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Transcriber's Office

Floor Debate
March 31, 2014

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SENATOR GLOOR PRESIDING Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-second day of the One Hundred Third Legislature, Second Session. Our chaplain for today is the Reverend Lowell Nelson with Immanuel Lutheran Church in Bellevue, Nebraska, Senator Crawford's district. Please rise.

REVEREND NELSON: (Prayer offered.)

SENATOR GLOOR: Thank you, Reverend Nelson. I call to order the fifty-second day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Roll call.

PRESIDENT HEIDEMANN PRESIDING

PRESIDENT HEIDEMANN: Mr. Clerk, please record.

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

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

CLERK: (Read corrections re LB565, Legislative Journal page 1233.) That's all that I have. [LB565]

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

CLERK: There are. Enrollment and Review reports LB559, LB700, LB994, LB994A,

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LB811, LB373, LB923, LB719, LB1115A to Select File, some having Enrollment and Review amendments. Enrollment and Review also reports LB364, LB438, LB438A, LB674, LB679, LB687, LB687A, LB712, LB714, LB717, LB739, LB757, LB758, LB759, LB766, LB777, LB802, LB803, LB806, LB859, LB863, LB1048 are reported correctly engrossed. I have hearing notices from the Transportation Committee and the General Affairs Committee. And, Mr. President, I have a series of communications from the Governor. (Read re LB132, LB692, LB728, LB740, LB749, LB755, LB776, LB844, LB854, LB884, LB941, LB941A, LB983, LB983A, LB1014, LB1016, and LB1016A.) A communication. (Read re LB671.) Third communication. (Read re LB949.) A fourth. (Read re LB130.) A fourth (sic) message. (Read re LB906.) Mr. President, a fifth (sic) message. (Read re LB905.) Mr. President, I also have a new resolution: Senator Johnson, LR602. That will be laid over. And communications received from the state of Utah; those will be acknowledged as received. That's all that I have. I do have some amendments to be printed: Senator Lathrop, amendments to LB1098 to be printed. (Legislative Journal pages 1233-1250.) [LB559 LB700 LB994 LB994A LB811 LB373 LB923 LB719 LB1115A LB364 LB438 LB438A LB674 LB679 LB687 LB687A LB712 LB714 LB717 LB739 LB757 LB758 LB759 LB766 LB777 LB802 LB803 LB806 LB859 LB863 LB1048 LB132 LB692 LB728 LB740 LB749 LB755 LB776 LB844 LB854 LB884 LB941 LB941A LB983 LB983A LB1014 LB1016 LB1016A LB671 LB949 LB130 LB906 LB905 LR602 LB1098]

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. We now proceed to the first item on the agenda. Mr. Clerk.

CLERK: Mr. President, General File: Senator Ashford, LB907A. (Read title.) [LB907A]

PRESIDENT HEIDEMANN: Senator Ashford, to open on LB907A. [LB907A]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. We went over this...these numbers the other day, for LB907 and the services that are to be provided in LB907, including probation services and vocational services, mental health services and the expansion of alcohol and substance abuse throughout the state to...including three more day reporting centers, expanding community corrections, both for parolees and probationers. This is the underpinning of the prison reform effort in LB907. Our goal in the committee was to come up with a bill that would come in at less than \$15 million. The fiscal note, as you can see, does just that; it's \$14,421,862 in the first year, slightly less in the second year. So with that, Mr. Lieutenant Governor, I would urge that we vote affirmatively on LB907A. Thank you. [LB907 LB907A]

PRESIDENT HEIDEMANN: Thank you, Senator Ashford. (Visitors introduced.) Mr. Clerk. [LB907A]

CLERK: Senator Ashford would move to amend the A bill, Mr. President, with

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AM2660...adds the emergency clause, Senator. (Legislative Journal page 1226.)
[LB907A]

SENATOR ASHFORD: Yes, that's just the adding the emergency clause, Mr. Clerk. Yes, I would also...I would urge the adoption of AM2660 to LB907A. Again, once we get this, hopefully, this bill passed and signed by the Governor, we can immediately get going on the LB907 reforms and, hopefully, get some relief in the prison system within the next, you know, three to six months. So that's the purpose of the emergency clause. Thank you, Mr. Lieutenant Governor. [LB907A LB907]

PRESIDENT HEIDEMANN: Thank you, Senator Ashford. Is anyone wishing to speak on AM2660? Seeing none, Senator Ashford, to close. [LB907A]

SENATOR ASHFORD: I would waive closing, Mr. Lieutenant Governor. [LB907A]

PRESIDENT HEIDEMANN: Senator Ashford waives closing. The question is, shall AM2660 to LB907A be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB907A]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of Senator Ashford's amendment.
[LB907A]

PRESIDENT HEIDEMANN: The amendment is adopted. Continuing debate on LB907A, seeing no one wishing to talk, Senator Ashford, to close. Senator Ashford waives closing. The question is advancement of LB907A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB907A]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB907A. [LB907A]

PRESIDENT HEIDEMANN: LB907A does advance. Mr. Clerk. [LB907A]

CLERK: LB999A, by Senator Ashford. (Read title.) [LB999A]

PRESIDENT HEIDEMANN: Senator Ashford, to open on LB999A. [LB999A]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. The...LB999A is the appropriations bill, A bill, accompanying LB999, obviously; and it is the project in Hastings for mental health treatment for offenders. The estimated cost for the program statement is \$200,000; that's to do the planning for the facility. In last year's capital construction budget, LB198, \$3,097,000 was set aside to demolish vacant buildings at the Hastings Regional Center. The A bill reduces the fiscal 2014-15 General Fund appropriations to HHS, by...behavioral mental health, by \$3,097,000, to reflect the taking this money from the demolition fund and placing it in the...sort of in, kind of,

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abeyance for now until the \$200,000 study is done. After this appropriation of \$200,000, \$2,870,000 remains. These funds have been moved into fiscal 2015-2016 to be used for demolishing buildings at the Hastings Regional Center contingent on the findings of the program. So, basically, what we're doing is we're taking the \$3,097,000 that was appropriated into the capital fund last year, we're subtracting \$200,000 for the program statement for the Hastings Building 7 facility, by this vote, and then we're...we're then taking the \$2,897,000 that remains and parking it in the demolition fund until this program statement, which is due...I believe LB999 talks about January 1, 2015. And then the final decisions will be made by the next Legislature on how to spend that money, in the next legislative session. Thank you, Mr. Lieutenant Governor. [LB999A LB999 LB198]

PRESIDENT HEIDEMANN: Thank you, Senator Ashford. You've heard the opening on LB999A. Is anyone wishing to discuss? Seeing none, Senator Ashford, to close. Senator Ashford waives closing. The question is advancement of LB999A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB999A]

CLERK: 33 ayes, 0 nays on the advancement of LB999A. [LB999A]

PRESIDENT HEIDEMANN: LB999A does advance. Mr. Clerk. [LB999A]

CLERK: LB464A, by Senator Ashford. (Read title.) [LB464A]

