATHROP: I mean, some...something had to be going on, unless we're prepared to admit that he was doing a bad job, which I don't think that committee was prepared to suggest, or it wasn't the purpose; then there had to be a partisan reason, which would be to load up the number of R's in the 2nd Congressional District. And so we took Offutt Air Force Base away from Omaha's congressman. I always found that a classic example of the partisan nature of that process. And I think we can do better than that, and LB976 will take us along the way. Thank you. [LB976]

SPEAKER ADAMS: Thank you, Senator Lathrop. Senator Bolz, you're recognized. [LB976]

SENATOR BOLZ: Thank you, Mr. President. Colleagues, what do you care about? What do your constituents care about? Is it property tax relief? Is it kids? Is it education? Whatever that is, I think that redistricting within this body distracts us from those priorities and that focus. And so I don't know if I'll get the last word tonight or not, but I hope that I do, because I think the last word should be a reminder that the job of the people in this room should be to legislate good things for the people of this state. And Senator Karpisek's bill gives us the opportunity to focus on those priorities while still getting the work of redistricting done. So I urge my colleagues to focus today and in the future on the things that your constituents sent you here to do. Thank you, Mr. President. [LB976]

SPEAKER ADAMS: Thank you, Senator Bolz. Members, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB144, LB259, LB371, LB371A, LB474, and LB546. Mr. Clerk. [LB144 LB259 LB371 LB371A LB474 LB546]

CLERK: Mr. President, amendments to be printed: Senator Watermeier, to LB810; Senator Avery, to LB1087. (Legislative Journal pages 988.) [LB810 LB1087]

And, Mr. President, I have a priority motion. Senator Wightman would move to adjourn the body until Friday, March 21, at 9:00 a.m.

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