

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

Floor Debate
March 27, 2014

[LB96 LB188 LB251 LB276 LB359A LB359 LB364 LB402 LB438A LB438 LB464 LB560
LB560A LB565 LB660A LB660 LB661A LB661 LB674 LB679 LB680 LB683 LB687
LB687A LB697 LB698 LB699 LB702 LB712 LB714 LB717 LB725A LB725 LB736
LB739 LB751 LB751A LB753 LB757 LB758 LB759 LB766 LB774 LB777 LB781 LB802
LB803 LB806 LB814 LB814A LB836 LB853 LB853A LB859 LB863 LB901 LB901A
LB907A LB916 LB920A LB920 LB923A LB946 LB965 LB967A LB967 LB974A LB974
LB986A LB986 LB987 LB987A LB999A LB1001 LB1012 LB1048 LB1103 LB1114
LB1114A LR482]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-first day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor Ken Hutson from the United Church of Sumner, Sumner, Nebraska, Senator Wightman's district. Please rise.

PASTOR HUTSON: (Prayer offered.)

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

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

SPEAKER ADAMS: Are there corrections for the Journal?

CLERK: I have no corrections.

SPEAKER ADAMS: Messages, reports, or announcements?

CLERK: Enrollment and Review reports LB916 and LB276 to Select File. I have the lobby report as required by statute and a series of reports received in the Clerk's Office available on the legislative Web site. That's all that I have, Mr. President. (Legislative Journal pages 1185-1187.) [LB916 LB276]

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

CLERK: LB923A on General File, Senator, offered by Senator McGill. (Read title.) [LB923A]

SPEAKER ADAMS: Senator McGill, you are recognized on LB923A. [LB923A]

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

Floor Debate
March 27, 2014

SENATOR MCGILL: Thank you, Mr. President, members of the body. This is the fiscal note to the bill we debated the other day on suicide prevention and creating a school security official at the Department of Education. It is a school security director. The fiscal note is \$142,000. That includes a salary and some just operating expenses so that this person can travel the state and be meeting with different school districts. With that, I ask for your support. [LB923A]

SPEAKER ADAMS: Thank you, Senator McGill. Members, the floor is now open for discussion on LB923A. Senator McGill, there are no lights on. Senator McGill waives her closing. The question before the body is the advancement of LB923A. All in favor vote aye; all opposed, nay. Have all voted that wish to? Record, Mr. Clerk. [LB923A]

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB923A. [LB923A]

SPEAKER ADAMS: The bill does advance. Mr. Clerk, we'll move to Final Reading. Members, you should return to your seats in preparation for Final Reading. Mr. Clerk, the first bill is LB96. [LB923A LB96]

ASSISTANT CLERK: (Read LB96 on Final Reading.) [LB96]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB96 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB96]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1187-1188.) Vote is 40 ayes, 0 nays, 2 present and not voting, Mr. President. [LB96]

SPEAKER ADAMS: LB96 passes. We'll now proceed to LB986. 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. [LB96 LB986]

ASSISTANT CLERK: 37 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB986]

SPEAKER ADAMS: That at-large reading is dispensed with. Mr. Clerk, please read the title. [LB986]

ASSISTANT CLERK: (Read title of LB986.) [LB986]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB986 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB986]

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

Floor Debate
March 27, 2014

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1188.) Vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President. [LB986]

SPEAKER ADAMS: LB986 passes with the emergency clause attached. We'll now proceed to LB986A. [LB986 LB986A]

ASSISTANT CLERK: (Read LB986A on Final Reading.) [LB986A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB986A pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB986A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1189.) Vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President. [LB986A]

SPEAKER ADAMS: LB986A passes with the emergency clause attached. We'll now proceed to LB987. 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. [LB986A LB987]

ASSISTANT CLERK: 34 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB987]

SPEAKER ADAMS: At-large reading is dispensed with. Please read the title. [LB987]

ASSISTANT CLERK: (Read title of LB987.) [LB987]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB987 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB987]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1190.) The vote is 44 ayes, 0 nays, 5 excused and not voting. [LB987]

SPEAKER ADAMS: LB987 passes. We'll now proceed to LB987A. [LB987 LB987A]

ASSISTANT CLERK: (Read LB987A on Final Reading.) [LB987A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB987A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB987A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1190-1191.) Vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

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

Floor Debate
March 27, 2014

[LB987A]

SPEAKER ADAMS: LB987A passes. We'll now proceed to LB725. [LB987A LB725]

ASSISTANT CLERK: (Read LB725 on Final Reading.) [LB725]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB725 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB725]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1191.) The vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB725]

SPEAKER ADAMS: LB725 passes with the emergency clause attached. We'll now proceed to LB725A. [LB725 LB725A]

ASSISTANT CLERK: (Read LB725A on Final Reading.) [LB725A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB725A pass with the emergency clause attached? All those in favor vote aye; all opposed vote nay. Record, Mr. Clerk. [LB725A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1192.) Vote is 44 ayes, 0 nays, 5 excused and not voting. [LB725A]

SPEAKER ADAMS: LB725A passes with the emergency clause attached. We'll now proceed to LB359. 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. [LB725A LB359]

ASSISTANT CLERK: 38 ayes, 1 nay to dispense with the at-large reading, Mr. President. [LB359]

SPEAKER ADAMS: The at-large reading is dispensed with. Please read the title. [LB359]

ASSISTANT CLERK: (Read title of LB359.) [LB359]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB359 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB359]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1193.) Vote is 44

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

Floor Debate
March 27, 2014

ayes, 0 nays, 5 excused and not voting. [LB359]

SPEAKER ADAMS: LB359 passes. We'll now proceed to LB359A. [LB359 LB359A]

ASSISTANT CLERK: (Read LB359A on Final Reading.) [LB359A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB359A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB359A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1193-1194.) Vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB359A]

SPEAKER ADAMS: LB359A passes. We'll now move to LB402. [LB359A LB402]

ASSISTANT CLERK: (Read LB402 on Final Reading.) [LB402]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB402 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB402]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1194.) Vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB402]

SPEAKER ADAMS: LB402 passes. We'll now proceed to LB560. [LB402 LB560]

ASSISTANT CLERK: (Read LB560 on Final Reading.) [LB560]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB560 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB560]

CLERK: (Record vote read, Legislative Journal page 1195.) 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President. [LB560]

SPEAKER ADAMS: LB560 passes. We'll now proceed to LB560A. [LB560 LB560A]

CLERK: (Read LB560A on Final Reading.) [LB560A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB560A pass? All those in favor vote aye; all those opposed

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

Floor Debate
March 27, 2014

vote nay. Record, Mr. Clerk. [LB560A]

CLERK: (Record vote read, Legislative Journal pages 1195-1196.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB560A]

SPEAKER ADAMS: LB560A passes. We'll now proceed to LB660. [LB560A LB660]

CLERK: (Read LB660 on Final Reading.) [LB660]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB660 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB660]

CLERK: (Record vote read, Legislative Journal pages 1196-1197.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB660]

SPEAKER ADAMS: LB660 passes with the emergency clause attached. We'll now proceed to LB660A. [LB660 LB660A]

CLERK: (Read LB660A on Final Reading.) [LB660A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB660A pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB660A]

CLERK: (Record vote read, Legislative Journal page 1197.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB660A]

SPEAKER ADAMS: LB660A passes with the emergency clause attached. We'll now proceed to LB661. Mr. Clerk, the first vote is the dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB660A LB661]

CLERK: 35 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB661]

SPEAKER ADAMS: The at-large reading is dispensed with. Please read the title. [LB661]

CLERK: (Read title of LB661.) [LB661]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB661 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB661]

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

Floor Debate
March 27, 2014

CLERK: (Record vote read, Legislative Journal page 1198.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB661]

SPEAKER ADAMS: LB661 passes. We'll now proceed to LB661A. [LB661 LB661A]

CLERK: (Read LB661A on Final Reading.) [LB661A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB661A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB661A]

CLERK: (Record vote read, Legislative Journal page 1199.) 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President. [LB661A]

SPEAKER ADAMS: LB661A passes. We'll now proceed to LB814. And, Mr. Clerk, the first vote is going to be to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB661A LB814]

CLERK: 37 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB814]

SPEAKER ADAMS: That at-large reading is dispensed with. Please read the title. [LB814]

CLERK: (Read title of LB814.) [LB814]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB814 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB814]

CLERK: (Record vote read, Legislative Journal page 1200.) 43 ayes, 1 nay, 5 excused and not voting, Mr. President. [LB814]

SPEAKER ADAMS: LB814 passes. We'll now proceed to LB814A. [LB814 LB814A]

CLERK: (Read LB814A on Final Reading.) [LB814A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB814A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB814A]

CLERK: (Record vote read, Legislative Journal pages 1200-1201.) 42 ayes, 1 nay, 1 present and not voting, 5 excused and not voting, Mr. President. [LB814A]

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

Floor Debate
March 27, 2014

SPEAKER ADAMS: LB814A passes. We'll now proceed to LB853. 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. [LB814A LB853]

CLERK: 41 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB853]

SPEAKER ADAMS: The at-large reading is dispensed with. Please read the title. [LB853]

CLERK: (Read title of LB853.) [LB853]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB853 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB853]

CLERK: (Record vote read, Legislative Journal page 1202.) 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President. [LB853]

SPEAKER ADAMS: LB853 passes. We'll now proceed to LB853A. [LB853 LB853A]

CLERK: (Read LB853A on Final Reading.) [LB853A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB853A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB853A]

CLERK: (Record vote read, Legislative Journal pages 1202-1203.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB853A]

SPEAKER ADAMS: LB853A passes. We'll now proceed to LB901. [LB853A LB901]

CLERK: (Read LB901 on Final Reading.) [LB901]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB901 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB901]

CLERK: (Record vote read, Legislative Journal pages 1203-1204.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB901]

SPEAKER ADAMS: LB901 passes. We'll now proceed to LB901A. [LB901 LB901A]

CLERK: (Read LB901A on Final Reading.) [LB901A]

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

Floor Debate
March 27, 2014

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB901A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB901A]

CLERK: (Record vote read, Legislative Journal page 1204.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB901A]

SPEAKER ADAMS: LB901A passes. We'll now proceed to LB920. 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. [LB901A LB920]

CLERK: 41 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB920]

SPEAKER ADAMS: The at-large reading is dispensed with. Please read the title. [LB920]

CLERK: (Read title of LB920.) [LB920]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB920 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB920]

CLERK: (Record vote read, Legislative Journal page 1205.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB920]

SPEAKER ADAMS: LB920 passes. We'll now proceed to LB920A. [LB920 LB920A]

CLERK: (Read LB920A on Final Reading.) [LB920A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB920A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB920A]

CLERK: (Record vote read, Legislative Journal page 1206.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB920A]

SPEAKER ADAMS: LB920A passes. We'll now proceed to LB967. [LB920A LB967]

CLERK: Mr. President, I have a motion on the desk. Senator Kolowski would move to return the bill to Select File for a specific amendment. (FA285, Legislative Journal page 1206.) [LB967]

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

Floor Debate
March 27, 2014

SPEAKER ADAMS: Senator Kolowski, you are recognized. [LB967]

SENATOR KOLOWSKI: Well, thank you, Mr. President. Good morning, Senators. I want to state that I do plan on withdrawing this motion after I make my comments, and I support our committee progress on LB967. A number of districts are opposed to the provisions in LB967 that will phase out the instructional time allowance and the teacher education allowance. I believe these allowances are an important part of the state aid formula. I know they are extremely important to a number of districts in our state. It seems that research is clear about the importance of these two elements. I ask for your support to keep these two allowances in the formula until all items can be considered. It seems premature to remove part of the formula as we are set to proceed on a strategic planning process in LB1103. I have some rhetorical questions. I'm not asking for answers at this particular time, but I think it's important to get it into the record of the discussion on this bill. Why are we pulling these two allowances and not all allowances? Are the other allowances less controversial or is there more research to suggest that they should stay in our formula? Do the other allowances have research to back their existence? The other allowances include poverty, limited English, focus schools and programs, summer school, transportation, elementary site allowance, and distance education. Instructional time and teacher education both came to the formula as adjustments which meant that districts didn't have to lose in order for some to gain. Do we feel that by changing them from adjustments to allowances we have made one district win at the expense of another district? Is there an option to change them back into allowances? Other adjustments include such things as building new schools and student growth. Does the state have the interest in asking districts to exceed minimum standards in teacher preparation and in the length of the school day and school year? And lastly, if we reduce state aid for instructional time and teacher education, should we also offer districts who choose to go above minimums some relief from the tax lid so that they have an option to fund those priorities with locally generated taxes? Thank you, Mr. President. And with that, I withdraw my motion. [LB967 LB1103]

SPEAKER ADAMS: So ordered. Mr. Clerk, we'll now proceed on with LB967. And 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. [LB967]

CLERK: 42 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB967]

SPEAKER ADAMS: The at-large reading is dispensed with. Please read the title. [LB967]

CLERK: (Read title of LB967.) [LB967]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB967 pass with the emergency clause attached? All those in

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

Floor Debate
March 27, 2014

favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB967]

CLERK: (Record vote read, Legislative Journal page 1207.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB967]

SPEAKER ADAMS: LB967 passes with the emergency clause attached. We'll now proceed to LB967A. [LB967 LB967A]

CLERK: (Read LB967A on Final Reading.) [LB967A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB967A pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB967A]

CLERK: (Record vote read, Legislative Journal page 1208.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB967A]

SPEAKER ADAMS: LB967A passes. We'll now proceed to LB974. The first vote is to dispense with at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB967A LB974]

CLERK: 38 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB974]

SPEAKER ADAMS: The at-large reading is dispensed with. Please read the title. [LB974]

CLERK: (Read title of LB974.) [LB974]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB974 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB974]

CLERK: (Record vote read, Legislative Journal page 1209.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB974]

SPEAKER ADAMS: LB974 passes with the emergency clause attached. We'll now proceed to LB974A. [LB974 LB974A]

CLERK: (Read LB974A on Final Reading.) [LB974A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB974A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB974A]

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

Floor Debate
March 27, 2014

CLERK: (Record vote read, Legislative Journal pages 1209-1210.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB974A]

SPEAKER ADAMS: LB974A passes. We'll now proceed to LB1114. [LB974A LB1114]

CLERK: (Read LB1114 on Final Reading.) [LB1114]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB1114 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1114]

CLERK: (Record vote read, Legislative Journal pages 1210-1211.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB1114]

SPEAKER ADAMS: LB1114 passes. We'll now proceed to LB1114A. [LB1114 LB1114A]

CLERK: (Read LB1114A on Final Reading.) [LB1114A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB1114A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1114A]

CLERK: (Record vote read, Legislative Journal page 1211.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB1114A]

SPEAKER ADAMS: LB1114A passes. We'll now proceed to LB438. [LB1114A LB438]

CLERK: Mr. President, I have a motion on the desk. Senator Adams would move to return LB438 to Select File for a specific amendment. (AM2624, Legislative Journal page 1121.) [LB438]

SENATOR COASH PRESIDING

SENATOR COASH: Senator Adams, you are recognized to open on your motion. [LB438]

SPEAKER ADAMS: Thank you, Mr. President and members. As I open on this motion to return what I'd like to do as a matter of saving time, and certainly if you have questions I'll try to answer them, is to talk about what I'm asking you to do on the underlying bill and then what I will also ask you to do on the A bill that will proceed this. This is the school accountability bill, and as the department was working with my office