PRESIDENT HEIDEMANN: Senator Ashford, to open on LB464A. [LB464A]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor and members. LB464 is a holdover bill from last year. We're going to have debate, pulling back the Final Reading bill, LB464, to add amendments...Select File amendments, later this morning. LB464A is the A bill that will follow LB464, obviously. As you recall, LB464, the underlying bill, was introduced by me last year as part of the juvenile justice reform package. And the idea behind LB464 was to expand the jurisdiction of the juvenile court system to low-grade felonies and nontraffic-related misdemeanors; that's what the amendment will do, in LB464. The original bill was much broader. So...and also LB464, as it's brought back--which does not...there's really...it's not really relevant to this discussion--talks about the truancy or absenteeism issue and amends that language from LB800. So LB464A is the A bill. With that, I would, if I could, Mr. Lieutenant Governor, I would ask if Senator Krist would like to complete some of the discussion on this A bill. [LB464A LB464]

PRESIDENT HEIDEMANN: Senator Krist, you're recognized; you have 8 minutes and 30 seconds. [LB464A]

SENATOR KRIST: Good morning, Mr. President and colleagues; and good morning,

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Nebraska. And I surely will not take all 8 minutes. Let me just say this. LB464, as we've talked about, is a complex set of interwoven issues that started with LB464 last year, include the LB561 changes for the county. And those of you who are concerned about your county budget, in terms of dealing with juveniles and youth, need to pay particular attention to the A bill, because it's putting that emphasis back where it should be, and that's making sure that the counties don't have unfunded mandates. There are some changes that are being made to LB464 in terms of what grade felony, misdemeanors, in different areas. Again, it was a compromise in terms of the dollars and cents that would be required to fund the programs across the board. And as the discussion comes up here in probably less than 20 minutes, you'll see that even the amendment that's on your gadget right now will be replaced with another amendment, making some very small changes. I've heard this process referred to as "making sausage," and it's not a very pleasant thing to watch; but I have to tell you that I owe a lot to the people who are weighing in on this even now, the legal teams that are looking at it, including Senator Ashford's legal counsel and others. It is truly one of those mosaics; it's a bit of a work of art, in my impression. This A bill goes a long way to making sure that not only are we being fiscally conservative but we are also moving juvenile justice forward, which, as we discussed the other day, is a critical part to the overall justice system in the state, and keeping us in check in terms of spending in the out-years: spending money in the "playpen" so we don't have to spend more money in the "state pen." With that, I would ask you for your...the adoption of...or, sorry, the advancement of LB464A. Thank you, colleagues. [LB464A LB464 LB561]

PRESIDENT HEIDEMANN: Thank you, Senator Ashford and Senator Krist. Is anyone else wishing to debate on LB464A? Seeing none, Senator Ashford, to close. Senator Ashford waives closing. The question is advancement of LB464A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB464A]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB464A. [LB464A]

PRESIDENT HEIDEMANN: LB464A does advance. Mr. Clerk, we move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB690E. [LB464A LB690]

CLERK: (Read LB690 on Final Reading.) [LB690]

PRESIDENT HEIDEMANN: All provisions of the law relative to procedure having been complied with, the question is, shall LB690E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB690]

CLERK: (Record vote read, Legislative Journal page 1251.) 32 ayes, 11 nays, 4 present and not voting, 2 excused and not voting, Mr. President. [LB690]

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PRESIDENT HEIDEMANN: The bill does not pass with the emergency clause attached. The next vote will be, shall the bill pass with the emergency clause stricken? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB690]

CLERK: (Record vote read, Legislative Journal pages 1251-1252.) 32 ayes, 11 nays, 4 present and not voting, 2 excused and not voting, Mr. President. [LB690]

PRESIDENT HEIDEMANN: The bill passes with the emergency clause stricken. We now proceed to LB690AE. [LB690 LB690A]

CLERK: (Read LB690A on Final Reading.) [LB690A]

PRESIDENT HEIDEMANN: All provisions of law relative to procedure having been complied with, the question is, shall LB690AE pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB690A]

CLERK: (Record vote read, Legislative Journal page 1252-1253.) 32 ayes, 11 nays, 4 present and not voting, 2 excused and not voting, Mr. President. [LB690A]

PRESIDENT HEIDEMANN: The bill does not pass with the emergency clause attached. The next vote shall be, shall the bill pass with the emergency clause stricken? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB690A]

CLERK: (Record vote read, Legislative Journal page 1253.) 32 ayes, 11 nays, 4 present and not voting, 2 excused and not voting, Mr. President. [LB690A]

PRESIDENT HEIDEMANN: The bill passes with the emergency clause stricken. We now proceed to LB744E. [LB690A LB744]

CLERK: (Read LB744 on Final Reading.) [LB744]

PRESIDENT HEIDEMANN: All provisions of law relative to procedure having been complied with, the question is, shall LB744E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB744]

CLERK: (Record vote read, Legislative Journal page 1254.) 44 ayes, 3 nays, 2 present and not voting, Mr. President. [LB744]

PRESIDENT HEIDEMANN: LB744E passes with the emergency clause attached. We now proceed to LB744A. [LB744 LB744A]

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CLERK: (Read LB744A on Final Reading.) [LB744A]

PRESIDENT HEIDEMANN: All provisions of law relative to procedure having been complied with, the question is, shall LB744A pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB744A]

CLERK: (Record vote read, Legislative Journal page 1254-1255.) 43 ayes, 4 nays, 2 present and not voting, Mr. President. [LB744A]

PRESIDENT HEIDEMANN: LB744A passes. Now we proceed to LB768. Mr. Clerk. [LB744A LB768]

CLERK: Mr. President, motions on the desk. Senator Larson would move to return the bill for a specific amendment, AM2658. (Legislative Journal page 1255.) [LB768]

PRESIDENT HEIDEMANN: Senator Larson, to open on your motion. [LB768]

SENATOR LARSON: Thank you, Mr. President. I'll be quick. We had this...a similar debate to this on Select File. And I talked to a number of senators afterward that said that they were unfamiliar with what was happening. Essentially, AM2658 would direct the Brand Committee that they could only charge registered feedlots \$650 per 1,000-head for two years. For the past six years that's what has been in statute, that they were only supposed to charge \$650 per 1,000-head at capacity. They were charging at inventory; again, outside the statute regulations. This led to a majority of the feedlots being overcharged--some were not--but a majority of the feedlots to being overcharged, those that were operating close to their capacity. And as I discussed on Select File, it is wrong when the government can't follow their own guidelines...or a state agency cannot follow their own guidelines and overcharge hardworking businesses across the state. As I said, I know a number of you had questions; I've talked to a number of you since Select File. So I'd be happy if anybody does have a question. Otherwise, I'd urge a green vote to return to Select File and a green vote on AM2658. Thank you. [LB768]

PRESIDENT HEIDEMANN: Members, you have heard the motion to return LB768 to Select File. Senator Davis. [LB768]

SENATOR DAVIS: Thank you, Mr. President. I would urge the body not to do this. This bill as it exists is a good bill. If you know anything about how the brand process works, some years ago the fees were...the fees have always been synchronized; and some years ago, due to statutory oversight, a change was made for the ranch collection fees but not for the registered feedlot fees. We had a hearing. Nobody testified against it. Nebraska Cattlemen have no problem with the bill as it is. Independent cattlemen have

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no problem with the bill as it is. Senator Larson seems to be the one who has a problem with the bill as it is. But the best thing we can do now is go forward with this, because the Brand Committee has done their work. And, really, if you really want to know where this problem originated, it probably originated upstairs, so maybe we need to hold Bill Drafters, you know, responsible for it. Thank you, Mr. President. [LB768]

PRESIDENT HEIDEMANN: Thank you, Senator Davis. Senator Bloomfield. [LB768]

SENATOR BLOOMFIELD: Thank you, Mr. President; good morning, colleagues. This continues to be an answer in search of a problem. Senator Larson has been pushing for something here since the very get-go. And nobody is unhappy with it, that it affects, that we're able to see. So, please, don't bring this back; let's get this bill moved through and get it done. Thank you. [LB768]

PRESIDENT HEIDEMANN: Seeing no other lights on, Senator Larson, to close on your motion to return. [LB768]

SENATOR LARSON: Thank you, Mr. President. This does not harm the bill; this will not kill the bill. I still support LB768. If you've talked to the cattlemen, yes, they do support LB768. And they have no opinion, as I've talked to them, on AM2658. As I said, this is making right an injustice that has happened to businesses across the state. I think, as the Auditor's report found, the Brand Committee was stepping out of line on a number of issues. And I'd urge your green vote. Thank you. [LB768]

PRESIDENT HEIDEMANN: Thank you, Senator Larson. You've heard the motion to return LB768E to Select File for select amendments. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Mr. Clerk, please record. There has been a request for a roll call, regular order. Mr. Clerk. [LB768]

CLERK: Senator, did you...Senator Larson, reverse order, did you say, Senator? (Roll call vote taken.) 23 ayes, 14 nays, Mr. President, to return the bill. [LB768]

PRESIDENT HEIDEMANN: The motion to return fails. (Visitors introduced.) Mr. Clerk. [LB768]

CLERK: Senator Davis would move to return the bill. [LB768]

SENATOR DAVIS: Thank you, Mr. President. I'd like to withdraw the amendment at this time. [LB768]

PRESIDENT HEIDEMANN: Senator Davis withdraws his amendment. Seeing nothing else on the bill, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB768]

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CLERK: 41 ayes, 4 nays, Mr. President, to dispense with the at-large reading. [LB768]

PRESIDENT HEIDEMANN: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB768]

CLERK: (Read title of LB768.) [LB768]

PRESIDENT HEIDEMANN: All provisions of law relative to procedure having been complied with, the question is, shall LB768E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. [LB768]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Mr. Clerk, please record. [LB768]

CLERK: (Record vote read, Legislative Journal page 1258-1259.) 49 ayes, 0 nays, Mr. President, on final passage of LB768. [LB768]

SENATOR GLOOR: LB768 passes with the emergency clause attached. We now proceed to LB867. Mr. Clerk. First vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB768 LB867]

CLERK: 42 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB867]

SENATOR GLOOR: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB867]

CLERK: (Read title of LB867.) [LB867]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB867 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB867]

CLERK: (Record vote read, Legislative Journal pages 1259-1260.) 49 ayes, 0 nays on the passage of LB867, Mr. President. [LB867]

SENATOR GLOOR: LB867 passes. (Visitors introduced.) We now proceed to LB867A. [LB867 LB867A]

CLERK: (Read LB867A on Final Reading.) [LB867A]

SENATOR GLOOR: All provisions of law relative to procedure having been complied

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with, the question is, shall LB867A pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB867A]

CLERK: (Record vote read, Legislative Journal page 1260.) 49 ayes, 0 nays on the final passage of LB867A, Mr. President. [LB867A]

SENATOR GLOOR: LB867A passes with the emergency clause attached. We now proceed to LB1087. 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. [LB867A LB1087]

CLERK: 41 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB1087]

SENATOR GLOOR: The at-large reading is dispensed with. Mr. Clerk please read the title. [LB1087]

CLERK: (Read title of LB1087.) [LB1087]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1087 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1087]

CLERK: (Record vote read, Legislative Journal page 1261.) 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB1087]

SENATOR GLOOR: LB1087 passes. We now proceed to LB1087A. [LB1087 LB1087A]

CLERK: (Read LB1087A on Final Reading.) [LB1087A]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1087A pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1087A]

CLERK: (Record vote read, Legislative Journal page 1262.) 49 ayes, 0 nays on the final passage of LB1087A, Mr. President. [LB1087A]

SENATOR GLOOR: LB1087A passes. We now continue with the agenda: Final Reading, LB464. [LB1087A LB464]

CLERK: Mr. President, I have motions on the desk. Senator Krist would move to return. Senator, I have AM2652, but I have a note you wish to withdraw AM2652. [LB464]

SENATOR GLOOR: So ordered. [LB464]

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CLERK: Senator Krist would move to return for consideration of AM2687. [LB464]

SENATOR GLOOR: Senator Krist, you're recognized to open on your motion to return. [LB464]

SENATOR KRIST: Thank you, Mr. President. Good morning again, members. And good morning, Nebraska. This motion...I won't belabor what we will go over in AM2687. I just ask that we return this to Select File for very, very necessary amendments in several complex areas. And I would defer the conversation until we bring it back. Just rest assured, it is...it needs to come back for the amendment. [LB464]

SENATOR GLOOR: Members, you've heard the opening on the motion to return. Are there senators wishing to speak? Seeing none, the motion is to return LB464 to Select for amendment. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB464]

CLERK: 41 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB464]

SENATOR GLOOR: The motion is adopted. [LB464]

CLERK: Senator Krist would offer AM2687. (Legislative Journal pages 1262-1266.) [LB464]

SENATOR GLOOR: Senator Krist, you're recognized to open on your amendment. [LB464]

SENATOR KRIST: The amendment does a number of things, and I will highlight those changes. The first thing it does is the continuing jurisdiction. Once a juvenile is in the juvenile system, what I was proposing...what we were proposing is that they would be able to stay in the juvenile system, with the concurrence of the individual as well as the judge. We are withdrawing that portion. Quite frankly, it was a matter of fiscal note. I'll be back next year with that one. There's another issue in the truancy area, which I'm sure Senator Ashford will speak to during his time, so I will not belabor that point. There was a conversation on the floor, as you recall, Senator Lautenbaugh asked a very pertinent question, as did Senator Nelson. I went back to the department and, in short, here's the issue: when a child is committed to a YRTC facility in the OJS system, they are committed by the judicial system, by the judge, by the county court...by the court, I'm sorry. The issue is that the way LB561 was written, last year, it was the interpretation of some, and not of others, that the individual remanded for care to the OJS system then would have to be relieved of that responsibility in order to discharge. Well, what we put in place in LB561 and it's absolutely correct as it exists right now, the law is silent on that actual action. So if the OJS process works the way it's supposed to

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and 60-day notice and 30-day notice are given, the court essentially is informed of the situation. So in many conversations with OJS and CEO Winterer, we decided to leave that language the same. So you'll see that language changed back to the original LB561 language. And that was also driven, a little bit, by the fiscal note issue. And I thank Senator Mello and Appropriations for talking us through that. The fiscal note that you...we passed this morning will be changed and then brought back together with this, reflecting these changes. One of the other significant changes that are in here is Senator Brasch's bill, which potentially should have come onto the consent calendar. It did not make it there. And with the concurrence of Senator Ashford--and they were nice enough to ask me my opinion--we have attached that bill to this amendment so that it can be considered. And with that, I would yield the balance of my time to Senator Brasch so she can talk about her bill. [LB464 LB561]

SENATOR GLOOR: Senator Brasch, 7 minutes 14 seconds. [LB464]