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

Floor Debate
March 27, 2014

and we were looking over the fiscal note as it was on Select File, we ran into some date problems. And the Department of Ed has already been working on accountability and they heard this body, loud and clear, that we need to get moving on school accountability. And what this would do, first of all, this amendment would put the E clause on the underlying bill so that the bill would then be compatible with the following A bill, given that the amendment is adopted. And what the amendment on the A bill will do is to simply take the money in the fiscal note and bring it more current, so we're not waiting till the '15-16 school year, or fiscal year, excuse me, in order to let them have the money to begin implementing this accountability program. That's the essence of this. It's to attach the E clause which is to become compatible with the amendment that I would hope that you would also adopt to the A bill. Thank you, Mr. President. [LB438]

SENATOR COASH: Thank you, Senator Adams. Members, you've heard the opening on the motion to return to Select File. The question before the body is, shall LB438 be returned to Select File for a specific amendment? All those in favor vote aye; those opposed, nay. Record, Mr. Clerk. [LB438]

ASSISTANT CLERK: 42 ayes, 0 nays on the motion to return the bill, Mr. President. [LB438]

SENATOR COASH: Senator Adams, you're recognized to open on your amendment. [LB438]

SPEAKER ADAMS: As I just indicated to you, what this amendment will do is to simply add the E clause to the underlying bill. Thank you, Mr. President. [LB438]

SENATOR COASH: Thank you, Senator Adams. Members, the question before the body is, shall AM2624 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB438]

ASSISTANT CLERK: 42 ayes, 0 nays on the adoption of Senator Adams' amendment. [LB438]

SENATOR COASH: AM2624 is adopted. Senator Murante for a motion. [LB438]

SENATOR MURANTE: Mr. President, I move to advance LB438 to E&R for engrossing. [LB438]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB438 does advance. Next item, Mr. Clerk. [LB438]

ASSISTANT CLERK: Mr. President, with respect to LB438A, Speaker Adams would move to return the bill to Select File for a specific amendment. (AM2625, Legislative

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

Floor Debate
March 27, 2014

Journal page 1122.) [LB438A]

SENATOR COASH: Senator Adams, you're recognized to open on your motion to return to Select File. [LB438A]

SPEAKER ADAMS: And again what this amendment will now do to the A bill is make it possible for the Department of Ed, if this bill passes, to access the money that they need to complete the implementation of the accountability program. And it will bring it rather than '15-16 fiscal year, it will bring it to the '14-15 fiscal year. Thank you, Mr. President. [LB438A]

SENATOR COASH: Thank you, Senator Adams. Members, you've heard the motion to return to Select File for a specific amendment. All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB438A]

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to return the bill. [LB438A]

SENATOR COASH: Senator Adams, you're recognized to open on AM2625. [LB438A]

SPEAKER ADAMS: This is to amend the A bill to make the financing more current. Thank you, Mr. President. [LB438A]

SENATOR COASH: Thank you, Senator Adams. Members, you've heard the opening to AM2625. Seeing no members wishing to speak, Senator Adams, you're recognized to close. Senator Adams waives closing. The question before the body is, shall AM2625 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB438A]

ASSISTANT CLERK: 41 ayes, 0 nays on the motion to adopt the amendment, Mr. President. [LB438A]

SENATOR COASH: The amendment is adopted. Senator Murante for a motion. [LB438A]

SENATOR MURANTE: Mr. President, I move to advance LB438A to E&R for engrossing. [LB438A]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB438A does advance. [LB438A]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Mr. Clerk, we'll now proceed to LB251. [LB251]

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

Floor Debate
March 27, 2014

ASSISTANT CLERK: (Read LB251 on Final Reading.) [LB251]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB251 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB251]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1212-1213.) The vote is 43 ayes, 0 nays, 6 excused and not voting. [LB251]

SPEAKER ADAMS: LB251 passes. We'll now proceed to LB699. The first vote will be to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB251 LB699]

ASSISTANT CLERK: 39 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB699]

SPEAKER ADAMS: The at-large reading is dispensed with. Please read the title. [LB699]

ASSISTANT CLERK: (Read title of LB699.) [LB699]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB699 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB699]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1214.) The vote is 43 ayes, 0 nays, 6 excused and not voting. [LB699]

SPEAKER ADAMS: LB699 passes with the emergency clause attached. We'll now proceed to LB751. 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. [LB699 LB751]

ASSISTANT CLERK: 36 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB751]

SPEAKER ADAMS: The at-large reading is dispensed with. Please read the title. [LB751]

ASSISTANT CLERK: (Read title of LB751.) [LB751]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB751 pass? All those in favor vote aye; all those opposed

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

Floor Debate
March 27, 2014

vote nay. Record, Mr. Clerk. [LB751]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1214-1215.) The vote is 44 ayes, 0 nays, 5 excused and not voting. [LB751]

SPEAKER ADAMS: LB751 passes. We'll now proceed to LB751A. [LB751 LB751A]

ASSISTANT CLERK: (Read LB751A on Final Reading.) [LB751A]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB751A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB751A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1215.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President. [LB751A]

SPEAKER ADAMS: LB751A passes. (Visitors introduced.) Mr. Clerk, we'll now proceed to LB836. [LB751A LB836]

ASSISTANT CLERK: (Read LB836 on Final Reading.) [LB836]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB836 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB836]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1216.) The vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President. [LB836]

SPEAKER ADAMS: LB836 passes. We'll now proceed to LB863. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk for a motion. [LB836 LB863]

ASSISTANT CLERK: Mr. President, Senator Mello would move to return LB863 to Select File for a specific amendment. (AM2563, Legislative Journal page 1043.) [LB863]

SPEAKER ADAMS: Senator Mello, you're recognized. [LB863]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. AM2563 would incorporate provisions of LB680 into the underlying bill, which is the General Affairs Committee priority bill. While LB680 was also heard by the General Affairs Committee, it's necessary for us to suspend the germaneness rule to consider the upcoming amendment. I'd like to thank Senator Karpisek for permitting me to add

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

Floor Debate
March 27, 2014

LB680 to the committee priority bill after it was not included on the consent calendar, and would urge the body to suspend the rules and allow for consideration of AM2563. Thank you, Mr. President. [LB863 LB680]

SPEAKER ADAMS: Thank you, Senator Mello. Senator Karpisek, you're recognized. [LB863]

SENATOR KARPISEK: Thank you, Mr. President. I just want to echo Senator Mello's words. We thought that this bill would probably make it on consent. I know there were a lot of bills that were up for consent and just couldn't get to them all, but this is an important bill about the electrical code, the 2014 code, and I think that we do need to get it passed. So I would hope for your support to get that done. Thank you, Mr. President. [LB863]

SPEAKER ADAMS: Thank you, Senator Karpisek. Members, the first motion is to suspend the germaneness rule. The floor is still open for debate. Senator Mello, there are no lights on. Senator Mello waives his closing. Members, the question before the body is the suspension of the rules for germaneness. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB863]

ASSISTANT CLERK: 36 ayes, 0 nays to suspend the germaneness rule, Mr. President. [LB863]

SPEAKER ADAMS: The next motion is now to return. Senator Mello, you are recognized. [LB863]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. Because LB863 is on Final Reading, the bill must be moved back to Select File to permit the consideration of AM2563. I'd ask for your support to bring the bill back to add this amendment. Thank you, Mr. President. [LB863]

SPEAKER ADAMS: You've heard the opening on the motion to return. Are there senators wishing to speak? Senator Mello, there are none. Senator Mello waives his opportunity to close. Members, the question before the body is a return to Select File. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB863]

ASSISTANT CLERK: 39 ayes, 0 nays on the motion to return the bill, Mr. President. [LB863]

SPEAKER ADAMS: The motion is successful. Senator Mello, you are now recognized to open on your amendment. [LB863]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. As I

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

Floor Debate
March 27, 2014

stated on the motion to suspend the rules, AM2563 would add the provisions of LB680 into LB863. The amendment updates the Nebraska Electrical Act to reflect changes in the National Electrical Code, updating the current minimum standards for electrical wiring in the state to the most recent national guidelines from the 2011 NEC code to the 2014 NEC code. I introduced LB680 on behalf of the State Electrical Board. The current State Electrical Act was passed in 1975, and historically, every three years, a bill is introduced to update the references to the NEC in statute. With one small exception, regular code updates have passed the Legislature with little to no fanfare. Similar bills, as mentioned, have commonly faced no opposition at hearings and are frequently considered as part of the consent calendar agenda. LB680 faced no opposition testimony at the hearing and was advanced by the General Affairs Committee on a 7-0 vote with 1 member absent. I'd urge the body to adopt AM2563. Thank you, Mr. President. [LB863 LB680]

SPEAKER ADAMS: Thank you, Senator Mello. Members, the floor is now open for discussion. Senator Mello, there are no lights on. You are recognized to close. [LB863]

SENATOR MELLO: Mr. President and members of the Legislature, I also just want to thank Senator Karpisek for working with me on bringing LB863 back. Senator Karpisek put a letter in, as I mentioned, for this to be part of consent. It wasn't selected, and Senator Karpisek and his office went out of their way to work with me to find a bill to be able to add this to, and I just want to be able to thank him again for that work. With that, I'd urge the body to adopt AM2563. Thank you, Mr. President. [LB863]

SPEAKER ADAMS: Thank you, Senator Mello. Members, the question before the body is the adoption of AM2563 to LB863. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB863]

ASSISTANT CLERK: 43 ayes, 0 nays on the adoption of the amendment, Mr. President. [LB863]

SPEAKER ADAMS: The amendment is adopted. Senator Murante for a motion. [LB863]

SENATOR MURANTE: Mr. President, I move to advance LB863E to E&R for engrossing. [LB863]

SPEAKER ADAMS: Members, you have heard the motion to advance. All those in favor indicate with aye. Opposed. The bill is advanced. Mr. Clerk, we'll now proceed to LB946, and 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. [LB863 LB946]

ASSISTANT CLERK: 38 ayes, 0 nays on the dispensing of the at-large reading, Mr. President. [LB946]

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

Floor Debate
March 27, 2014

SPEAKER ADAMS: The at-large reading is dispensed with. Please read the title. [LB946]

ASSISTANT CLERK: (Read title of LB946.) [LB946]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB946 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB946]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1217-1218.) The vote is 43 ayes, 0 nays, 6 excused and not voting. [LB946]

SPEAKER ADAMS: LB946 passes. We'll now proceed to LB1001. 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. [LB946 LB1001]

ASSISTANT CLERK: 38 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB1001]

SPEAKER ADAMS: The at-large reading is dispensed with. Please read the title. [LB1001]

ASSISTANT CLERK: (Read title of LB1001.) [LB1001]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB1001 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1001]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1218-1219.) The vote is 39 ayes, 2 nays, 2 present and not voting, 6 excused and not voting, Mr. President. [LB1001]

SPEAKER ADAMS: LB1001 passes. We'll now proceed to LB1012. [LB1001 LB1012]

ASSISTANT CLERK: (Read LB1012 on Final Reading.) [LB1012]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB1012 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1012]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1219-1220.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President. [LB1012]

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

Floor Debate
March 27, 2014

SPEAKER ADAMS: LB1012 passes with the emergency clause attached. We'll now proceed to LB1103. [LB1012 LB1103]

ASSISTANT CLERK: (Read LB1103 on Final Reading.) [LB1103]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB1103 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1103]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1220.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President. [LB1103]

SPEAKER ADAMS: LB1103 passes. Members, before we proceed to Select File, it is the last day of the week and we're going to work until the 1:30, 2:00 hour this afternoon as we move through Select and quite possibly, hopefully, on to General File. I also want you to be aware that on Monday, Tuesday, and Wednesday night of next week, because we are so close to the end, anticipate working at least until 8:00 in the evenings. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB96, LB986, LB986A, LB987, LB987A, LB725, LB725A, LB359, LB359A, LB402, LB560, LB560A, LB660, LB660A, LB661, LB661A, LB814, LB814A, LB853, LB853A, LB901, LB901A, LB920, LB920A, LB967, LB967A, LB974, LB974A, LB1114, LB1114A, LB251, LB699, LB751, LB751A, LB836, LB946, LB1001, LB1012, and LB1103. [LB1103 LB96 LB986 LB986A LB987 LB987A LB725 LB725A LB359 LB359A LB402 LB560 LB560A LB660 LB660A LB661 LB661A LB814 LB814A LB853 LB853A LB901 LB901A LB920 LB920A LB967 LB967A LB974 LB974A LB1114 LB1114A LB251 LB699 LB751 LB751A LB836 LB946 LB1001 LB1012]

SENATOR COASH PRESIDING

SENATOR COASH: Mr. Clerk, next item.

CLERK: Mr. President, Select File. Senator Murante, LB717. I have E&R amendments, Senator. (ER191, Legislative Journal page 1077.) [LB717]

SENATOR COASH: Senator Murante for a motion. [LB717]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB717]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB717]

CLERK: I have nothing further on that bill, Senator. [LB717]

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

Floor Debate
March 27, 2014

SENATOR COASH: Senator Murante for a motion. [LB717]

SENATOR MURANTE: Mr. President, I move to advance LB717 to E&R for engrossing. [LB717]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB717 does advance. Next item, Mr. Clerk. [LB717]

CLERK: Mr. President, Senator, LB1048. I do have E&R amendments. (ER189, Legislative Journal page 1078.) [LB1048]

SENATOR COASH: Senator Murante for a motion. [LB1048]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB1048]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB1048]

CLERK: I have nothing further on that bill, Senator. [LB1048]

SENATOR COASH: Senator Murante for a motion. [LB1048]

SENATOR MURANTE: Mr. President, I move to advance LB1048 to E&R for engrossing. [LB1048]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB1048 does advance. Next item, Mr. Clerk. [LB1048]

CLERK: LB759, Senator. I have E&R amendments pending. (ER192, Legislative Journal page 1078.) [LB759]

SENATOR COASH: Senator Murante for motion. [LB759]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB759]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB759]

CLERK: I have nothing further on LB759, Senators. [LB759]

SENATOR COASH: Senator Murante for a motion. [LB759]

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

Floor Debate
March 27, 2014

SENATOR MURANTE: Mr. President, I move to advance LB759 to E&R for engrossing. [LB759]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. All those in favor say aye. Those opposed, nay. LB759 does advance. Next item, Mr. Clerk. [LB759]

CLERK: LB674, Senator. I have E&R amendments pending. (ER188, Legislative Journal page 1079.) [LB674]

SENATOR COASH: Senator Murante for a motion. [LB674]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB674]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB674]

CLERK: I have nothing further pending to LB674, Senator. [LB674]

SENATOR COASH: Senator Murante for a motion. [LB674]

SENATOR MURANTE: Mr. President, I move to advance LB674 to E&R for engrossing. [LB674]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB674 does advance. [LB674]

CLERK: Senator, LB364. I do have E&R amendments. (ER193, Legislative Journal page 1105.) [LB364]

SENATOR COASH: Senator Murante for a motion. [LB364]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB364]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB364 does advance. Next item, Mr. Clerk. [LB364]

CLERK: Senator, I believe that was the E&R amendments on LB364. [LB364]

SENATOR COASH: The E&R amendments are adopted. Senator Murante for a motion. [LB364]

SENATOR MURANTE: Mr. President, I move to advance LB364 to E&R for engrossing.