SENATOR BRASCH: Thank you, Senator Krist; and thank you, Mr. President. And good morning, colleagues. I will be very brief in my introduction. LB1093 had no opposition at the public hearing or from the Judiciary Committee. We believed it was proper for consent calendar; however, because there were many bills considered for consent calendar and because an appropriations bill was necessary to make LB1093 revenue neutral, it was not placed on consent calendar. I would like to thank Senator Krist and Senator Ashford and the committee for working with me to incorporate LB1093 into LB464. They were very helpful in giving LB1093 an opportunity to proceed through the legislative process by means of this amendment. I appreciate their help and your consideration. The intent of LB1093 is to simplify the ability of Nebraska's juvenile court system to use court-connected juvenile conferencing services, with the ultimate goal of aiding families in the child welfare system to better achieve positive outcomes. This simplification will come in the form of shifting funding directly from the Nebraska Department of Health and Human Services, budgeted to the Nebraska Supreme Court, replacing the current process of grants and contracts. At present, these funds are transferred through a granting process between DHHS and the administrative offices of the courts and through contracting from DHHS to individual juvenile facilitated conferencing programs. Chief Justice Michael Heavican and DHHS director Kerry Winterer fully agreed with the intent of LB1093 when discussions took place during the interim. And DHHS and the Supreme Court have worked in harmony to ensure this bill represents a shift in funds that is revenue neutral. You will see that reflected in LB1093A, which will be factored into the fiscal note upon amending LB1093 into LB464. LB1093 together with LB464 will represent positive changes in the juvenile court system. LB464 will ensure that juvenile offenders are afforded the opportunity for rehabilitation through such services as pretrial conferencing and other relevant conferencing. And LB1093 will streamline funding for those processes. With that, I encourage your support of LB464 with the amendment incorporating LB1093 into it. Thank you, Mr. President. And thank you, colleagues and Senator Krist and Senator

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Ashford. [LB464 LB1093 LB1093A]

SENATOR GLOOR: Thank you, Senator Brasch and Senator Krist. Members, you've heard the opening on the amendment. We now turn to debate. Senator Ashford, you're recognized. [LB464]

SENATOR ASHFORD: Thank you, Mr. President and members. Last time when LB464 came up on Select File we made many of the changes that are incorporated in the Final Reading copy of LB464. AM2687 does make some additional changes. One of them involves the issue of attendance that Senator Scheer brought up. And there is language then now in AM2687 makes clear that these procedures for attendance be limited to public schools, so hopefully that irons out Senator Scheer's concerns. Senator Brasch actually...I really commend her on this effort. Senator Brasch has come to me on numerous occasions over the last few years as we've gotten into the juvenile issue, and she has quite a bit of personal experience in working with data and sharing of data in her professional life. This has been sort of a...this issue, which is in the amendment that Senator Brasch introduced as a bill to the Judiciary Committee, has been one of those sort of...Senator Conrad always talks about it, too, about this whole idea of having access to information as quickly as possible. So thank you to Senator Brasch for her efforts. The other underlying, and we've talked about the attendance issue before. I'm not going to go back over it other than I, again, thank everyone on all sides of issues of LB800 have come together and support the language in AM2687 so I greatly appreciate that and, of course, the work of our legal staff, Jenn Piatt, and our staff who worked on this and Senator Krist. The underlying idea, the theory, the driver, if you will, behind LB464 has and is and continues to be to intervene with juveniles who get into trouble as soon as possible so that the services that we do have out...as you recall, in LB561 we greatly expanded the probation, juvenile probation presence in the juvenile court system has worked. We've seen so far, although it's only been in effect, I think, since October 1 of last year, we've seen a streamlining of services. We've seen the building up of capacity in various parts of the state. We can do better. We've seen a reduction in detention of juveniles at the YRTC's. So...but as Senator Krist suggested, next year is another year. This Legislature or the next Legislature, those of you who will be back, will continue to work through the juvenile system. This is not a static, black and white kind of issue. It is dynamic. It changes. There are new theories on how best to deal with juveniles. And so the new Governor and the new Legislature, many of you will be here, I will not; but it is...Senator Krist will be, certainly, thankfully, and Senator Brasch, who worked so hard on this. So I would just urge the adoption of AM2687 and it is in line with what we've been doing for the last several years in juvenile justice. And I commend the work of all of those who brought to the table many, many good suggestions. Thank you. [LB464 LB800 LB561]

SENATOR GLOOR: Thank you, Senator Ashford. Senators in the queue: Pirsch, Campbell, and Burke Harr. Senator Pirsch, you're recognized. [LB464]

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SENATOR PIRSCH: Thank you, Mr. President, members of the body. And I appreciate Senator Brasch giving her overview with respect to AM2687. It seems as though LB464 is a combination of a number of different bills and ideas and concepts put together in one. With respect to the concept of the original bill of truancy, looking at, I guess, some moderation area, I don't really have a problem with that particular concept today to mention. I did want to, I guess, with respect to a different issue or bill that's addressed in part of LB464 which deals with the juvenile court starting cases for the first time in juvenile courts. I wonder if Senator Ashford might yield to a question or two. [LB464]

SENATOR GLOOR: Senator Ashford, would you yield? [LB464]

SENATOR ASHFORD: Yes. [LB464]

SENATOR PIRSCH: And thank you for that. I do know that other states have...how many other states have approaches that are similar to what you're conceptualizing here in LB464 with respect to starting Class IIIA felonies and Class IV felonies in juvenile court? [LB464]

SENATOR ASHFORD: Many, many states have given to the juvenile court system the ability to make the first pass on juveniles for various levels of offense, including low level felonies, and in some cases high level felonies. We have sort of come up with limiting this to lower level felonies. I can't tell you the exact number. It's more than half of the states. [LB464]

SENATOR PIRSCH: More than half the states. Was there specific, and, of course, I'm not on the committee right now that managed this, but with respect to specific testimony or discussion of the committee, you know, some of these IIIA and Class IV felonies, although designated as lower level felony offenses, are quite serious in nature: strangulation, possession of a firearm at school, felony domestic violence assault, assault on an officer, assault of a child. So were these type of...was the laundry list of IIIA and IV felonies specifically addressed in looking at this paradigm shift? [LB464]

SENATOR ASHFORD: Yes. [LB464]

SENATOR PIRSCH: Okay. [LB464]

SENATOR ASHFORD: Yes. I mean, we looked at some of these, to your point, Senator Pirsch, some of these events could be charged at a higher felony level than IV's. But one of the reasons we adopted the IV language was years ago or three or four years ago when, and I think it was LB...I can't recall, 884, that's probably the wrong number, we expanded the jurisdiction of the county courts to felony IV's. And, of course, in many jurisdictions--well, except for Sarpy, Lancaster, and Douglas--county courts throughout

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the state sit as juvenile courts. So this sort of...this kind of was consistent with that thinking. [LB464]

SENATOR PIRSCH: And, Mr. President, how much time do I have left? [LB464]

SENATOR GLOOR: 1:15. [LB464]

SENATOR PIRSCH: With respect to...there are certain "enhanceable" type of crimes that can leverage, you know, with priors the potential sentence this time around, including carrying concealed weapon, resisting arrest that if, you know, juvenile courts are not criminal courts. And if you are adjudicated in juvenile court, you're not found guilty of a crime. Therefore, you would not be able to use, say, carrying a concealed weapon convictions and resisting arrest toward future enhancement as an adult. Was there discussion about this and do other states make it possible for juvenile type of adjudications to be somehow utilized in adult courts in later years once... [LB464]