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

Floor Debate
March 27, 2014

[LB364]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB364 does advance. [LB364]

CLERK: LB679, Senator. I do have E&R amendments. (ER194, Legislative Journal page 1105.) [LB679]

SENATOR COASH: Senator Murante for a motion. [LB679]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB679]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB679]

CLERK: I have nothing further on that bill, Senator. [LB679]

SENATOR COASH: Senator Murante for a motion. [LB679]

SENATOR MURANTE: Mr. President, I move to advance LB679 to E&R for engrossing. [LB679]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB679 does advance. [LB679]

CLERK: LB802, Senator. I have no amendments to the bill. [LB802]

SENATOR COASH: Senator Murante for a motion. [LB802]

SENATOR MURANTE: Mr. President, I move to advance LB802 to E&R for engrossing. [LB802]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB802 does advance. [LB802]

CLERK: LB803, Senator. I do have E&R amendments. (ER197, Legislative Journal page 1106.) [LB803]

SENATOR COASH: Senator Murante for a motion. [LB803]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB803]

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

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

Floor Debate
March 27, 2014

Opposed, nay. The E&R amendments are adopted. [LB803]

CLERK: I have nothing further pending to LB803. [LB803]

SENATOR COASH: Senator Murante for a motion. [LB803]

SENATOR MURANTE: Mr. President, I move to advance LB803 to E&R for engrossing. [LB803]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB803 does advance. [LB803]

CLERK: Senator, LB687. I have no amendments to the bill. [LB687]

SENATOR COASH: Senator Murante for a motion. [LB687]

SENATOR MURANTE: Mr. President, I move to advance LB687 to E&R for engrossing. [LB687]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB687 does advance. [LB687]

CLERK: LB687A, Senator. It does have Enrollment and Review amendments. (ER195, Legislative Journal page 1117.) [LB687A]

SENATOR COASH: Senator Murante for a motion. [LB687A]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB687A]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB687A]

CLERK: I have nothing further pending to LB687A, Senator. [LB687A]

SENATOR COASH: Senator Murante for a motion. [LB687A]

SENATOR MURANTE: Mr. President, I move to advance LB687A to E&R for engrossing. [LB687A]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. All those in favor say aye. Opposed, nay. LB687A does advance. [LB687A]

CLERK: LB712, Senator. No amendments to the bill. [LB712]

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

Floor Debate
March 27, 2014

SENATOR COASH: Senator Murante for a motion. [LB712]

SENATOR MURANTE: Mr. President, I move to advance LB712 to E&R for engrossing. [LB712]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB712 does advance. [LB712]

CLERK: LB714, Senator. I have no amendments to the bill. [LB714]

SENATOR COASH: Senator Murante for a motion. [LB714]

SENATOR MURANTE: Mr. President, I move to advance LB714 to E&R for engrossing. [LB714]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB714 does advance. [LB714]

CLERK: LB739, Senator. I have no amendments to the bill. [LB739]

SENATOR COASH: Senator Murante for motion. [LB739]

SENATOR MURANTE: Mr. President, I move to advance LB739 to E&R for engrossing. [LB739]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB739 does advance. [LB739]

CLERK: Senator, LB757. I have no amendments to the bill. [LB757]

SENATOR COASH: Senator Murante for a motion. [LB757]

SENATOR MURANTE: Mr. President, I move to advance LB757 to E&R for engrossing. [LB757]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB757 does advance. [LB757]

CLERK: LB758, Senator. I have no amendments to the bill. [LB758]

SENATOR COASH: Senator Murante for a motion. [LB758]

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

Floor Debate
March 27, 2014

SENATOR MURANTE: Mr. President, I move to advance LB758 to E&R for engrossing. [LB758]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB758 does advance. [LB758]

CLERK: LB777, Senator. I have no amendments to the bill. [LB777]

SENATOR COASH: Senator Murante for a motion. [LB777]

SENATOR MURANTE: Mr. President, I move to advance LB777 to E&R for engrossing. [LB777]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB777 does advance. [LB777]

CLERK: LB766, Senator. I have no amendments to the bill. [LB766]

SENATOR COASH: Senator Murante for a motion. [LB766]

SENATOR MURANTE: Mr. President, I move to advance LB766 to E&R for engrossing. [LB766]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB766 does advance. [LB766]

CLERK: LB806, Senator. I have no amendments to the bill. [LB806]

SENATOR COASH: Senator Murante for a motion. [LB806]

SENATOR MURANTE: Mr. President, I move to advance LB806 to E&R for engrossing. [LB806]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB806 does advance. [LB806]

CLERK: LB859, Senator. I have no amendments to the bill. [LB859]

SENATOR COASH: Senator Murante for a motion. [LB859]

SENATOR MURANTE: Mr. President, I move to advance LB859 to E&R for engrossing. [LB859]

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

Floor Debate
March 27, 2014

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB859 does advance. [LB859]

CLERK: LB781, Senator. I have no amendments to the bill. [LB781]

SENATOR COASH: Senator Murante for a motion. [LB781]

SENATOR MURANTE: Mr. President, I move to advance LB781 to E&R for engrossing. [LB781]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB781 does advance. [LB781]

CLERK: LB753, Senator. I do have Enrollment and Review amendments. (ER196, Legislative Journal page 1140.) [LB753]

SENATOR COASH: Senator Murante for a motion. [LB753]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB753]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB753]

CLERK: I have nothing further to LB753, Senator. [LB753]

SENATOR COASH: Senator Murante for a motion. [LB753]

SENATOR MURANTE: Mr. President, I move to advance LB753 to E&R for engrossing. [LB753]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB753 does advance. Next item. [LB753]

CLERK: LB774, Senator. I do have Enrollment and Review amendments. (ER198, Legislative Journal page 1140.) [LB774]

SENATOR COASH: Senator Murante for a motion. [LB774]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB774]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB774]

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

Floor Debate
March 27, 2014

CLERK: I have nothing further to the bill, Senator. [LB774]

SENATOR COASH: Senator Murante for a motion. [LB774]

SENATOR MURANTE: Mr. President, I move to advance LB774 to E&R for engrossing. [LB774]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB774 does advance. [LB774]

CLERK: LB698, Senator. I have no amendments to the bill. [LB698]

SENATOR COASH: Senator Murante for a motion. [LB698]

SENATOR MURANTE: Mr. President, I move to advance LB698 to E&R for engrossing. [LB698]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB698 advances. [LB698]

CLERK: LB736, Senator. Enrollment and Review amendments pending. (ER201, Legislative Journal page 1140.) [LB736]

SENATOR COASH: Senator Murante for a motion. [LB736]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB736]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB736]

CLERK: Nothing further on LB736, Senator. [LB736]

SENATOR COASH: Senator Murante for a motion. [LB736]

SENATOR MURANTE: Mr. President, I move to advance LB736 to E&R for engrossing. [LB736]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB736 does advance. [LB736]

CLERK: LB702, Senator. I do have Enrollment and Review amendments. (ER203, Legislative Journal page 1141.) [LB702]

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

Floor Debate
March 27, 2014

SENATOR COASH: Senator Murante for a motion. [LB702]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB702]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB702]

CLERK: I have nothing further on LB702, Senator. [LB702]

SENATOR COASH: Senator Murante for a motion. [LB702]

SENATOR MURANTE: Mr. President, I move to advance LB702 to E&R for engrossing. [LB702]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB702 does advance. [LB702]

CLERK: LB697, Senator. I have no amendments to the bill. [LB697]

SENATOR COASH: Senator Murante for a motion. [LB697]

SENATOR MURANTE: Mr. President, I move to advance LB697 to E&R for engrossing. [LB697]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB697 advances. [LB697]

CLERK: LB683, Senator. I have no amendments to the bill. [LB683]

SENATOR COASH: Senator Murante for a motion. [LB683]

SENATOR MURANTE: Mr. President, I move to advance LB683 to E&R for engrossing. [LB683]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. LB683 does advance. Mr. Clerk, we will now move on to General File, senator priority bills. Next item. [LB683]

CLERK: Mr. President, LB565. (Read title.) The bill was introduced on January 23 of last year; referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. Mr. President, there are committee amendments pending. (AM810, Legislative Journal page 875.) [LB565]

Floor Debate
March 27, 2014

SENATOR COASH: Thank you, Mr. Clerk. Senator Nelson, you're recognized to open on LB565. [LB565]

SENATOR NELSON: Thank you, Mr. President and members of the body. LB565 is a simple bill, and there is a committee amendment which I will discuss. LB565 was a Speaker Priority bill last session, but we did not have an opportunity to discuss it here on the floor. LB565, with the committee amendment, closes a loophole in Nebraska's early voting procedures. Specifically, when a person registers to vote and then cast an early ballot at the same time, that ballot goes into the ballot box and waits to be counted. It cannot be taken out, even if the election commissioner or county clerk later discovers there is a problem with the registration. When someone registers to vote, the county sends an acknowledgment of registration by nonforwardable, first-class mail to the address indicated on the registration application. This is required by statute in Section 32-322. If the acknowledgement is returned to the county as undeliverable, then a red flag goes up. There's a problem with the registration. On election day, that voter will need to verify his or her address or otherwise be required to vote a provisional ballot. Currently, our statutes do not require a similar verification in the early voting context. If someone registers to vote and votes early at the same time, and the acknowledgement of registration comes back as undeliverable, then it's too late to seek verification. The early ballot is in the box and will be counted as a matter of course, regardless of the red flag. We, as the Legislature, need to close this loophole. The underlying bill, LB565, simply prevents someone from registering to vote and voting early on the same day. It essentially establishes a minimum one-day waiting period, but does not necessarily protect against an invalid registration. So that's why...that is where the committee amendment comes in. The committee amendment, AM810, would implement a two-pronged procedure for persons who register to vote and vote early at the same time and in person. One--verify a person's registration up front; or two--allow the same person to vote a kind of provisional ballot that will be counted if the registration is valid, but will be disqualified if the registration is not valid. The first alternative offers several methods of up-front verification. This language is based entirely on existing statute in Section 22-318.01, which governs first-time Nebraska voters who register to vote by mail. Under the first alternative, a person may either present a photo ID or a copy of a recent utility bill, bank statement, government check, paycheck, or other government document that shows the same name and residence address as provided by the person on his or her registration application. In the alternative, a person may provide his or her driver's license number or the last four digits of his or her social security number which must be cross checked with DMV's records. And yet another alternative a person may present proof that he or she is a member or a spouse or a dependent of a member of the armed forces or Merchant Marines and because of active duty has been absent from his place of residence. Or a person may state that he or she is elderly or handicapped and has requested to vote by an alternative means. As I mentioned, this language is modeled directly on existing statute. In other words, these exact verification methods are already part of Nebraska

Floor Debate
March 27, 2014

law. If someone cannot or does not want to verify this registration up front, then they may follow the procedure provided under the second alternative. Here the ballot is placed in an envelope with the voter's name and address and any other necessary identifying information and kept securely for counting. If the acknowledgement of registration is not returned as undeliverable within ten days, then the ballot will be counted. This process provides a sufficient window to determine whether an individual registration is valid. In summary, our current election laws are broken as applied to someone who registers to vote and votes an early ballot at the same time. LB565, with the committee amendment, provides a necessary solution by allowing for either up-front verification or post-hoc, in other words, after the fact confirmation for early...same day early voters. With that, I will conclude so that the committee amendment may be introduced. Thank you, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Nelson. As the Clerk has stated, there is an amendment from the Government Committee. Senator Avery, you're recognized to open on the committee amendment. [LB565]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. AM810 is the committee amendment. It strikes the original sections of the bill and replaces them with the following provisions, so the amendment becomes the bill. The amendment provides that if a person registers to vote and requests a ballot at the same time, he or she will, (1) provide a photographic identification or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is dated within 60 days immediately prior to the date of presentation and shows the name and address of the person; (2) provide a driver's license number or the last four digits of a social security number; (3) present proof that he or she is a member or a spouse of a member of the armed forces or Merchant Marines and because of active duty is absent from his or her place of residence, or resides outside the United States, but for such residents would be qualified to vote in the state; (4) state that he or she is elderly or handicapped and has requested to vote by alternative means, or, (5) vote a ballot that is placed in an envelope with a voter's name and address and other identifying information which will be kept securely for counting. The deadline for being able to register and vote on the same day in person at the election commission or the county clerk's office is the same deadline for voter registration. A ballot cast pursuant to this amendment will not be counted if the acknowledgement of registration is sent to the registrant is returned as undeliverable for reason other than clerical error within ten days after it is mailed. If the acknowledgement of registration is not returned after ten days, the ballot will be counted. In other words, if a person wants to register to vote and vote on the same day during the early-voting period, he or she needs to either present some kind of identification or fall under one of the categories listed above, or their ballot will be segregated and counted after it is confirmed that they live where they say they do on their voter registration form. LB565, with this amendment, did advance from the committee on a vote of 5 to 3. Thank you, Mr. President. [LB565]

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

Floor Debate
March 27, 2014

SENATOR COASH: Thank you, Senator Avery. Mr. Clerk, you have an amendment to the committee amendment. [LB565]

CLERK: Mr. President, Senator Karpisek would move to amend the committee amendments with AM2553. (Legislative Journal page 1178.) [LB565]

SENATOR COASH: Senator Karpisek, you are recognized to open on your amendment to the committee amendment. [LB565]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I started opening on this bill on Senator Murante's committee omnibus bill and we made a...we came to an agreement that I would take it off that bill and bring it onto this bill. AM2553, if I can read it right, was LB188. And essentially what LB188 says that the Legislature will confirm the three election commissioners from the three largest counties--being Douglas, Sarpy, and Lancaster Counties. Those three counties, the election commissioners are appointed by the Governor. I want to reiterate that I see no reason why a governor would appoint county officials. I brought a bill to negate that and have them elected or appointed by the county board and that bill went nowhere. So I came with this and said--well, let's at least approve them through the Legislature. Again, this bill has nothing to do with what happened in Omaha a couple of years ago with closing polling stations. I brought a bill to not have the Governor appoint far before that ever happened. I'd rather not get into that whole debate today. This has nothing to do with that. Ninety other counties either elect an election commissioner or are appointed by the county board. Only in these three largest counties are they appointed by the Governor. I don't understand that. I don't agree with that. But I guess if they are going to be appointed by the Governor, then this body should at least be able to approve or deny them. We do that on many other appointments. I'm sure that we will hear that this is different somehow. I do plan to take this to a vote one way or another and see what happens. I am just very grateful for the committee for putting it out so I can at least talk about it. This bill was put out last year, begrudgingly by some; but I promised I wouldn't bring it until this year. I did that and now I've brought it. I'd be glad to take any questions. Thank you, Mr. President. [LB188 LB565]

SENATOR COASH: Thank you, Senator Karpisek. Members, you've heard the opening to LB565, the committee amendment, and the amendment to the committee amendment. The floor is now open for discussion. Those senators wishing to speak: Senator Lautenbaugh, Burke Harr, and others. Senator Lautenbaugh, you're recognized. [LB565]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. Careful observers of the Legislature will find it to be unsurprising that I oppose this amendment. Senator Karpisek will find it to be unsurprising that I oppose this

Floor Debate
March 27, 2014

amendment. I told a story a few days ago, not the hunting one and not the promised fishing one that I didn't tell, but of my experience as an election commissioner and redistricting the Omaha City Council and then being attacked after the 2000 election allegedly for problems that only happened in Douglas County. Now it wasn't true, but that was what was said by the leader of the party I don't belong to. And everyone knew the real beef with me at the time was that I had said I would redistrict the city council and did redistrict the city council. And so the statement from the party chairman was I had to go. I needed to be fired. Now ask yourselves if I'd been reappointed...I didn't even stay for my full term in the end, but if I had been reappointed, what would the confirmation process have been like down here? It would have been a disaster. And for those of you who seek to avoid partisanship, and the little episode we had with the State Fair Board, for crying out loud, the other day, the State Fair Board, try to image what it would be like for the election commissioner who counts the votes for a quarter of the people in the state in a very closely divided county. Douglas County has about as many Republicans as Democrats. It's hotly contested. There's some Independents in there, too, I suppose. But my point is, we frequently go on and on about avoiding partisanship here. The process of us getting involved in confirming election commissioners would be a disaster for our nonpartisan traditions. This is different; I believe it to be different. I could write the script myself. No one comes qualified with whatever it is to make you an election commissioner. I mean, you know how I got to be an election commissioner? I was executive director for the county party. And the way it works is when the election commissioner is up for reappointment, he or she gets reappointed, or a new one gets appointed, and then the other party has to submit a list of up to three names for the chief deputy position. There was an incumbent chief deputy, and there was one other guy who applied. So that's only two names. So the decision was, well let's put Lautenbaugh on the list; there's no way anyone would chose an attorney who just came from working for the party, because I was leaving that position and had gone out on my own in my law practice. No way anyone would pick him. Well, I found out that the incumbent election commissioner didn't want the incumbent deputy, and the other gentleman had just accused the election commissioner of election fraud so voila, I was the deputy election commissioner. And then once you're the deputy, everybody assumes you must want to be the election commissioner or you never would have applied to be the deputy in the first place. So then when we got a new governor and the election commissioner's term expired, voila, I was the election commissioner. That doesn't make me qualified at all to be the election commissioner. That's just how it happens. So now what are those confirmation hearings going to be like down here? I mean, nobody comes with any sort of particular qualification for the job. We have a professional staff... [LB565]

SENATOR COASH: One minute. [LB565]

SENATOR LAUTENBAUGH: ...that does the work year in, year out, as election commissioners come and go. But I could see us getting tied up in knots and if we had

Floor Debate
March 27, 2014

any sort of political issue with the person, because people usually come from a partisan background for that position, you could pick them apart and we would have votes of recommending...or reports recommending nonconfirmation or split votes or whatever and fights on the floor. That's why I oppose this. We're seeking to fix something that doesn't seem to be broken. And Senator Karpisek is correct. He's been on this before the incidents up in Douglas County, or in my mind, the lack of incidents in Douglas County that were tried to be exploited by a gentleman down here running for the Legislature and other opportunists. So no, we don't need to wade into this because it lends credence to things that... [LB565]

SENATOR COASH: Time, Senator. [LB565]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Lautenbaugh. (Visitors introduced.) Senator Burke Harr, you're recognized. [LB565]

SENATOR HARR: Thank you, Mr. President, members of the body. I'm not here to talk about State Fair grounds or boards, what I am here to talk about is something that's more important and it's about partisanship or lack thereof and the importance of our elections and the importance that they appear fair and impartial. And that's what this is about, pure and simple. I appreciate what Senator Lautenbaugh had to say. And he is a very articulate speaker and he makes some good points that he wasn't qualified to do the job he was appointed for. (Laugh) But, seriously, what this is about is...it's about creating a fairness and making sure that these people are qualified. Scott was more than qualified...excuse me, Senator Lautenbaugh. Senator Lautenbaugh is a bright, intelligent man. But that isn't always the case with other appointments. And it's important that we have oversight on this. We do this on every other appointment. Think about it when the Governor makes appointments. We look at CIR judges and we look to see...and that's a very partisan issue. But the appointment hasn't been. Now there are some flamethrowers out there who their appointments can be more controversial than others. And maybe those aren't the type of people we want to be in charge of elections and in election commissioners office. We don't want to make our elections appear unfair. We don't want them to look like they're run by third-world countries. We want bright, intelligent people who understand the law, who respect the law, and so that's the goal. And the goal isn't...you know, Senator Lautenbaugh talked about his own situation. Well, imagine what if we weren't so lucky to have Senator Lautenbaugh's name on there, but we had another person on there that was incompetent. What happens then? You have to choose from one of those three and there is no fail safe. So we put three incompetent people up? That's...you're playing Russian roulette there and maybe you win and maybe you lose. You may have two, you want one that the Governor never will appoint...or two people you know the Governor will never appoint and you put a third one on there. Well maybe there should be an additional oversight if the Legislature

Floor Debate
March 27, 2014

says, hey, this isn't the best interest of the counties of our elections. I don't know when we became so afraid of ourselves that we don't trust ourselves as a body to do the right thing. We're a nonpartisan body. Does partisanship get played? Sure. But I think at the end, and as proven, the right thing does happen and we set aside partisanship because we are a body first. We're not Democrats or Republicans first, we are state senators first. So I fully support Senator Karpisek's amendment and I hope you advance this. Thank you very much, appreciate it. [LB565]

SENATOR COASH: Thank you, Senator Harr. Senator Murante, you're recognized. [LB565]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. I rise in support of LB565, in support of the committee amendment, and in strong opposition to Senator Karpisek's amendment, AM2553. First of all, I'll voice my concerns from a procedural aspect. I promised Senator Karpisek, when we were discussing LB946, that I would not challenge the germaneness of AM2553, and I'm not going to rise to do that. But I do think that we should have suspended the rules and suspended the germaneness rule before we got to this point because AM2553 really doesn't have anything to do with LB565 or the underlying committee amendment. Simply as a procedural aspect, I think that would have been the better route to go. But LB565 was crafted in a way and sent out of the Government, Military, and Veterans Affairs Committee as a sort of middle ground to ensure that people who showed up and desired to vote early were...they are who they say they are and that they live where they say they live, not just by a matter of deterrence of fraud, but ensuring that people are getting the correct ballots and that there aren't any errors. And Senator Nelson's committee amendment...the committee amendment on Senator Nelson's bill, I think accomplishes that without any risk of alienating any voters, without any legitimate votes being thrown away, without any hardship being placed on any voters. It simply is a address verification, a concept which Senator Avery introduced in a slightly different variation earlier this year in which was supported by numerous groups. Senator Karpisek brings up the point that there are some gubernatorial appointments which require legislative confirmation, and that's true. But there are also quite a few that are not. There isn't a wholesale policy that the state of Nebraska engages in that we say that every time the Legislature appoints...or that the Governor appoints someone, the Legislature has to confirm it. I have a list right here of all the boards and commissions in the state of Nebraska; lots of them require legislative confirmation, lots of them don't. There isn't an overarching argument on that front. So to me the question is, should the Legislature be involved in confirming a county official that's been appointed by the Governor? And the answer to me is no. I think there are reasonable discussions, and Senator Karpisek and I have had it, as to why the Governor is appointing a county official in the first place, because at the end of the day, the election commissioners of Douglas, Sarpy, and Lancaster County are county officials, they are paid by the county, and there are other election commissioners in the state of Nebraska who are not

Floor Debate
March 27, 2014

appointed by the Governor. They are selected by the county board. And in a lot of counties in Nebraska, the position of election commissioner is run by the county clerk which is a position unto itself that is an elected position. So the people of the respective counties go and vote for it. So I don't...the argument that there are boards and appointments of the Governor which are confirmed by the Legislature, to me doesn't hold a lot of water because there are lots that don't as well and there has to be some sort of reason, some unique characteristic about this legislative appointment...this gubernatorial appointment that requires legislative confirmation. [LB946 LB565]

SENATOR COASH: One minute. [LB565]

SENATOR MURANTE: And I haven't heard it other than we confirm lots of other things, so let's confirm this as well. I see that the...Senator Lautenbaugh and I share the same concerns of the clouds on the horizon of the fights that are going to take place on the floor of this Legislature if AM2553 gets attached to LB565 and LB565 becomes law. I think we've done a good job in the Government Committee, and we have done a good job on this Legislature of trying, especially this year, I think we've done a remarkable job of taking partisanship out of controversial pieces of legislation and trying to construct bills, especially election bills which come out of the Government Committee, in ways which are acceptable with every interested party. We've done a good job of that. I don't see how... [LB565]

SENATOR COASH: Time, Senator. [LB565]

SENATOR MURANTE: Thank you, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Murante. Senator Karpisek, you're recognized. [LB565]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I agree that there are some that...some gubernatorial appointments that we do not confirm and I'd be glad to put an amendment on here to put all those in. I don't know why we as a body wouldn't want to confirm these people. What is the good reason for this? Because I think that these people need to be of high character and of high moral values to be doing the job that they're doing. I'm not saying that they're...people haven't been. Senator Nelson and Senator Lautenbaugh are past election commissioners and I think they have the highest moral values. So I'll turn this around. What are we scared of? Well, we're scared of fights on the floor over partisanship. I hope that Senator Murante and Senator Lautenbaugh feel the same way when redistricting comes back up, because that to me sounds like the same argument, but maybe this time in my court. But I bet that won't be the same song that we hear on that. I do not think...I think Senator Lautenbaugh made a great argument for me why these should not be appointed by the Governor; talked about how it happened. Shouldn't that be by the vote

Floor Debate
March 27, 2014

of the people or the county board as it is in 90 other counties, three-fourths of the voting population? I just think this is a poor way to go about anything. I don't know how this ever happened, and maybe I'll ask Senator Lautenbaugh, maybe the next time on the mike, if he recalls, but I think it's something about some votes being thrown in the river in 1903 or 1913. So that's why...there's a lot of other rivers and creeks and all sorts of other places around the state that all sorts of shenanigans could happen. Are they as big in other parts of the state? No, but I think Hall County is getting pretty good size, Kearney, even Scottsbluff. Why aren't those considered? And why isn't every county appointed by the Governor? I think that we're still working off something that was a hundred years ago and that's the way we do it. Some of the people that we do confirm here, the director of agriculture, the commissioner for the Department of Labor; the Department of Roads, Natural Resources, Banking and Finance, Insurance...Banking and Finance, that could...why would we have to do that one? Maybe because there's money involved, lots of important things. We want a moral character. DMV, the veterans, the fire marshal, policy secretary for the Department of Health and Human Services; the director of DHHS. [LB565]

SENATOR COASH: One minute. [LB565]

SENATOR KARPISEK: Again, I don't...I don't know what we're worried about. Senator Lautenbaugh brought up what happened on a State Fair appointment, but I think that there were 33 votes cast in favor to appoint, and I was one of those votes, if for nothing else to prove a point. I don't think that this is such a horrible idea to let the Legislature have the last say on people who are accountable for so many votes in this state. Thank you, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Karpisek. Senator Mello, you're recognized. [LB565]

SENATOR MELLO: Thank you, Mr. President. Members of the Legislature, and Senator Karpisek mentioned some of the issues I was going to raise and I can appreciate Senator Lautenbaugh's personal story and history in regards to having concern from sitting in the election commissioner's seat. But a couple of positions that I think we need to just take a little bit of a historical perspective in the sense that I've been here now for six years in the Legislature and there are two positions that have been appointed by the Governor that does get a confirmation hearing, the director for the Department of Health and Human Services, Director Kerry Winterer was the Nebraska Republican Party's national committeeman when he was appointed to the head of the Department of Health and Human Services. Now if we're concerned about the political nature of someone being appointed to a high-level position by the Governor, Director Winterer was appointed and was confirmed. Starting back in the '70s when it was then-Governor Exon, he started a long process that governors appoint their campaign manager to the Director of the Department of Administrative Services. Former Director Carlos Castillo is

Floor Debate
March 27, 2014

the director of Administrative Services was the Governor's campaign manager; he got confirmed. There wasn't a partisan outcry or outcry in regards to him having the qualifications to do the job that the Legislature decided to appoint him; same thing with Director Winterer. So I can understand Senator Lautenbaugh's concern of this being a position that is political in nature because they've got to count votes; they've got to run elections. I understand that. But the reality is, is because of someone's past involvement, to be appointed by the Governor for other high-appointed positions, the Legislature has done this for generations now of appointing people and confirming them who have partisan pasts or even existing partisan activities to these high-level government positions. So I just don't see the credibility in that argument that because they may do something at their job if they get reappointed by the Governor or a new Governor that it's going to melt down the Legislature. I think Senator Karpisek's main point is--unless they've done something grossly inaccurate or grossly mismanaged their office or an election, the Legislature has a history of not confirming individuals, even those with very partisan pasts and/or currently involved in partisan politics. So I think the question that Senator Karpisek raises, you could also look at a lot of the other positions that do require legislative confirmation--the director of the Governor's policy and research office. It's the Governor's chief legislative whip has a legislative confirmation. And I don't...in my history and my research shows that it's never been a problem of going through the legislative confirmation process and that individual, whether it was under a Democratic Governor or Republican Governor, ever getting filibustered or ever going through a problematic confirmation hearing in the sense that the people who have been appointed have a respectable record in their professional life or public life. And so I think Senator Karpisek raised the issue, which I'm more than willing to stand and talk about this as long as we need to, hopefully not eight hours, but the reality is, if there's other positions that we need to confirm, then we can do that, too, but the uniqueness is...and Senator Karpisek mentioned a little history, the only reason the Governor appoints these three counties was due to some vote rigging and some election fraud in the early twentieth century in Douglas County. And it started the Legislature and the Governor down a process where they felt that they couldn't trust the locally appointed election commissioner in Omaha. So, thus, the Governor needed to come in and appoint someone... [LB565]

SENATOR COASH: One minute. [LB565]

SENATOR MELLO: ...that the Governor felt was loyal to them and not loyal to what was happening in a, unfortunately, very corrupt Omaha in the early twentieth century. That's the history of how we got to the point where you have the Governor appoint these positions. So I think, one, it's been over a hundred years since that kind of came into fruition, as Senator Karpisek mentioned. I just don't see an argument against requiring top election officials of going through the same process that the director of Administrative Services, the Department of Health and Human Services, or a variety of other political appointees go through unless there's something that we're afraid of;

Floor Debate
March 27, 2014

unless we're trying to hide some accountability because there is no public accountability besides the Governor. The Legislature gets to have accountability, colleagues, in a variety of ways through the legislative process after someone has been appointed. After an election commissioner has been appointed, there is no accountability except whoever is sitting in the Governor's office... [LB565]

SENATOR COASH: Time, Senator. [LB565]

SENATOR MELLO: Thank you, Mr. President. [LB565]

SENATOR COASH: Senator Lautenbaugh, you're recognized. [LB565]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. Senator Howard suggested, helpfully, that I should mention that I used to be an election commissioner, in case I hadn't yet today, so there you go. You know, I do worry about this, obviously. And some of the examples that we're citing of things that we do...the proponents are citing of things we already confirm, I think, are helping to prove my point. Senator Harr mentioned CIR judges. Well, I seem to remember my first or second year here we had kind of a debacle regarding a CIR judge appointee and his offense, if I remember right, was that he's an attorney who primarily defended CIR cases instead of represented plaintiffs in CIR cases and so...or represented management instead of the labor side so somehow that disqualified him and eventually he had to be withdrawn. That was not a pleasant process. And that was one of those occasions where I think this body did not look at the person's qualifications, we looked at something entirely different. And, again, we cannot divorce ourselves from our current reality. As I said on the redistricting bill which was brought up, maybe we should wait until we're sure that none of us who has any recollection of the past time...past go-round on redistricting is around before we start putting in policies for future redistricting because our perceptions and misperceptions of what transpired in 2011 still tend to color what we're doing in 2014 it appears. And we should probably let that go. Similarly, while it's said that this is not about any particular election commissioner or any particular recent events, there have been recent events or attempts to make things appear to be events, I guess. And one of our own here sent a letter last year or the year before to the Government Committee saying that it was apparent that an election commissioner intentionally acted to suppress the vote. That was the allegation. That hasn't been proven ever and doesn't really seem to have any basis whatsoever. But that's something that we said about one of these people that we now want to confirm. That's something that one of us said about this person that we are now seeking the ability to confirm were he reappointed. We cannot divorce ourselves from who we are and what we have done in our very immediate past. And I don't just mean me as a former election commissioner, I mean all of us as doing our jobs down here as senators. We can pretend that there haven't been any recent issues raised, or allegations made, but there have been. So I don't think we should be insinuating ourselves into this process because I think it's naive to believe

Floor Debate
March 27, 2014

that when we have an actual role in the process, we're going to behave somehow better than some of us have when we had no role in the process. I don't know that it works that way. Would we be more serious about it and be more careful about what we say because we have a defined role rather than a desire to insinuate ourselves? [LB565]