SENATOR ASHFORD: Thank you, Senator Pirsch. The answer is that, of course, as you know, juvenile court adjudications have a different level of proof than adult court adjudications. So it would be, I believe, unconstitutional to use those underlying charges for enhancement purposes. But... [LB464]

SENATOR GLOOR: Time, Senators. Thank you, Senator Ashford and Senator Pirsch. Senator Campbell, you're recognized. [LB464]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. I wonder if Senator Brasch would entertain a question. [LB464]

SENATOR GLOOR: Senator Brasch, would you yield? [LB464]

SENATOR BRASCH: I will yield. [LB464]

SENATOR CAMPBELL: Senator Brasch, I certainly support the inclusion of your bill into AM...into the amendment in front of us. And so the purpose of my question is really to look into the future. Will not the mediation that would be included here is underfunded, is it not? [LB464]

SENATOR BRASCH: It is a program that has been in place for many years, and the traditional method of funding has always been to wait for the appropriations from the grant money to come from Health and Human Services into the justice system. [LB464]

SENATOR CAMPBELL: Thank you, Senator Brasch. Colleagues, I just want to draw your attention to the fact that I certainly support the transfer of these funds from the department to the Supreme Court. But there's been quite a bit of discussion at the

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Children's Commission in relation to the fact that additional dollars may have to go into this mediation effort. And so I assume that next year one of the efforts that will come forward is additional monies for the mediation centers that do this work. It's very important work with youth and families, and I support that effort. But it will be an ongoing dialogue and conversation at the Children's Commission. Thank you, Mr. President. [LB464]

SENATOR GLOOR: Thank you, Senator Campbell. Senator Burke Harr, you are recognized. [LB464]

SENATOR HARR: Thank you, Mr. President, members of the body. I was off mike trying to answer some of the questions I have. Senator Ashford...I guess my...here's where I'm coming from on this bill. I think it's a very good bill. I think what we're doing is the right thing, but I think we have to be careful about the details and make sure that we don't have any unintended consequences and that we're very careful. Senator Ashford, would you yield to a question? [LB464]

SENATOR ASHFORD: Yes. [LB464]

SENATOR HARR: All right. We were just talking off mike about this, and I don't know if you've had a chance to find the answer or not. If a juvenile on a minor misdemeanor says, you know what, I just want to pay a fine. I don't want to have to go through all these classes making smart decisions, whatever those classes are, probation. I just want to pay a fine in adult court. I was looking for it and maybe I missed it, but is there a spot that allows them to petition to go to adult court or can only the county attorney? [LB464]

SENATOR ASHFORD: Yes, I can answer that. The answer, Senator Harr, is that no. That if someone is...well, charged with a drug or alcohol offense, not a felony, misdemeanor offense, what's happened in the past to your point is oftentimes they'll go in and pay the fine and get rid of it. But then it's on the record. And so what we're...on their record. It can be expunged, but it's on the record at least. So now what we are saying, no. Once it's charged in juvenile court it stays there. But in Douglas County with the juvenile assessment center, many of those cases anyway will go to the juvenile assessment center and can be diverted. So I'm not sure that...and the fiscal note reflects the fact that there will not be a dramatic increase in cases. But I... [LB464]

SENATOR HARR: Okay. So a prosecutor can petition to take a case to juvenile court or from "juvi" back to county or district court, but a defendant cannot. Is that correct? [LB464]

SENATOR ASHFORD: Once it's in juvenile court it stays there and there is the JAC again, the juvenile assessment center, where it could be diverted out. [LB464]

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SENATOR HARR: Okay. [LB464]

SENATOR ASHFORD: But again, that would depend on the prosecutor to a great extent and others. But, yes, that's the intent. [LB464]

SENATOR HARR: Okay. And then the other question I have is, if you have an individual who let's say carried a concealed weapon. [LB464]

SENATOR ASHFORD: Right. [LB464]

SENATOR HARR: Picks up a charge, now picks up a second carry...while he's still in the juvenile court, picks up a second charge. And while he's still in there, picks up a third charge. And let's just, for argument sake, say he picks up a fourth charge. All cases are pending. Is there any way that a prosecutor can file that directly in county court or do they have to petition the juvenile court to move it to county court? [LB464]

SENATOR ASHFORD: Okay. If I understand your question, if there's a series of...there's a charge and prior to adjudication there are other additional charges... [LB464]

SENATOR HARR: Yes. [LB464]

SENATOR ASHFORD: At that point I guess the options would be the juvenile court can knock it up to adult court, the second charge. [LB464]

SENATOR HARR: Okay. [LB464]

SENATOR ASHFORD: I mean they're aware of the initial charge because it's already in juvenile court so they can...the prosecutor I guess...you're a prosecutor so theoretically the prosecutor would argue, wait a second. There's a pending gun charge. This person should be charged in adult court or should be handled in adult court. [LB464]

SENATOR GLOOR: One minute. [LB464]

SENATOR HARR: Okay. Thank you. So what we're doing here is moving the discretion from the prosecutor to the judge in essence. [LB464]

SENATOR ASHFORD: Yeah, but my sense is, and you know this, I mean the prosecutor...in Douglas County we do not overuse the adult court system in my view. So I think that the juvenile judges are going to give great weight to what the prosecutor suggests. I mean that's been my experience so... [LB464]

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SENATOR HARR: All right. Thank you. And then my other concern is, can we take into effect the fact that if the individual is a gang member or known to be violent? [LB464]

SENATOR ASHFORD: Jenn has given me the answer. The answer is, yes. It's in the bill that they can consider that as part of the transfer decisionmaking. [LB464]

SENATOR HARR: And they being the prosecutor or they being the judge? [LB464]

SENATOR ASHFORD: The judge and the prosecutor. [LB464]

SENATOR GLOOR: Time, Senators. Thank you, Senator Harr and Senator Ashford. Senator Ashford, you are next on the mike. [LB464]

SENATOR ASHFORD: Well, I'm actually going to give my time back to Senator...well, he can't ask me questions again, can he? So I guess that won't help. (Laugh) Maybe I've answered his questions. Let me just try to say this here. My sense in talking to prosecutors and judges and defense attorneys across the state is in practice this is going to iron itself out. We don't...our county attorneys do not, in my view, I mean, you know, defense attorney may disagree with me on any particular case, but overcharge these cases. You know, they're not, at least in Douglas County, and I'm certain that this is the case in Sarpy County because I know it a little bit, but also Lancaster County is...you know, there are lots of tools that can be used for a juvenile who has committed a felony. There is diversion. Hopefully, with the passage of the expanded probation there can be additional problem-solving courts that can be utilized. There are many, many...we have created in this Legislature many more tools than existed before. So you have, number one, prosecutors--at least the ones that I know--are very responsible and prudent in how they charge juveniles. They would rather not have to run a juvenile through the system unless the underlying offense is so serious that it's necessary they do so. So I think this statutory change fits nicely into what prosecutors are already doing generally. And secondarily, it does...with the sort of grand compromise around felony IV's, what it does do, as I suggested before, is we build up all this capacity, at least started to build up all this capacity where we're bringing in Probation, I guess 70 or 80 new probation officers to work with these juveniles in juvenile court. That...if someone is charged with a misdemeanor I or a felony IV, many cases there's not a huge difference between the two and in some cases there are. But it is...it does give the juvenile court a much more...well, it gives the system the ability to much more efficiently and certainly quicker response to the needs of this juvenile or the juvenile's family. So I don't think we are...we are not bumping up...Senator Pirsch asked great questions. I think what we're doing here is we're fitting this filing part of the juvenile conundrum and we're fitting it into the overall LB561 mantra, which is to divert as many juveniles out of the adult system and out of detention as possible and still give to prosecutors and judges the ability, when it's appropriate for significantly violent offense, for example, or violent offense generally, to file a case...to have a case, ultimately, go to adult court if it's serious