SENATOR COASH: One minute. [LB565]

SENATOR LAUTENBAUGH: I don't think that's the case. I don't think that's the case. And I don't think Senator Harr is correct. We don't confirm all appointees. We don't confirm these appointees. I see no reason to extend our authority into this. This is not...this is a solution, again, in search of a problem. I urge you to reject this amendment. Thank you, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Lautenbaugh. Senator Wallman, you're recognized. [LB565]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Ever since I've been in here, we've been fooling around with elections. Would Senator Karpisek answer to a question, please? [LB565]

SENATOR COASH: Senator Karpisek, will you yield? [LB565]

SENATOR KARPISEK: Yes, I will. [LB565]

SENATOR WALLMAN: Thank you, my friend. In regards to elections and recounts and all this, did you have a bill about a 10 percent mandatory recount in certain elections? [LB565]

SENATOR KARPISEK: I think it was 10 percent, Senator, and we lowered it to 1 percent, and we did all sorts of different things to try to get it out of committee and it did make it on the floor one time. [LB565]

SENATOR WALLMAN: And with a lot of opposition, right? [LB565]

SENATOR KARPISEK: Well, it was bracketed relatively quickly by Senator Lautenbaugh for the record. [LB565]

SENATOR WALLMAN: And that blows my mind. Why would you want to put doubt in voters' minds? I stand in support of Senator Karpisek's amendment. What are we afraid of? Are we afraid? I'm not afraid. We talk about a couple of candidates that had a little trouble, maybe, getting appointed. That makes the rest of them that much better when they do apply for something. So let's pay attention here and bring some confidence to the voters. Let the voters...the voters put us in here. And so should we have oversight

Floor Debate
March 27, 2014

on some of these things? We pass many bills that we have oversight over: HHS, education stuff; we have many bills we have oversight. Do we have too much oversight? If we don't become educated on these issues, we do. But some of these people that some of us have actually checked into, we have a hard time voting to appoint them, but we do because we do not want to be Washington, D.C., hang up for years and years on a judge's appointments and all these things. We're Nebraskans. Thank you, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Wallman. Senator Murante, you're recognized. [LB565]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. Senator Wallman, I promise you, I'm not afraid of AM2553. I think...I can live through it; I just think it's bad public policy. Senator Karpisek brings up...it's not a terrible point. Why would we ever not want to confirm something? Why on any subject, let's just confirm everything, we're the Legislature. Let's just exercise our authority. I would say...you might want to get comfortable in your committee hearings because the confirmation hearing process is going to dramatically increase. I've got the list here of all of the boards and commissions that we would be confirming if we employ that logic. I'd read through them, it would be pretty good filibuster fodder just to take up time because it would take so long. But I promised Senator Nelson I wasn't going to filibuster his bill and that's not my intention here. So I guess that's a new standard that we could employ and a precedent that we could set here that if...confirm everything, why not. We might have to extend the legislative session, but we could do it, I guess. I'm not sure that's sound rationale. And this is the same time I...I won't mention the instances, but this is the second time on a second...on a different subject matter where I've had a conversation with Senator Mello about events that have happened in the past. And you would think that we experienced two completely different set of events, that we remember the events entirely differently. And as the 2012 year has been characterized, I just...that's...I don't remember it that way, I'll put it that...I think Senator Mello is sincere in his recollection of how that all transpired, but that's certainly not...him and I are not on the same page on that subject matter. And I can tell you that if that is an indication of what is to come with the advancement of AM2553, it's not a good sign, it is not good public policy. I've spoken with Senator Nelson. I know that this is not a concept which he supports. I have not yet spoken with Senator Karpisek about the possibility of yet adding a suspension of the rules, the suspension of the germaneness motion before we get to a vote on AM2553. But Senator Karpisek has employed two brand new standards which I don't think I've heard before. That before we enact a new law...the first one was, let's just confirm everything because we can. That's an interesting...why would we ever not want to do that? Interesting thought process; I'll have to work through that one over the weekend, but it will...that has some consequences to it. And the second is, that the...before we advance AM2553, the opponents have to give a good reason not to do it. That on any subject...apparently on any subject matter before we change the laws of

Floor Debate
March 27, 2014

Nebraska, the standard isn't what's the compelling reason to pass a new law, it's the opponents have to have a good reason not to pass a law. I'm not sure that is a reasonable standard, because I haven't heard any problems yet. I have yet to hear, aside from the 2012 Douglas County instance, I have yet to hear anyone complain about the actions of the Lancaster or the Sarpy County election commissioners. [LB565]

SENATOR COASH: One minute. [LB565]

SENATOR MURANTE: Either side, I've heard positive remarks from both. I don't understand the evil that we're trying to correct here. It seems to me that we have a system that is working pretty well. And aside from one issue of what polling places were being closed and when in 2012, and we can have reasonable disagreements about that, that's fine, I don't know how a legislative confirmation would have remedied that problem, but I'm not hearing much evil. And the only reasons we're given to support this is, we're the Legislature, let's just exercise our authority because we can and the opponents haven't come up with a compelling reason not to do it. And I don't think those are reasonable standards to determine whether we're going to support or oppose pieces of legislation. Now Senator Karpisek can use whichever standards he wants, as he has often said, we seem to agree 100 percent of the time in the General Affairs Committee and disagree 100 percent of the time... [LB565]

SENATOR COASH: Time, Senator. [LB565]

SENATOR MURANTE: ...in the Government Committee and this is just another instance of that. Thank you, Mr. President. [LB565]

SENATOR COASH: Senator Nelson, you're recognized. [LB565]

SENATOR NELSON: Thank you, Mr. President, members of the body. I just want to kind of tell you where I stand on this. When we discussed Senator Karpisek putting his amendment, AM2553, onto LB565, rather unrelated subject, I agreed to that, but I told him at the time, I said, you know, I really don't support the concept of what you want to do in your prior bill and the amendment. And I want to tell you why, and he understands that I don't support it, and I'm not going to vote for the amendment. We already heard a little bit of history as far as Douglas County. And I wish my memory were better, but I read several accounts of the corruption in Douglas County starting back in 1910 and beyond that into the '20s when there was...they call him the "cowboy mayor, Jim" and I can't remember his last name. But he was a puppet mayor for a good many years in Omaha. And maybe Senator Crawford is the one to stand up and give us the history here, but there was a political boss who was actually a gambler who had come, I think, from somewhere in Minnesota and settled in Omaha and eventually gained control over every aspect of the city, the appointments, who got elected to what, a crony of all the commissioners there. And it got to the point...it got so bad to the point that there was a

Floor Debate
March 27, 2014

major businessman that was assassinated one morning, he was shot dead as he was going to his car from his home. And that caused such an uproar of the citizens of Omaha that they decided that something had to be done about the corruption. And a commission was formed, as I understand it, and a new plan was put into effect. And that was part of the decision to get the appointment of an election commissioner, or whoever was going to control the elections, out of the hands of the county officials and place it with the Governor of the State of Nebraska. And it was political in aspect, I guess, because the decision was that whoever the controlling political party was in the entire state of Nebraska, that governor would make the appointment for then Douglas County and, eventually, Lancaster County and Sarpy because of their population. And all the other counties, the county clerk handles...well, yes, the county clerk. So, and just to refresh your memory on how it works, when a new governor comes in and the current election commissioner is of a different party, he has a year of grace there to stay on and then a new appointee is made by the Governor. And if it's a Democrat, such as the case when I was in the election office, the Democrat would appoint the election commissioner, and then the minority party in the state would give three names and the election commissioner would select who he or she felt most comfortable with in working in the office. But the point was there was someone from the other party that by statute had to be there to serve as sort of a watchdog and make sure that things were going according to Hoyle. So that's the way it's worked all this time. I think it's worked well. We've never really had any problems, although there are always accusations it appears...it seems in Douglas County. [LB565]

SENATOR COASH: One minute. [LB565]

SENATOR NELSON: I really don't see any need for a governor who is going to make the best appointment that he can and, you know, there have been great appointments there, great past election commissioners. There's a good one there now, as far as I'm concerned. I don't see any reason why that has to be vetted by a committee here in the Legislature and then come out to the floor and be approved, or, perhaps, disapproved by members of the Legislature because who knows how the party alignment is there. It just could get pretty political. And that's why, basically, on the basis of my experience, I am opposed to AM2553 and that's some background. And I'll be glad to answer any questions off the mike. Thank you, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Nelson. Senator Karpisek, you're recognized. [LB565]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Senator Lautenbaugh just put on his tie, so I know I'm in trouble. However, we look a little bit alike now. I just have to kind of laugh a little bit that things in 1910 are still the same today. There was some rogue mayor or puppet mayor. It also seems odd to me that the main people who are opposed to this were...were election commissioners that this

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

Floor Debate
March 27, 2014

would have affected. Of course they don't like that. I've said before, if somebody was going after my fellow meat processors, I would probably stick up for them too. I'm not going after anyone. I'm just saying that we should have oversight in this body. And I don't understand how you can...where you draw the line. Would Senator Murante answer a question, please? [LB565]

SENATOR COASH: Senator Murante, will you yield? [LB565]

SENATOR MURANTE: I would love to. [LB565]

SENATOR KARPISEK: Thank you, Senator Murante. As you're making pizzas at Big Fred's this weekend and mulling over my thoughts on why everyone shouldn't be confirmed, can you tell me some of the people that we don't confirm. I mean... [LB565]

SENATOR MURANTE: Sure. [LB565]

SENATOR KARPISEK: ...what do they...are these people that seem vital to the workings of government? [LB565]

SENATOR MURANTE: Well, they were vital enough for the Legislature to create the position in the first place, so. [LB565]

SENATOR KARPISEK: And for the Governor to appoint them. [LB565]

SENATOR MURANTE: Right. So I don't know... [LB565]

SENATOR KARPISEK: And so why do you think we don't now...why do you think we don't, because it doesn't rise to that level? [LB565]

SENATOR MURANTE: That's probably fair to say. I think there are some...I don't know that there is any stated public policy any where in statute, that I'm aware of anyway, that says this is the standard by which we are going to allow legislative confirmations and this is where we're not going to permit them. I'm unaware of any sort of boilerplate standard. [LB565]

SENATOR KARPISEK: Can you just list a couple of those, please, Senator? [LB565]

SENATOR MURANTE: I will go in order...in alphabetical order, not order of what I think is most important. [LB565]

SENATOR KARPISEK: Okay, good, because that's kind of what I did too. [LB565]

SENATOR MURANTE: Okay. And how much time do we have left, Mr. President?

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

Floor Debate
March 27, 2014

[LB565]

SENATOR COASH: Two minutes, thirty seconds. [LB565]

SENATOR KARPISEK: I'm going to cut you off pretty quick. [LB565]

SENATOR MURANTE: All right, that's fair. We have the Abstractors Board of Examiners, the State Accreditation Committee, the Board of Advanced Practice Registered Nurses, the Nebraska Aeronautics Commission, the Affirmative Action Committee, the Aging Advisory Committee, the Board of Alcohol and Drug Counseling, the State Anatomical Board, the Board of Appraisers for Educational Lands and Funds, the Aquaculture Board... [LB565]

SENATOR KARPISEK: Okay, thank you, Senator Murante. I think we see that maybe those aren't quite up to the relativity of an election commissioner in Douglas, Sarpy, or Lancaster Counties. I looked up in 1910, the population in Nebraska was about 1.1 million. I guess we haven't gained all that much since then, but I would venture to say that a lot of that, again, was probably around metropolitan Omaha, Lincoln, possibly. This is my last time, probably, on the mike. I would just like to take a vote on this. I'm not after anyone. I just think it's good government. I mean, I would go back to again that this should be a vote of the people... [LB565]

SENATOR COASH: One minute. [LB565]

SENATOR KARPISEK: ...or appointed by the people on the county boards, as it is in 90 other counties. Ninety out of ninety-three counties think it's okay that they put their own people in; but for some reason, three counties in Nebraska think the Governor should do it. I will remind everyone also that the Governor did not come in opposed to this bill and made it very clear that I would notice that they did not come in opposed to this bill. They make a lot and a whole lot of appointments that they know might be controversial. The State Fair Board they knew would be controversial with Mr. Fahleson. They went ahead anyway and he was confirmed. If you're going to stick your head out of the foxhole, I will say again, you're going to get shot at. Maybe you need to think about things that you've done in your past if you want to do other things in your future. [LB565]

SENATOR COASH: Time, Senator. [LB565]

SENATOR KARPISEK: Thank you, Mr. President. [LB565]

SENATOR COASH: Senator Schumacher, you're recognized. [LB565]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I hadn't actually thought much about this issue until it came up today. But I have learned

Floor Debate
March 27, 2014

in my time here to have respect for the common sense and fairness of Senator Karpisek. So when he raised this issue today, it got my attention. There is rarely anything in our society that's more important than an election. And in our state we have a couple, three big areas that attract attention more than some other parts of the state, primarily because there may be press and media that has availability to those. And the appearance of integrity in our election process is very important. I don't think we...any of us really think that the election process is flawed or there are any crooks running elections. But the appearance that there might be creates a problem for democracy. And when an appointee, particularly an appointee that has a strong affiliation with a political party which seems, apparently, to be the trend with some of these election commissioner appointees, does something that's controversial; may be perfectly justified, but when they do and it looks like a boondoggle over the television set to the folks sitting out in rural Nebraska who probably don't have any direct contact with it, it's bad for the system. And we've had some of those coming out of Douglas County, in particular in the last few years. May have been nothing wrong with what the election commissioner actually did, but there were appearances, at least, that raised questions. So to the extent, the Legislature with its authority and which it...with its integrity can lend some of that to this process, maybe we should. It doesn't cost us much to do a confirmation hearing. It will probably come up in the beginning of the session and it would compete with, who knows, whether or not we should have green flashing lights or something. And we can get through it relatively quickly and we can then say if an election commissioner in this area comes under question, look, this wasn't just some political hack that was appointed because somebody owed a favor to somebody and it was a way something was traded off and people think that way. But, no, it was qualified applicant that cleared the scrutiny of the Governor's Office, cleared the scrutiny of what I would suppose would be the Government Committee, and cleared the scrutiny of the entire Legislature. A person who held themselves out for public office, knew that they could be criticized if there was anything questionable about their integrity or ability to do the job and to pass all those hoops. So when they do their job, they're entitled to just a little bit extra of creditability. And of all the appointments that there are, most of them we know...we probably don't even listen to the reports on their appointments when we vote on them, but this is one, because of its critical nature in our democracy, wouldn't hurt to lend our credibility to and our supervision to. And, again, I thank Senator Karpisek for bringing this before us, and I saluted him for his efforts as a member of this Legislature and bringing a lot of common sense to the body. [LB565]

SENATOR COASH: Thank you, Senator Schumacher. Senator Burke Harr, you're recognized. [LB565]

SENATOR HARR: Thank you, Mr. President, members of the body. Why do we need this? That's the question. Well, let me tell you why I think we need this. The integrity of our government is based on the integrity of our elections. If the people don't have faith in our elections, they're not going to have faith in the government and in the laws of that

Floor Debate
March 27, 2014

government. That's why we need this bill to make sure that there is another body making sure that the person who is appointed to be election commissioner in the three largest counties in the state, three largest. Those three counties make up almost 50 percent, if not 50 percent...well, yeah, 50 percent of the state's population. So it's not as though these elections are inconsequential. These are very important elections. That's why the way we do election commissioners for these three counties are different because we see the importance of these three counties. We see the importance of making sure these counties are done right. Senator Lautenbaugh brought up a great point. He said, these counties are very evenly divided, at least Douglas County is. It's right on the line. So guess what, guys, folks, ladies, gentlemen, 1 percent difference or a little monkey business could have huge ramifications. That's why the integrity of the process is so important. That's why it's important we put people on there that have the full faith and credit of at least the Legislature so that we can go back to our constituents and say, hey, well...I went back, I reviewed, and I had a chance to look at it and I think this person is okay. Remember, the Governor doesn't just get to just willy-nilly pick whoever they like. This is someone who...you know, at least with a deputy, it's appointed by...names are advanced by the other party. A governor may not want that person on there. A governor may not have a choice. And this is a way for them to say, hey, these people aren't qualified, because they don't have a choice. And then we can get someone who is qualified, someone who can do the job, someone who has honesty and integrity and a sense of humor. Oh, that's a radio show. But this is very important. And I hear why we don't want to do it. And I think Senator Campbell is going to get up in a second and speak to that and I think her reason is probably the most valid I've heard so far. But so far what I've heard is rhetoric, pure and simple rhetoric. And so I would, again, stand in support of this amendment. Thank you. [LB565]

SENATOR COASH: Thank you, Senator Harr. Senator Mello, you're recognized. [LB565]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. And I politely talked to Senator Murante off the mike and I said I'd try to do my best to answer some of the questions, I think, Senator Wallman and Senator Murante had talked about on the mike in regards to...of why people are afraid of this. And to some extent, Senator Murante said this is not good public policy. Colleagues, these three positions are partisan positions; they're appointed purely based on partisan affiliation. So if we know that this position has no background whatsoever and...you don't have to have any background whatsoever in election law, elections, you could be appointed simply as a person off the street by the Governor if you were a member of that political party. Having the Legislature take a position like this and bring it through our legislative confirmation process where we have a history, a long history, of appointing current and past partisans to high-ranking positions where I would say the DAS director and the Department of Health and Human Services director is significantly higher than election commissioner that it gives the Legislature the ability to vet the individual in regards to

Floor Debate
March 27, 2014

whether or not...what's their background, what's their credibility? And, too, do they view the position purely as a partisan position? Because right now, colleagues, the underlying issue I keep thinking about is there is no accountability mechanism in statute to deal with rogue election commissioners, partisan or otherwise, with the exception that the Governor ask them to resign. And if the Governor agrees with what's going on, then that person stays in office and there's no recourse unless the Legislature somehow passes a legislative bill that somehow changes the process and would remove them. And I don't think that's going to happen; I don't think that's what Senator Karpisek wants to do, and I don't think anyone is trying to make that argument. I think the underlying argument of trying to counter why everyone says this is bad public policy, which there hasn't been a good argument of why it's a bad thing, except that, well, it's a partisan position and they may do something that angers the other partisan side and that would cause problems at a hearing. Well, the challenge then is...I would pose is, why don't we try to pick someone who is going to be as nonpartisan as possible then for a partisan position to make sure that they know they're under a microscope in regards to what they do in that partisan position? Senator Harr just said, look, we are looking for integrity in our election process. That is the backbone of our democracy. So if the Governor appoints a partisan to a partisan position that really shouldn't be a partisan position, what's the problem if they go through a legislative confirmation process, get asked questions, senators vote them up, they come to the Legislature, they get voted and they stay in office until they get reappointed? That would be, what I would say, is what we've seen with other high-ranking positions, a partisan officials on both sides of the aisle when they come in front of the Legislature for gubernatorial appointees. That doesn't change. So I ask Senator Wallman's question again which is--what are we afraid of? What are we trying to hide? What kind of accountability mechanism do we not want to see for a position right now where there is no accountability mechanism for our branch of government? And that really is the issue is our branch of government, not the executive branch who gets to appoint and reappoint with no confirmation, no approval by anyone except that officeholder. What is the problem having legislative involvement of confirming an extremely partisan position? We have a history of looking past that, of putting in people from partisan backgrounds... [LB565]

SENATOR COASH: One minute. [LB565]

SENATOR MELLO: ...in these positions. And we've done so in my six years here. I don't see an argument against this, with the exception of we're afraid that they may be held for partisan reasons for what they did. Well then the question is, maybe what they did wasn't right, maybe what they did should have been more transparent, maybe what they did should have called to question is there a better way of doing what they did in the first place? That's the question that I would pose. It's not one person; it's not one county, it's the general transparency and the accountability mechanism, whether we like it or whether we don't. Whether we want the legislative branch to provide that accountability mechanism or whether we don't. That's really the underlying issue at

Floor Debate
March 27, 2014

hand here with the amendment, AM2553. I side with the legislative branch on this concept because we do this for every other high-ranking political appointee in the state. These three positions, I think, fall similar in line with those other positions. I urge the body to adopt AM2553. [LB565]

SENATOR COASH: Time, Senator. [LB565]

SENATOR MELLO: Thank you, Mr. President. [LB565]

SENATOR COASH: Senator Bloomfield, you're recognized. [LB565]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, when Senator Karpisek opened, he mentioned that he had some people vote to bring this out of committee when it was LB188, but some of us did it reluctantly. I was one of those; I wasn't wild about the bill as a bill. I'm still not, but I also don't think it does any great harm. I'm not sure what position I'm going to take on this amendment yet. But I would like to ask Senator Karpisek a question, if he will yield. [LB188 LB565]

SENATOR COASH: Senator Karpisek, will you yield? Senator Karpisek, will you yield? [LB565]

SENATOR KARPISEK: Yes, I will. [LB565]

SENATOR BLOOMFIELD: Thank you, Senator Karpisek. Since the Governor has been appointing these folks, and we haven't been approving them, have we had any really bad actors in that group in the last 102 years, or whatever it's been? [LB565]

SENATOR KARPISEK: I would jokingly say that we have Senator Nelson and Senator Lautenbaugh as proof, but...you know, I don't know that, Senator Bloomfield. But...I don't know. I don't have any glaring cases of that. [LB565]

SENATOR BLOOMFIELD: Okay. Thank you, Senator Karpisek. Colleagues, I'm not sure what we're doing here other than bringing more things into the body. I don't know how many of you had bills we didn't get to...that we're not going to get to or that we didn't get out of committee. I think we have created a short history of trying to bring more and more things into this body, some of them that don't need to be here. And again, I'm not wild about taking a position on this. I may sit on my hands when it comes to a vote. But the idea that we bring more and more things in here, some of which can be controversial when they're being handled well, where they're being handled now, I'm not sure it's a real good idea. Seems to me like we had plenty to do in our 60 days and in our 90 days. And if Senator Kintner would like the remainder of my time, he can have it. [LB565]

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

Floor Debate
March 27, 2014

SENATOR COASH: Senator Kintner, 2 minutes 30 seconds. [LB565]

SENATOR KINTNER: Well, thank you, Mr. President. And, you know, this is not the worst bill we're going to see. It's not a necessary bill, but it's not the worst thing we've ever seen. And I think if I was the opposite party of the Governor, I might be a lot more open to this bill. But Senator Harr talked about the integrity of our election system. And you know what, if you want to provide integrity and make people feel that their votes count, how about requiring people to produce a picture ID when they vote. It's only about 78 percent in the polls right now. And somehow we just can't seem to be able to do that. And that...I think that would plug a lot more problems and have...and make sure people have a lot more faith in our system than having this esteemed body sniff around and look at the Governor's appointees. And, you know, maybe okay them, or maybe not, or maybe we...a big fight breaks out, a partisan fight breaks out over it, I don't know. I would think that a simple voter ID law would make a lot of sense. And when I was running, I... [LB565]

SENATOR COASH: One minute. [LB565]

SENATOR KINTNER: ...one minute, okay, I went to the Sarpy election commission, I wanted to just get a list from him. And I had to show a voter...an ID...a photo ID and I looked at the lady and she said, before you say anything, I know where you're going. We don't make the rules, we just enforce them. So to get a list, I had to show a voter ID; but to go vote, nothing. That's the best thing that we could do to make the people believe in our system and that every vote counts and that their vote is not being cancelled out by someone who shouldn't be voting. Thank you, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Kintner. Senator Lautenbaugh, you're recognized. This is your third time. [LB565]

SENATOR LAUTENBAUGH: Thank you, Mr. President, and thank you, Senator Kintner. You know, and I'm dwelling on this, I recognize that, but there just seems to be a fundamental misunderstanding about how these offices work. And I think we're deluding ourselves if we can say the public is going to have any more confidence in these people because at some point in the past, we had a confirmation process. I don't think anyone is going to know that we did that unless they go look it up. And you can try to imagine how often that's going to happen in reality. It's not, that's not going to happen. But one of the suggestions was, well, if this is going to be subject to partisanship and partisan pressure, avoid doing partisan things. Well, folks, it's the election office. There's winners and losers in elections. I mean, that's just the way it is, it's harsh. I had someone once who was running for registrar of deeds accuse me of cheating for the other guy because it mattered so much to me who the registrar of deeds was that I was going to commit a felony, I guess, was the implication. But this is a political thing inherently. And this is what's most likely to raise political hackles in the opposition because you are doing

Floor Debate
March 27, 2014

political things. And to say that you should avoid partisan acts...have to come back to my own story one more time, the redistricting of the city council was done because the east Omaha districts had...one of them had about 30-some-thousand residents, one of the west Omaha ones had about 70-some-thousand residents because of annexations. It was a constitutional violation. Well, there were a lot of Democrats in the east Omaha one, a lot of Republicans in the west Omaha one. So by equalizing the districts, I annoyed a lot of Democrats. So it was the right thing to do, it corrected a constitutional violation, and everyone without a partisan ax to grind concedes it was the right thing to do, but it was still...it had a partisan effect. Sometimes things that you are required to do also have a partisan effect. And sometimes the partisans, I think we can all agree, are nuts and they won't let it go and they won't concede that, well, gee, maybe it was the fair thing to do too, and so that would infect the confirmation process. You can't really say that about the assessor's office or all of these other offices. Election commissioners are different. Another way they are different is you have a chief deputy of the other party who is there keeping an eye on you. That's how the public gets confidence in this process is that I didn't do anything without my chief deputy from the other party who was recommended by the other party there looking at everything I did; signing off on everything I did. And any time anyone had a question, that was the response. Well, what does the chief deputy say about it if you think I'm being partisan? And that's been true to this day because that's what the law requires, that's the check and balance on this job. And one of the myths was that, well, the election commissioner can just fire the chief deputy. No, the Governor and only the Governor can fire the chief deputy. And the Governor can't just fire the chief deputy without a reason. There are reasons and only specified reasons listed in the statute for which an election commissioner and a chief deputy can be fired. These are different special positions set up specifically in this way to provide confidence. And what breeds a lack of confidence... [LB565]

SENATOR COASH: One minute. [LB565]

SENATOR LAUTENBAUGH: ...in the public, is when we stand here and say we need to do something else for a check and balance and create confidence to imply that there isn't something there now, because there is. There are both parties there keeping an eye on each other; both are represented, both are at the table. And we have to know that's how it works. And we can't say it often enough that it does in fact work. Our elections are remarkably clean. We don't have issues here. And so we should insinuate ourselves into this...and we're not going to get more qualified candidates, where are these people going to come from? What prepares you to be the election commissioner? Are we going to start having nationwide searches for people used to be election commissioners elsewhere? That's not going to happen. You don't come with a background to be an election commissioner; you don't come with experience to be an election commissioner unless you're familiar with the process by, guess what, being a partisan and being involved in elections and whatnot. So we're not going to get different people. [LB565]

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Transcriber's Office

Floor Debate
March 27, 2014

SENATOR COASH: Time, Senator. [LB565]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Lautenbaugh. Senator Wallman, you're recognized. [LB565]

SENATOR WALLMAN: Question. [LB565]

SENATOR COASH: Senator Wallman, that motion is unnecessary, there are no other lights in the queue. Senator Karpisek, you're recognized to close on your amendment. [LB565]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I'm sorry, I was out talking to someone about HHS issues, which when we think about all this, really doesn't even hold a candle to what some of the people have to deal with in the state. Anyway, I do believe that this is a good amendment. I understand the opposition. But I don't think that there is some big thing to worry about. We deal with partisan issues in here, usually very well. And I only have to go back a couple days when Mr. Fahleson was appointed to the Fair Board. Now I realize the Fair Board probably isn't...not probably, isn't a very political arena. However, some of the things that Mr. Fahleson was in charge of and things that he did and said about some of us were very, very bad and not the way that we would run business in here. Irregardless...I'm sorry, regardless, he was approved. I think he's a good guy; he was just doing his job that I think he did poorly. If someone wants to step up and do these jobs, then they have to be open for some scrutiny. We certainly are in here. Every vote that we take in here, except for a couple, all go up on the board and the whole state sees what we do. And we all know that we're never going to be right a hundred percent of the time with even those in our district, much less across the state or the country, because we get other people from other states even chiming in. But we take a stand and we vote the way that we think is right. And if that is going to hurt us in a future political arena, so be it. You have to do what you think is right at the time and then suffer the consequences, or reap the benefits. These are good people. I just don't know why the Legislature wouldn't want to make sure that we confirm these people. I'll go back further and not understand why the counties can't choose their own people for these county positions. Again, I gave on that. I gave up, I said, how about this, let's just...the Legislature approve. And of course, for some that wasn't far enough. I do think this is a problem. I do think this is a solution. I hope that we can move this and make things just a little bit more transparent, coming through, and we know a little bit more about these people. Again, we are in a fishbowl under a microscope for \$12,000 a year. I think that they can be under some scrutiny for whatever their wage is. Mr. President, I would like to request a call of the house and close. Thank you. [LB565]

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

Floor Debate
March 27, 2014

SENATOR COASH: Thank you, Senator Karpisek. 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. [LB565]

CLERK: 27 ayes, 0 nays, Mr. President, to place the house under call. [LB565]

SENATOR COASH: The house is under call. Senators, please record your presence. Unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Lathrop, Ashford, Larson, and Carlson, please return to the Chamber, the house is under call. Senator Lathrop, Senator Larson, Senator Carlson, Senator Ashford, please check in. Senator Carlson, please return to the Chamber and record your presence. Senator Karpisek, all members are present or otherwise accounted for, how would you like to proceed? [LB565]

SENATOR KARPISEK: I would request a board vote, please, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Karpisek. Members, you've heard the closing to AM2553 to AM810. Question for the body is: Shall the amendment be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Senator Karpisek. [LB565]

SENATOR KARPISEK: I would like to request a roll call vote in regular order, please. [LB565]

SENATOR COASH: Mr. Clerk, there's been a request for a roll call vote in regular order, please read the roll. [LB565]

CLERK: (Roll call vote taken, Legislative Journal pages 1223-1224.) 21 ayes, 18 nays, Mr. President, on the amendment. [LB565]

SENATOR COASH: AM2553 is not adopted. Raise the call. We return to discussion on LB565 and the committee amendment. Senator Burke Harr, you're recognized. [LB565]

SENATOR HARR: Thank you, Mr. President, members of the body. On this, let me go back to what I've been harping on all day and that is elections are very important. And for the most part, the way we do elections have been done very well and there isn't a lot of issue as to the validity of our elections. But I do have a real problem with this amendment because I'm not sure it does anything. And what it does I don't think is good. Is Senator Avery available to answer questions on this amendment? [LB565]

SENATOR COASH: Senator Avery, will you yield? [LB565]

Floor Debate
March 27, 2014

SENATOR AVERY: Yes, I will. [LB565]

SENATOR HARR: Thank you, Senator Avery. There are a lot of definitions in this bill that aren't defined and probably need some clarification, or words in here, I should say, that aren't defined. If you go to page 1, do you have a copy of the amendment in front of you? [LB565]

SENATOR AVERY: Yes, I do. [LB565]