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enough to do...for them to do...for the judge to put it there. Again, in rural Nebraska, well, every other county other than Douglas, Sarpy, and Lancaster, the county judge anyway sits as the juvenile judge. So again, we're going to be dealing with...these judges are going to be dealing with cases that they may have been dealing with anyway as county court judges. It's going to be relative...let me ask Senator Harr a question if I could. [LB464 LB561]

SENATOR GLOOR: Senator Harr, would you yield? [LB464]

SENATOR HARR: Yes. [LB464]

SENATOR ASHFORD: Senator Harr, you have a great deal of experience in this matter, and you've suggested that this amendment makes sense to you. Can you capsulize for me, you know, the pluses or the positive... [LB464]

SENATOR GLOOR: One minute. [LB464]

SENATOR ASHFORD: ...the positives of this? [LB464]

SENATOR HARR: Yeah. I mean, it's what I said. I think this is a good idea. The advantage of it is, you know, it's what's in the DOJ. It's what they talked about. A good juvenile justice system is good for the whole state. We can hopefully stop some of these individuals from graduating from juvenile court on to adult court, and I like that aspect of it. I like that we have set criteria set that a prosecutor and/or a judge can look to. So I think that's good. I do have some concerns, though, however, that we're maybe casting the net too wide and that we're going to snarl some people in juvenile court that just want to pay a fine and go on their way. But that being said, it's conflicting policy and conflicting priorities. And I guess with that in mind... [LB464]

SENATOR GLOOR: Time, Senator. [LB464]

SENATOR HARR: Thank you. [LB464]

SENATOR GLOOR: Thank you, Senator Harr and Senator Ashford. Senator Pirsch, you are recognized. [LB464]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I would hope to continue my conversation with some specific questions for the record with respect to Senator Ashford. I wonder if he may yield to a question or two. [LB464]

SENATOR GLOOR: Senator Ashford, would you yield? [LB464]

SENATOR ASHFORD: Yes. [LB464]

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SENATOR PIRSCH: And so first up, with respect to resources, I know in Douglas County when it comes to probably the total universe of cases in which juveniles have been cited for misdemeanor infractions, traffic infractions it numbers into the...probably somewhere between \$5,000 or \$10,000. So if that...of those type of cases, because there's now concurrent jurisdiction, you know, using a reasonably foreseeable number in terms of how many will be handled by the juvenile courts, do they have the resources to take on such a challenge? [LB464]

SENATOR ASHFORD: Yes, I'm sorry, Senator Pirsch. [LB464]

SENATOR PIRSCH: Oh. And so the question was just if they have enough resources to take on the challenge, they being the juvenile court. [LB464]

SENATOR ASHFORD: I believe so, because the traffic matters will remain in the adult, well, in the county court traffic court. And that's the vast majority of the cases. There are, though, you're right. I mean, there are other cases involving alcohol and drugs which will go to juvenile court. Here's...do you mind if I just answer... [LB464]

SENATOR PIRSCH: Sure. [LB464]

SENATOR ASHFORD: Here's my sense of what happens. You know much better than I so you can answer this. But oftentimes it depends a little bit on who the defendant is. If you have a young person who--it isn't always this way--but who doesn't have necessarily the means to hire an attorney and may have a public defender or not, depends on the charge, you know, they're liable--and I've seen this happen many times, if it is like a minor in possession charge--they're likely to go, just pay the fine, and get out of there. Whereas if, you know, if let's say the father or mother or parents decide to hire a lawyer, they bump it up to juvenile court so they could be treated or taken into the juvenile court system. That often happens. So I worry a little bit that without filing these originally in juvenile...all in juvenile court, you're going to have this sort of disparity of prosecution, not prosecution, but this disparity of how you treat these juveniles would persist. And that's one of the reasons why I like the change. [LB464]

SENATOR PIRSCH: Okay. And then with respect to a different issue, and that being, you know, back to we are addressing some very...with IIIA and Class IV felonies, some very violent behavior: strangulation charges, possession of firearm at school, felony domestic violence assault, attempted sexual assault of a child, attempted sexual assault second degree, resisting arrest with a deadly weapon. With respect to those type of violent crimes, was there discussion about separating those fewer extreme type of violent type of crimes away from the other type of infractions and misdemeanors and perhaps Class III and Class IV felonies that are all caught in this? [LB464]

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SENATOR GLOOR: One minute. [LB464]

SENATOR ASHFORD: The answer is, yes, there is a great deal of discussion with the county attorneys. I personally had conversations with several county attorneys on this matter, and I know Senator Krist did, and this is the compromise language we've come up with. So, yes, there was a lot of discussion. Again, if it's extremely violent as you suggest or whatever that...I realize that every case is different, there are other levels of felony that these cases can be charged as if there's a regular III or a II or a I. But..and those are extremely serious charges. So, yes, there was. [LB464]

SENATOR PIRSCH: Okay. Well, I appreciate that answer. And just another, for the record, question with respect to you had mentioned specific kind of gang problems existing in specific areas of the state in particular. Is there any conversation about with respect to gangs utilizing... [LB464]

SENATOR GLOOR: Time, Senators. [LB464]

SENATOR PIRSCH: Thank you. [LB464]

SENATOR GLOOR: Thank you, Senator Pirsch and Senator Ashford. Senator Krist, you are recognized. [LB464]

SENATOR KRIST: Thank you, Mr. President. I don't want to take the gloves off, but I do want to make some pertinent points about the process that we've gone through for nine months and the injection of certain individuals into the process over the last few days, which are being articulated by Senator Harr, and I fully appreciate and respect his ability as an attorney, and Senator Pirsch, who has motivations to make sure that this is correctly entered into the record. The language that was brought to me last Thursday by the police union, which has been articulated by Mr. Lux in his attempt to amend this bill, are by recommendation of over a half a dozen attorneys over the weekend, present a constitutional issue of the Sixth Amendment of the Constitution of the United States, as well as not having a public hearing. Now I have made every attempt to ensure the lobby, for the police union and the city of Omaha and the county or district...or the county, Douglas County, and all those concerned that like LB561 this may not be perfect; but I will be here next year to make sure that I intake all of those issues and try to correct anything that is left undone with this particular issue. What's come on the record today is, to your understanding and it has been talked about the entire time, the questions have been asked and answered and asked and answered over all the debate, where does the court see or where do the charges go with traffic court? Colleagues, there is no change in the language in traffic court. The same language that's in this bill came out of 43-247 in the current statute. There are no changes in traffic court. Was it discussed and rediscussed and cussed and rediscussed about IIIA's and IV's? Absolutely. And the concurrence came from the county attorneys, the defenders, and

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most of the rest of the state. I think that what we're doing is putting things on record and I think that's wonderful. But I also think that to stagnate at this point is not in the best interest of our kids. When the police union and the representatives came to talk to me last week, I assured them, and I'm going to assure them today on the mike, and I'm going to tell you, colleagues, bind me to that promise. I will listen to their concerns next year. I will bring changes if they are mandated. But truthfully, I trust the judges and their discretion. I trust the prosecutors and the county attorneys and their discretion. If a kid walks in, in the scenario that Senator Harr has brought up with a gun, with a weapon day after day, three charges are there, the only thing that's not admissible is the first one that he may or may not have been charged with in juvenile court. And the juvenile court judge needs to do the right thing and kick it into the adult court. IIIA's and IV's have been discussed and rediscussed and cussed and rediscussed and we have come to some conclusion. We are trying to make the system better for the kids. The constitutional issue about the amendment that was brought to me, in not just the eleventh hour, but in my estimation the thirteenth hour, would require a public hearing. That's how we do business. We'll bring it back next year. Senator Harr and I, but for the grace of God, will be here and we'll talk about it again. And we'll make sure that if there are problems specific to Douglas County or any counties... [LB464 LB561]

SENATOR GLOOR: One minute. [LB464]

SENATOR KRIST: ...we will deal with them one at a time, just as we have this year with LB561 issues, just as we have this year with LB464 issues, and with truancy. Please, let's move on. Let's attach AM2687 to LB464. Let's do the right thing for our kids and move forward. Thank you, Mr. President. [LB464 LB561]

SENATOR GLOOR: Thank you, Senator Krist. Senator Burke Harr, you're recognized. [LB464]

SENATOR HARR: Thank you, Mr. President, members of the body. Thank you, Senator Krist, for those words. I do plan to come back next year and hopefully, God willing I'll be back, and I look forward to working with Senator Krist. I agree with most of what he said. There's some parts I might disagree a little bit with, but I do think it's important that we do pass AM2687 and LB464. It's not perfect. I come at this from a little different perspective than Senator Krist, having practiced in that area for several years and having worked with some of the parties involved--is a nice way to say it. I don't have the same faith he may have, but I do appreciate everything he said. And again, I would ask that we please advance AM2687. Thank you. [LB464]

SENATOR GLOOR: Thank you, Senator Harr. Senator Pirsch, you're recognized. Or excuse me, Senator Chambers, you are recognized. Senator Chambers, you're recognized. [LB464]

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SENATOR CHAMBERS: Mr. President, members of the Legislature, many individuals and groups have worked for a long time on this legislation. I want the people in the police union and the chief of police to understand that not everybody is intimidated by the Omaha Police Division, by the chief, or by the police union. That as long as I'm in this Legislature, the police union in Omaha is not going to call the tune on what kind of legislation is passed. They don't know the issues, they don't study the issues. I understand they have something on the Web, one of those crazy kind of things where all kind of ignorance, unsubstantiated, bullying, threatening, insulting, and I heard today something called tagging is done to try to intimidate people into not taking positions on certain issues. I want them to publicize as widely as they can spew it the issues that I believe in, that I strongly support, that I will fight for. And those things that the police union will bring that I'm opposed to I will fight strenuously against. And whatever they want to try to do to me means nothing. When they deal with me, they're not dealing with a coward, although they are cowardly. I never come with a gang. I never come with a group. I don't come here saying we, us. I say me. I'm the one saying it. I'm the one doing it. And if there are consequences to bear, I will bear them. I do not hide. I'm available. I'm easy to find. But the police union will not play the tune to which the Legislature will dance. They are not a part of the judiciary, and they're not going to dictate what this Legislature says the judiciary is going to do or how it will function. I tried to stay out of this, but I do watch it on that television set they give us in our offices. And I just could not be silent anymore. There are not stones on the floor of this Legislature. But I would paraphrase a scripture that I'm sure the "Parson" is familiar with. Were I not to speak out on this matter, the stones themselves would cry out. And now that I've unburdened my soul, I feel so much better. And I hope that the message that I gave was crystal clear. But if it's not, any cop or any group of cops can confront me wherever and whenever and we'll go into it in much greater detail until their little hearts and souls are satisfied as to what it is that I mean. But nothing they say, nothing they threaten, nothing they do will make me change one whit what it is that I believe I must do and what I must say. And I want to tell Senator Burke Harr and Senator Krist that I am willing that both of you return to the Legislature. Thank you, Mr. President. [LB464]

SENATOR GLOOR: Thank you, Senator Chambers. Senator Pirsch, you're recognized. This is your third time, Senator. [LB464]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. And this is my third time speaking. I will just point out that we have a job here. We're elected and this is the process by which we are supposed to debate and discuss bills. And have we gotten into trouble as a body by rushing things through with the expectation that maybe if things don't work out we'll just take a look at them in the future? I think that possibility has existed. And so there's nothing wrong or improper about this vetting procedure. A lot of the work is done in committees, I know that, and then comes out to the floor. But that doesn't exonerate us of our duties here on the floor. We are all elected state

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senators, all 49 of us. And because we serve on committees, we do so just in an effort to address...it's the best process, the least poisonous way to address this high flow of bills that come through. But it doesn't mean that we don't all share a responsibility to look into the matters that come through here. And so I do appreciate, as Senator Krist has said, that there's been a lot of debate and debate and talk in committee. But all of us have a duty to find out what that debate was about, what's preceded. And we're no less nor more responsible for the legislation that comes through here. And so when I ask these questions, I think it is important that we do have effective debate here on the floor. I am a senator who will not be back next year, so I don't have the opportunity to lend my expertise, to lend my knowledge and my opinion toward infirmities in a bill that is passed this year. This is it. So we ought to be very careful in what we do and look at on the floor the substance of the bill. If it's redundant, if there are senators who are on committees who have heard this matter before, then they should be appreciative of that and explain the conversations and the details of what they've heard on the floor so that we can have a comfort level on this. But with respect to, again, no problem with the truancy aspect of that. I don't believe I supported the truancy matter years ago. And again, when you talk about approaches and paradigms that shift over the years, that's an example. So we ought to be careful in looking at what we're doing here. There are violent crimes that are serious. They may be lower level felonies, but all felonies are important and can be dangerous matters. So when you're talking about strangulation, possession of firearm at school, attempted sexual assault of a child, and attempted sexual assault second degree, I think it's important to explore what the possible ramifications could be if we are to change the currently existing paradigm and utilize the juvenile courts as essentially the entry place for these types of crimes. So there are a number of other questions I have. How much time do I have? [LB464]

SENATOR GLOOR: 1:25. [LB464]

SENATOR PIRSCH: Okay. So I think it is important. I would urge colleagues who do have questions or understandings for the record to ask those questions now. This is a very significant bill. And so, you know, my question deals with main line of inquiry with respect to starting cases in juvenile court, not just the resources or resources available if in fact...and, you know, I think there is concurrent jurisdiction given with respect to the traffic. But...and so I'd be interested in knowing more about that. But really the line of questioning focuses on violent crimes, the IIIA, IV felonies, as well as many violent misdemeanors as well, and have we anticipated and talked about are those...are the violent crimes something that the juvenile court is best able to, I guess, manage and handle. And is society best served by having very violent, significant crimes handled in that capacity? And so to me... [LB464]