SENATOR HARR: All right. Thank you. Page 1, line 21, well, the sentence starts on line 19. It says, "If a person registers to vote and requests a ballot at the same time, he or she shall (a)(i) present a photographic identification which is current and valid." What's a photographic identification? [LB565]

SENATOR AVERY: It could be a military ID card. It could be a driver's license. It could be a... [LB565]

SENATOR HARR: Well,... [LB565]

SENATOR AVERY: ...passport. [LB565]

SENATOR HARR: ...the way I look at it, I could go home on my computer, take a "selfie" of myself, make an ID that says I'm Burke Harr and I live at 2115 Capitol Building and... [LB565]

SENATOR AVERY: I would say that's not valid. [LB565]

SENATOR HARR: Why is it not valid? [LB565]

SENATOR AVERY: Because it's not issued by an authorized agency. [LB565]

SENATOR HARR: And where is that required in the bill? [LB565]

SENATOR AVERY: I think it's assumed. [LB565]

SENATOR HARR: Well, you know what happens when you assume. I have a little bit of a problem with that. I think we need to clarify that and I'm open to making some amendments, but it doesn't say that in the bill. And remember, people are going to go over it with a fine-tooth comb. Page 2, you go... [LB565]

SENATOR AVERY: You ought to compare this amendment to the green copy if you're unhappy with the amendment. (Laugh) [LB565]

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

Floor Debate
March 27, 2014

SENATOR HARR: Okay. Well, you know, two wrongs don't make a right, as my mom always told me growing up. Page 2, line...well, it really starts in line 7: present proof that he or she is a member of the armed forces of the United States who by reason of active duty has been absent from his or her place of residence where a member is otherwise eligible to vote. Why don't we include members of the National Guard who are fighting and defending our own state and working for our own state? [LB565]

SENATOR AVERY: Well, I think you could again assume that the National Guard is part of the armed forces of the United States. [LB565]

SENATOR HARR: And where is that defined that I could assume? [LB565]

SENATOR AVERY: If they are...if they have been overseas, they've been activated,... [LB565]

SENATOR HARR: Well,... [LB565]

SENATOR AVERY: ...deployed. [LB565]

SENATOR HARR: ...what if I have been sent down to Louisiana to deal with a hurricane, to assist in a hurricane? What if I'm sent off to western...I'm from Omaha and I'm sent to western Nebraska to fight range fires? [LB565]

SENATOR AVERY: Well, that is covered here. It says that "by reason of active duty has been absent from his or her place of residence." [LB565]

SENATOR HARR: But is a National Guard member a member of the armed forces of the United States? [LB565]

SENATOR AVERY: Yes. Yes. [LB565]

SENATOR HARR: And where is that defined? [LB565]

SENATOR AVERY: You don't have to define that. [LB565]

SENATOR HARR: Well, all right. I might have an amendment otherwise. Then if you go to line 19 on this... [LB565]

SENATOR COASH: One minute. [LB565]

SENATOR HARR: ...same page it says: states that he or she is handicapped or eligible (sic). I'm not going to ask you about that. I'm just going to tell you my problems with it.

Floor Debate
March 27, 2014

Guys, we...folks, we have all these problems. I can go in. Heck, one of these pages can go in there and say, oh, by the way, I'm elderly; I get to register to vote. It doesn't define what elderly is. It doesn't put any qualifications. It doesn't make proof that they have to show, do you have to be 65, do you have to be 70, do you have to be 50? What's a handicap? My knee hurts, I'm handicapped, I get to vote today. I don't know. I have a hangover, that handicaps me, I can't think clearly. I don't know what the definition of "handicapped," I don't know what the definition of "elderly" is. This thing is ripe for abuse. I will fully concede this is better than the green copy, fully concede that. But, folks, this amendment is not ready for prime time, especially in an area that's so sensitive and looked over. [LB565]

SENATOR COASH: Time, Senator. [LB565]

SENATOR HARR: Thank you. [LB565]

SENATOR COASH: Senator Lautenbaugh, you're recognized. Senator Lautenbaugh, you are recognized. [LB565]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. I did want to rise one more time and clarify a prior comment because I was requested to by Senator Mello. So I want to make sure that this is crystal clear. As I said before, when there's an election commissioner there's also a chief deputy of the opposite party, and they can only be fired by the Governor and only for certain things. And when I said, and that chief deputy is there to keep an eye on the election commissioner and, you know, presumably would call out the election commissioner if the election commissioner was doing anything untoward, Senator Mello pointed out, yes, but there's nothing in the statute that says the election commissioner has to include the chief deputy in anything. You could just make the chief deputy sit there in a room and tell him or her nothing. And while that is technically correct, there's nothing requiring you to keep the chief deputy in the loop, I think the supposition has always been that the chief deputy would say, hey, the election commissioner isn't telling me anything. And that would be its own problem. So we don't usually send complete shrinking violets into these positions who don't understand that their job, if you're the deputy, is to keep the eye on the election commissioner, and vice versa, and say something if something is going awry. And so, yeah, to be clear, there is nothing in statute that says, and the chief deputy has to cosign everything the election commissioner does and that they have to meet weekly and confer. I remember signing off on ballot forms and whatnot together and things like that, if memory serves. This was a long time ago now. But those were duties we chose to involve the chief deputy in. But again, the oversight and the mutuality is there as far as making sure that we're both...we were both doing what we were supposed to be doing so the parties would have confidence. And it is all about public confidence and there are...and the press obviously pays attention too. Part of the story that I didn't tell was that I was sued for redistricting the city council by Senator Chambers. And not a lot

Floor Debate
March 27, 2014

of people know what the election commissioner is, but I remember people coming up to me, saying, I don't know what the election commissioner does but I like the way you do it now. So if Senator Chambers ever threatens to sue any of you tell him to go ahead, because it did wonders for me personally. And there's a reported decision, Chambers v. Lautenbaugh, if you want to look it up. But that (laugh) said, I do support Senator Nelson's underlying bill. If there are some definitional issues with this, I think they can be cleared up on Select. I'm not sure I see them but I don't think that's a reason to hold up a good bill. Thank you, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Lautenbaugh. Senator Wallman, you're recognized. [LB565]

SENATOR WALLMAN: Thank you, Mr. President. Here we are messing with the elections. You know, we're always trying to make it tougher and not so friendly for some people. Why are we always tinkering with elections? I just heard we don't have a problem. We didn't vote for Russ's amendment because we didn't need it. And now we need this? I didn't vote for this out of committee and I listened to the testimonies of the county officials. County officials that testified didn't want this bill. So should we want this bill? Should we want this bill? Thank you, Mr. President. [LB565]

SENATOR COASH: Thank you, Senator Wallman. Senator Avery, you're recognized. [LB565]

SENATOR AVERY: Thank you, Mr. President. I want to answer some of the questions that Senator Harr raised. First of all, the language that he is highlighting and objecting to is language that is in current election law in the state of Nebraska and it was adopted by this Legislature on the insistence of the federal government when it passed the Help America Vote Act. This is federal law and it's reflected in state law because we were directed to do that with the passage of the Help America Vote Act. I would also point out that if you go to the green copy you will see that the green copy provides that no person will be permitted to register to vote and apply for or vote in an early ballot on the same day. That is very restrictive in that it would be a significant change in our election law. This amendment makes a bad bill better. I still did not support it in committee because I thought it was unnecessary and I still think it's unnecessary, but the amendment itself is not flawed. It does not need tinkering and improving with definitions. This is already settled law in federal law and in state law. Thank you, Mr. President. [LB565]

SENATOR KRIST PRESIDING

SENATOR KRIST: Thank you, Senator Avery. Senator Nelson, you're recognized. Senator Nelson, you are recognized. [LB565]

SENATOR NELSON: Thank you, Mr. President and members of the body. I want to

Floor Debate
March 27, 2014

address some questions by Senator Harr here. Senator Avery has already talked a little bit about this, but I just want to point out to Senator Harr that what he's questioning is already in the statutes and it's under, I think, 32-318.01, the exact language that you'll see there, and I'm looking at the statute. In other words, this was taken right from the Help America provision and I think it was in 2005, when Senator Schimek was here, that this went into our statutes and it's been there ever since. And it provides for identification documents and here's the language it uses: "an election within the state shall present a photographic identification which is current and valid or a copy of a utility bill, bank statement, government check." This is what we've been operating under since 2005 and it's never been questioned, Senator Harr. And this was a deliberate act on the part of, as I understand it, the Government Committee to put this kind of language in. It covers a lot. It makes LB565 better. I just...I want to point out that we're using the same procedure here that's required of a first-time Nebraska voter who registers by mail, in order to verify their address. And now we're applying it to someone who comes in, in person, wants to register and wants to vote the same day. And so we're asking that person to do any one of these several things here, which I think are entirely reasonable. And I think it's unreasonable to say, you know, well, how do you define this? I mean if you're going to come in with a large portrait or something like that, nobody is going to accept that. I think this is about as precise as you can possibly get. It was part of the Help America legislation. It was put into our statute in this form here and it applies itself very readily to what we're trying to do here. And I think that the alternative is, you know, just say, sorry, but what we're doing here under LB565, as amended by AM810, is just providing that that person can vote, can register and vote immediately, and then that ballot is put in an envelope. It's identified with name and the address supplied and everything, and it's a separate type. It's not...it's very similar to a provisional ballot but it's not the same because once the verification goes out and it does not come back as undeliverable, after ten days then you can go ahead and count that ballot. It's very fair and that's all this amount to. And I just want to point that out and I invite your attention to what I sent over to you so that you have the statute immediately in front of you if you have further comment. Thank you, Mr. President. [LB565]

SENATOR KRIST: Thank you, Senator Nelson. Senator Murante, you're recognized. Senator Murante waives. Mr. Clerk for an amendment. [LB565]

CLERK: Mr. President, Senator Burke Harr would move to amend with FA286. (Legislative Journal page 1224.) [LB565]

SENATOR KRIST: Senator Harr, you're recognized. [LB565]

SENATOR HARR: Thank you, Mr. President, members of the body. I introduced an amendment. I do have a lot of problems with this bill. I appreciate the comments from Senator Nelson. To reiterate something I said earlier though, two wrongs don't make a right. Just because it's not identified or defined somewhere else, doesn't mean we

Floor Debate
March 27, 2014

shouldn't fix the problem. Photographic identification, again, I think there's nothing that stops someone from creating their own photographic identification and saying they live at an address whether they do or not. It's not defined. But that's not what this amendment is about. This amendment is about...we want to create some safety nets to make sure that those who have a valid reason can vote the day they can. And so if you look at line 19, we state that "state that he or she is elderly or handicapped," and that's a good one because if you're elderly, I have a wonderful next-door neighbor, 94 years old, fought in World War II, still lives at home, has Silver Star, two Bronze, but he doesn't have a driver's license anymore so he doesn't have an ID. So we make an exception for them because there are certain people in our society that are vulnerable, and we want to make sure that those who are the most vulnerable are not disenfranchised. Well, you don't get much more vulnerable than our elderly and handicapped, but I'm going to add one more in there--our homeless. Our homeless, by definition, do not live anywhere so they probably wouldn't qualify for any of these other exceptions. Now they may be handicapped and they may be elderly. Hopefully they aren't. We created some safety nets in our economy, Medicaid, Social Security and Medicaid, excuse me, Medicare so that our elderly are not--and in some cases Medicaid--homeless. But there are elderly who are homeless. But there are also nonelderly who are homeless and they have, as long as they haven't committed a felony, every right to vote that you and I do. By their very definition, they have a mobility issue. It's hard for them to get to voting places. So I've introduced an amendment that takes into...contemplates the intent of allowing our elderly and handicapped and added homeless. I'll be interested to see what the debate is on that, but these are people who can vote and should vote because they have the right and we want to make sure that we allow those who have the right, the right to vote. Thank you, Mr. President. [LB565]

SENATOR KRIST: Thank you, Senator Harr. Seeing no one in the queue, Senator Harr, you're recognized to close on your amendment to the committee amendment. [LB565]

SENATOR HARR: Thank you. And I would request a call of the house. Call of the house now, yes. [LB565]

SENATOR KRIST: There's has been a request to place the house under all. The question is, should the house go under call? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB565]

CLERK: 24 ayes, 0 nays, Mr. President, to place the house under call. [LB565]

SENATOR KRIST: House is under call. Senators, please record your presence. All unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senators Conrad, Lathrop, Howard, Ashford, Avery, Brasch, and Schilz, either check in or return to the Chamber if you're here. Senator Harr, would you like to start

Floor Debate
March 27, 2014

your closing? [LB565]

SENATOR HARR: If I may, while we wait for the others to appear... [LB565]

SENATOR KRIST: Sure. [LB565]

SENATOR HARR: ...from their holes. Folks, this is a simple amendment. I don't know how many of you were in here and listened to my opening on it. And there wasn't much debate so I assume that means it's a harmless bill...amendment that won't have much problem. But what we have is we obviously have the underlying bill and we created some fail-safes in the bill to make sure that those who are eligible to vote can vote at the proper time. And so on line 20, starting on 19, there is an issue of we create a fail-safe for those who are most vulnerable and likely to be disenfranchised in our economy. Those are the elderly and the handicapped. And so to make sure that those who are most likely to be disenfranchised are not, in fact, disenfranchised, I added the word "homeless" because chances are they're not going to be meeting any of the other qualifications or exemptions above, whether that be service in the military, although many of our military, unfortunately, after fighting for our country, do become homeless when their service is done. They probably don't have a valid ID that says where they live because they don't live anywhere. They live on the streets. They also may be handicapped, and all you have to do is state you're handicapped, but they may not be...have that knowledge to know that all they have to do is state they're handicapped or elderly. But they know they're homeless. And so all we're doing is adding one word, "homeless." With that, I would close and ask that you please advance my floor amendment, FA286. Thank you. [LB565]

SENATOR KRIST: Senator, how would you like to proceed? [LB565]

SENATOR HARR: Roll call, please, regular order. [LB565]

SENATOR KRIST: There's been a request for a roll call vote, regular order. Mr. Clerk. [LB565]

CLERK: (Roll call vote taken, Legislative Journal page 1224.) 11 ayes, 24 nays, Mr. President, on the amendment. [LB565]

SENATOR KRIST: The amendment is not adopted. Senator...raise the call, please. And, Senator Schumacher, you are next in the queue. [LB565]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Would Senator Nelson yield to a question or two? [LB565]

SENATOR KRIST: Senator Nelson, will you yield? [LB565]

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

Floor Debate
March 27, 2014

SENATOR NELSON: Yes, I will. [LB565]

SENATOR SCHUMACHER: Senator Nelson, I'm looking at the committee amendment that we're asked to replace your bill with and it says that if a person registers to vote and requests a ballot at the same time, he or she shall present a photographic identification which is current and valid. Is that all it takes? [LB565]

SENATOR NELSON: That's...if you have that, that's all it takes. [LB565]

SENATOR SCHUMACHER: So if I take my cell phone out and take my picture, it's certainly current and valid. Is that good enough? [LB565]

SENATOR NELSON: I don't think that would be accepted. [LB565]

SENATOR SCHUMACHER: What...why isn't it? What should we add then so that we know what is accepted or not? [LB565]

SENATOR NELSON: Well, let me revise that. That is one form of identification, that we have a whole number of various things, probably 10 or 11 forms of identification, not identification but just proof: bank statement, government thing. [LB565]

SENATOR SCHUMACHER: Right, but one of them is... [LB565]

SENATOR NELSON: Any that's... [LB565]

SENATOR SCHUMACHER: ...one of them is photographic identification. [LB565]

SENATOR NELSON: That's correct, yes. [LB565]

SENATOR SCHUMACHER: And I don't have to do all the rest if I do photographic. [LB565]

SENATOR NELSON: No. That's a good question, Senator. [LB565]

SENATOR SCHUMACHER: So... [LB565]

SENATOR NELSON: You don't have to provide all these. And I think in my introduction I talked about that. It's "or" and all these various things that...available to you. [LB565]

SENATOR SCHUMACHER: So I'm standing there and I took my picture and I'm showing you. It looks the same. It's current, just happened a couple seconds ago. It's valid because we're both seeing it. So what should we really be saying in this bill in

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

Floor Debate
March 27, 2014

order to avoid that scene at the polling place? I'm showing you current and valid identification. We all know it's true. What else should we put in the bill so that we know that that's not what we mean? [LB565]

SENATOR NELSON: Oh, I think it's very difficult to address all of the different possibilities, especially in our electronic age now. I think you have to leave it up...some things up to the discretion of the election commissioner or the county clerk there as to what's acceptable and what is not, with the intent being they just...they want something there that is going to...and I should add here photographic identification probably should include some sort of thing on there as to your current residence. And I think that's why we have other things here, such as driver's license or you can provide the last four digits of your Social Security or your driver's license so that can be verified. It's...people can see who you are... [LB565]

SENATOR SCHUMACHER: Right, but that... [LB565]

SENATOR NELSON: ...that come in and this would only...this only does with voting in person. It's not by mail or anything like that so...and then the vital point is where do you live, you know? Are you now a resident of this county and are you qualified to vote from there? [LB565]

SENATOR SCHUMACHER: But, Senator, right now this thing that we're asked to put into law doesn't say that. It doesn't say this photographic identification has to have my address. And even if it did, I think I've got an app on here that will type anything I want on that picture and I could type my address on it and it would show that. So does this have to be a government-taken photo? Is that what we should say? [LB565]

SENATOR NELSON: There are a number of things that probably can be duplicated or phoneyed up or whatever you want to say here. We're doing, I think, the best we can and it's served our purposes, as I told Senator Harr, since 2005. We've been able to operate under this. If you want to register by mail, we should be able to work the same way when you come in, in person and you want to... [LB565]

SENATOR KRIST: One minute. [LB565]

SENATOR NELSON: ...register that day and vote on the same day. [LB565]

SENATOR SCHUMACHER: Thank you, Senator Nelson. [LB565]

SENATOR NELSON: Yeah. [LB565]

SENATOR SCHUMACHER: Regardless of the intent, regardless of the...what might work, what...maybe what we mean, it isn't in the law. We've just, in a matter of the last 5

Floor Debate
March 27, 2014

minutes, along with what Senator Harr has amply pointed out, found real issues with this. Are we constitutionally going to turn somebody away who, after reading the law and clearly meeting requirements, presents photographic identification that is current and valid because, well, that's not what we meant? This needs to go back to the drawing board because in a modern age this is not good enough. Maybe what we should just have is just a camera right there at the place where they register and request a ballot, and snap their pictures. At least that's a government-taken one. So this one isn't ready for prime time just in the short time we examined the first exception and we found a glaring hole in it. It's...this shouldn't be our law. Thank you. [LB565]

SENATOR KRIST: Thank you, Senator Schumacher. Mr. Clerk for an amendment. [LB565]

CLERK: Mr. President, Senator Burke Harr would move to amend with FA287. (Legislative Journal page 1225.) [LB565]

SENATOR KRIST: Senator Harr, you're recognized. [LB565]

SENATOR HARR: Thank you, Mr. President, members of the body. Thank you, Senator Schumacher, for those questions. So what I've done here is added the word "any" on page 1, line 21, so "any photographic identification." You know, this is...again, folks, I'm not sure why we're messing with the law. I don't know where the problem is. I haven't heard one person introduce to say, hey, this is the problem we're trying to fix. I heard on the last amendment, I don't know why they're introducing this amendment; what problem are they trying to fix? And I tried to give a reason of what I thought. It was to create certainty in the system. I'm not sure this creates certainty in the system. I sure as heck haven't heard them say it creates certainty in the system. What I do know is that they say photographic identification, well, it's defined somewhere else in the statute. Well, that was taken from another bill, the Help America bill. I don't know if any of you guys remember as little kids playing a game called telephone where you sit in a circle and one person whispers in the other person's ear something, and they whisper it to the next person, and they whisper it to the next person. And you may have started out with something that was valid: Jack and Jill went up the hill. By the time you're done it's something completely different. It's Government, Military and Veterans Affairs, whatever it is, it gets bastardized because the original intent is lost and the context is lost. That's what we have here, we lost the context. It says photographic identification, we cut and pasted this from a federal statute. That federal statute, I guarantee you, identified what photographic identification is. Is photographic identification my NRA card? Is that good enough? It's a picture of me. It's valid. It has my address. It's not a government-issued ID, but is that enough? I don't know. Is the one I make at home on my computer in my basement in my pajamas, is that enough? I don't know. There is no context. We don't know. So to avoid this discretion that would happen and uncertainty, what I've decided to do is listen to what Senator Nelson said and that's just to add the word "any," so my

Floor Debate
March 27, 2014

NRA card is good. I can use that. My YMCA card? You bet you, as long as it has my address on it and it's still valid. My driver's license? Yep, I can use that too. What about if I'm a college student? If it has my ID on it from a government institution, say the University of Nebraska-Kearney, yep, but it's just as good if I have one from Concordia. It doesn't matter. So what we're taking...doing with this, what I plan to do with this amendment is to take the discretion out to take the feeling that maybe we're being arbitrary and capricious and taking that power away from the individual who has no guidance, who doesn't know what they're supposed to do on election day in the election office, not election day but in the election office--how do I determine? So what do I say? I just say any. Let's just avoid the confusion, let's clarify, say: any photographic identification which is current and valid and which shows the same name and residence address of the person provided on the registration application. As long as we have that, gosh darn it, we're A-OK fine. I'm trying to figure out what the purpose of this bill is. I don't know. I'm hoping this provides some clarity so that if we don't know the reason for the bill, we at least know how to enforce this bill once it is passed. I'll look forward to hearing from others as far as what their intent is on this bill to pass to make it more difficult for individuals to sign up the same day. I just...I worry. I worry, I worry, I worry when we try to disenfranchise people. You got the working stiff who has a factory job, a teacher in the classroom, whoever it may be, it's hard for them to get off. They don't have regular hours. But they take a day off from work. Now they may move to a new home November 1, to a new apartment, whatever that is. They take a day off. They don't have time to go to DMV and to go register to vote or to, excuse me, to go vote and register. So what do they do? They choose one. This allows them the ability to vote. They don't have the opportunity to go and register their new place of residency, wait a day or two, and then our kids are left without a teacher. So...or maybe they can't afford to take two days off from their factory job. They aren't paid a lot. Maybe they just work, I don't know where, but they have a family they have to support and they're hourly. It's a big sacrifice but they're willing to make that sacrifice for our country, and that's important, but we got to make sure that if they're valid and they have a valid ID and it shows that they live at this address, let's make sure they vote. Let's make sure these people get a chance. Again, this is from the Help America Act. I would like to see a copy. Maybe we need to work on this General and Select. I don't think this should get past General because there are too many problems. I don't know if the purpose of this is to determine if the person is who they say they are or if the purpose of the ID is the person lives where they are...say they live, because if the purpose is the person is who they say they are, a bank statement isn't going to have a picture of me and say I am who I say I am. I can go take Senator Kintner's bank statement, go in there. It's not going to verify I am Senator Kintner or I am not Senator Kintner. If the purpose is the person who is there is who they say they are and they live where they say they live, this doesn't do that. The best way to do that is just to allow any photographic identification so that we have a little more certainty. But this bill doesn't create certainty, folks. This bill is about tinkering with our voting process. It's about the slow drip, drip, drip of our voting rights. That's what this is. There's no problem. Have we come across one

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

Floor Debate
March 27, 2014

problem that this would...this bill is the solution to one problem? I haven't heard anything. Why? Because it isn't. It's just that simple. This bill is meant to do one thing and one thing only--make it harder for people, who are otherwise able to vote, to not vote. So I would ask that you please pass AM810. Thank you. [LB565]

SENATOR KRIST: Thank you, Senator Harr. Those still wishing to speak: Senator Wallman, Murante, Nelson, and Schumacher. Senator Wallman, you're recognized. [LB565]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Thank you, Senator Harr. I would like to know if anybody who's in here ever been behind a homeless person trying to get his identification card. It's pretty doggone hard. I had to go back to the pickup and even get my checkbook. I had my senator card, my driver's license, and the license, the envelope, what I had to get my new license in, and they wanted one more, one more. So I went and got it and I helped this poor guy get his identification card, and it took me an hour. So what are we trying to do, disenfranchise voters? I'm always for the voters. If there's an error, err on the side of the voter. We're so doggone paranoid about election fraud, it's pathetic. It's pathetic. And so are we for the homeless? Are we for the veterans? I think we found that out the other week how that vote went. And I think we should rethink that issue but we won't. So we should be for the voters, encourage voting, not discourage. Thank you, Mr. President. [LB565]

SENATOR KRIST: Thank you, Senator Wallman. Senator Murante, you're recognized. [LB565]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. Would Senator Harr yield to a question? [LB565]

SENATOR KRIST: Senator Harr, will you yield? [LB565]

SENATOR HARR: Yes. [LB565]

SENATOR MURANTE: Thank you, Senator Harr. I'm trying to understand where we're at with this bill right now and what your intentions are with it. Is it your intention to kill LB565? [LB565]

SENATOR HARR: At this point, it's to try to make a bad bill better, to quote Senator Avery. But I do have problems. I don't think this bill is ready for prime time, so it depends on where the amendments go. [LB565]

SENATOR MURANTE: So what I'm trying to figure out right now is I've heard sort of two different reasons for where we're at right now. One is technical in nature that our existing statutes and the Help America Vote Act language is insufficient and shouldn't

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

Floor Debate
March 27, 2014

be copied and that we have to improve upon that. [LB565]

SENATOR HARR: I would disagree with that. [LB565]

SENATOR MURANTE: And the second is that... [LB565]

SENATOR HARR: I'd agree with...I would disagree with that first contention. [LB565]

SENATOR MURANTE: Okay. Well, the language which is being used in AM810, which was copied from the Help America Vote Act and existing statutes, is insufficient. And the second is that... [LB565]

SENATOR HARR: No. Yeah, sorry, go ahead. [LB565]

SENATOR MURANTE: ...and the second is that the bill just is bad. So the first one we can fix to the extent that it needs to be fixed. We can still work on something to reach a consensus. The second I don't think can. Do you...is working with you to find a solution to the first problem that I mentioned worthwhile? Is that a discussion worth having or are we just wasting our time, that we'd come up with a compromise and you'd end up wanting to kill the bill anyway? [LB565]

SENATOR HARR: Well, I don't know if I can address that because I don't know what the compromise is. [LB565]

SENATOR MURANTE: Well, it's a matter of philosophy. I mean if what this bill attempts to do is to say if a person wants to register to vote and vote early, they have to provide some sort of identification. And then, of course, the bill contains a number of other fallback provisions beyond that for safety measures. But... [LB565]

SENATOR HARR: Yeah, I... [LB565]

SENATOR MURANTE: ...we can come up with varying forms of identification and have...and tighten up the language in terms of specificity. That is not a difficult amendment to write. It's just a matter of doing it. But if we write that amendment and can work out those differences, would you support the bill or are you opposed to it no matter what? [LB565]

SENATOR HARR: No. You know, again it depends on what those amendments look like. For instance, I still think homeless should be allowed. I know it's your time and I don't want to take too much up, but if I went back and said "homeless" and you don't want it, then what are we stuck with? That's the problem is...that's why I say it's not ready for prime time. I'm more than open to compromise and working on it, but then I don't know what happens if we don't reach an agreement or a consensus. It's 1:54 right

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

Floor Debate
March 27, 2014

now. I know we're contemplating getting out earlier today and maybe this is something we can work on between when we recess today and the next time it's brought up on General File. But I just...what I'm doing by introducing these amendments is showing the problem we have with the way the bill is currently written. I may be okay with it once it's done, but I don't know what that finished product is going to look like, so. [LB565]

SENATOR MURANTE: Thank you, Senator Harr. Colleagues, there may be, and Senator Schumacher and I have talked off the microphone, there may be technical problems to this bill. I don't think that there are. But there may be ways to make each member a little bit more comfortable with how the language is drafted. That's fine. Those are easy fixes. We can get this thing off of General File today, move to Select File, and tighten up the bill without much work. We have experienced staff who is committed to helping us... [LB565]

SENATOR KRIST: One minute. [LB565]

SENATOR MURANTE: ...make that happen. But it seems to me that the problem is a little bit more systemic than that. I am willing to work with anyone on this floor to make a compromise happen, but I think we ought to get to a vote today on this, advance it to Select File. If we can't come up with a compromise, quite frankly, it's because we're not trying hard enough. And I'm willing to do whatever it takes to make that happen. Thank you, Mr. President. [LB565]

SENATOR KRIST: Thank you, Senator Murante. Senator Nelson, you're recognized. [LB565]

SENATOR NELSON: Thank you, Mr. President, members of the body. I'll be brief, but Senator Harr made the statement that he hadn't heard anything yet as to why it was necessary to do this, and I just...I just want to state for the benefit of Senator Harr that at the hearing in 2013, election commissioners from Hall and Sarpy Counties confirmed that multiple acknowledgements of registration have been returned as undeliverable after the respective voters registered to vote and voted early at the same time. That's the basic reason we're here is to plug that loophole. And there was testimony from two different election commissioners that this had happened, and so I think that's basis enough for noticing the defect here and coming out with something that will address that and is applied in the same way that people that are registering to vote by mail, it works very well. So it's not an attempt to keep people from voting. It's an attempt to allow the election commissioners to verify that they are who they say they are and they live where they say they live, and you need that ten-day period of time to either go ahead and count the ballot or reject it because those persons do not live where they say they live. Thank you, Mr. President. [LB565]

SENATOR KRIST: Thank you, Senator Nelson. Mr. Clerk, items? [LB565]

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

Floor Debate
March 27, 2014

CLERK: I do, Mr. President, thank you. I have a hearing notice from Health and Human Services for next Thursday. A bill, Senator. (Read LB999A by title for the first time.) Bills read on Final Reading this morning were presented to the Governor at 12:01 p.m. (re: LB96, LB986, LB986A, LB987, LB987A, LB725, LB725A, LB359, LB359A, LB402, LB560, LB560A, LB660, LB660A, LB661, LB661A, LB814, LB814A, LB853, LB853A, LB901, LB901A, LB920, LB920A, LB967, LB967A, LB974, LB974A, LB1114, LB1114A, LB251, LB699, LB751, LB751A, LB836, LB946, LB1001, LB1012, and LB1103). Senator Ashford, an amendment to LB907A; Senator Smith to LB965; Senator Krist to LB464. I have an explanation of vote from Senator Coash and Senator Hansen (re: LB96, LB986, LB986A, LB987, LB987A, and LB699). A name add: Senator Wallman to LR482. (Legislative Journal pages 1225-1230.) [LB999A LB96 LB986 LB986A LB987 LB987A LB725 LB725A LB359 LB359A LB402 LB560 LB560A LB660 LB660A LB661 LB661A LB814 LB814A LB853 LB853A LB901 LB901A LB920 LB920A LB967 LB967A LB974 LB974A LB1114 LB1114A LB251 LB699 LB751 LB751A LB836 LB946 LB1001 LB1012 LB1103 LB907A LB965 LB464 LR482]

And, Mr. President, a priority motion: Senator Garrett would move to adjourn the body until Monday morning, March 31, at 10:00 a.m.

SENATOR KRIST: You have heard the motion. All those in favor, aye. Opposed, nay. Have a safe weekend.