SENATOR GLOOR: Time, Senator. [LB464]

SENATOR PIRSCH: Thank you. [LB464]

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SENATOR GLOOR: Thank you, Senator Pirsch. Seeing no senators remaining in the queue, Senator Krist, you're recognized to close on your amendment. [LB464]

SENATOR KRIST: As it applies to the specific... [LB464]

SENATOR GLOOR: Excuse me, Senator Krist. Senator Chambers, you are recognized. [LB464]

SENATOR CHAMBERS: Thank you. Mr. President, I was making haste to my desk as quickly as I could, and I didn't know that nobody else was on the mike. But I'd like to ask Senator Pirsch a question or two. [LB464]

SENATOR GLOOR: Senator Pirsch, would you yield? [LB464]

SENATOR PIRSCH: I will. [LB464]

SENATOR CHAMBERS: Senator Pirsch, were you present in the Chamber when this bill was discussed on General File... [LB464]

SENATOR PIRSCH: I believe that... [LB464]

SENATOR CHAMBERS: ...if you recall? [LB464]

SENATOR PIRSCH: I believe I may have in part. I was active in another bill at that time as well. So I believe I heard some of the testimony on this. [LB464]

SENATOR CHAMBERS: We're you in the Chamber when this bill was discussed on Select File? [LB464]

SENATOR PIRSCH: I believe that that passed through very quickly on Select File. I'm not certain if I had a question at that time. I believe I may have risen at that time. I'd have to check. [LB464]

SENATOR CHAMBERS: Is this the first time that you have discussed these matters that you're asking questions about? [LB464]

SENATOR PIRSCH: Is this the first time? No. [LB464]

SENATOR CHAMBERS: Yes, on this bill. [LB464]

SENATOR PIRSCH: You mean on the floor? [LB464]

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SENATOR CHAMBERS: Yes. [LB464]

SENATOR PIRSCH: You know, I'm not sure. I've talked with individual senators about it, and so I'm not sure if I did arise on the floor and ask questions, but not at length in any case. [LB464]

SENATOR CHAMBERS: Did you become aware of the fact that the police union is upset with certain things pertaining to this matter? [LB464]

SENATOR PIRSCH: Not with respect to this matter as much as I think a different bill. [LB464]

SENATOR CHAMBERS: Senator Pirsch, did you make a motion to return this bill to Select File for an amendment of any kind or so that you could engage in further discussion? [LB464]

SENATOR PIRSCH: Not today, no. [LB464]

SENATOR CHAMBERS: So if that motion had not been made, who made the motion to return it? [LB464]

SENATOR PIRSCH: I believe Senator Krist did. [LB464]

SENATOR CHAMBERS: Had Senator Krist not made that motion, you were not prepared to make such a motion yourself? [LB464]

SENATOR PIRSCH: No, I wouldn't say that. I think that I wanted to say what I said here today, and so if not given the opportunity by Senator Krist, I would probably have filed a motion that would have given me the platform to do just that. [LB464]

SENATOR CHAMBERS: So it was your intention when you came here today, if nobody else filed a motion such as this, to file a motion to return the bill so that you could discuss it in the way you've done this morning. [LB464]

SENATOR PIRSCH: Yeah, I think it's...what I've said is very important for the body to hear. [LB464]

SENATOR CHAMBERS: But you had not placed any such motion on the desk. [LB464]

SENATOR PIRSCH: Well, to me it seemed unnecessary because Senator Krist had provided the vehicle for me to do that. [LB464]

SENATOR CHAMBERS: Thank you, Senator Pirsch. Members of the Legislature, call

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me naive Ernie today. I accept everything Senator Pirsch said with a grain of salt. Here's what I'm looking at. The reality of this Legislature and how we function as an institution. And I don't--that's all I'll ask you, Senator Pirsch, thank you--I don't see senators standing on this floor, as I often will do, to speak on behalf of the integrity of the Legislature as an institution. The need for us to insist on the body as an institution being given respect as one of the three branches of government. I've pointed out how the executive will jealously guard and push its prerogatives, how the judiciary will do the same. Yet the Legislature becomes the water carrier, the whipping person for any and everybody. [LB464]

SENATOR GLOOR: One minute. [LB464]

SENATOR CHAMBERS: And my colleagues, if they are offended by it, don't indicate that they are. Since I'm a member of this organization, I assumed a responsibility in disregard of what anybody else may feel his or her responsibility is to try to maintain the integrity of the Legislature as an institution. That does not mean I agree with everything the Legislature does as a body. It certainly doesn't mean that I agree with what each one of my colleagues would do on every occasion. But when I think a line has been crossed that attacks the Legislature as an institution, that would weaken its prerogatives or disrespect the role that it plays... [LB464]

SENATOR GLOOR: Time, Senator. [LB464]

SENATOR CHAMBERS: ...in this government, then I... [LB464]

SENATOR GLOOR: Time, Senator Chambers. [LB464]

SENATOR CHAMBERS: You said time? [LB464]

SENATOR GLOOR: Time, but you're next in the queue, and this would be your third time, Senator. [LB464]

SENATOR CHAMBERS: Thank you, Mr. President. I intend to speak. I've been in this Legislature longer than anybody in the history of the Legislature. And some people don't like me to talk about the past because they don't go back as far as I do. But when I first came here, I had no expectation, no intention of spending as many years of my life in a place like this--a dead end. Believe it or not, there are other interests that I had. I never, while I was growing up, contemplated or discussed entering politics in a formal way. I started voting at 21, which is the age you could vote as soon as I was old enough because I felt that I should vote and do those kind of things. But as far as seeking an office, no. As time went on, I did allow my name to be utilized to raise issues such as running for the Omaha Public School Board when it was at large and there was no chance whatsoever of my being elected or any black person. But to some extent I could

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force the discussion of certain issues that would not be discussed by anybody. Had I been told by whoever keeps a record of these things wherever that record is kept that if you set foot in that Legislature, you will be there for the rest of your life or a substantial portion of it, do you know what I would have said, Senator Sullivan? I'd looked at whatever or whoever it is in the eye and I'd said, so long, it's been good to know you, but I got to be traveling along. This is not the path I would have chosen. But once I involved myself voluntarily in an effort or in an activity, I do it the best that I can. And I feel that I assumed an obligation to the Legislature as an institution, and I'm going to discharge that obligation whenever I should. And when some of my colleagues even begin to lecture and talk about our responsibilities, but that is not the attitude taken until maybe a higher office is sought. I'm skeptical, and especially when some of those opinions and positions have a suspiciously close similarity to the position advocated strenuously and publicly by a special interest group or by the police or any of those outfits. So that's what I do. That's what I will continue doing. And remember this, I'm not immune from criticism. I can be attacked. I can be put in my place or attempts can be made to do that. But I don't run and hide. I don't go and lick my wounds and cry. I will stay where the challenge is made and I will meet it. And I don't need any help. I don't need anybody to defend me. And I don't need a lot of company along. So as long as I'm in the Legislature, I'm going to speak up for it as an institution. Thank you, Mr. President. [LB464]

SENATOR GLOOR: Thank you, Senator Chambers. Are there other senators wishing to be recognized? Seeing none, Senator Krist, you're recognized to close on your amendment. [LB464]

SENATOR KRIST: Thank you, Mr. President. I will be brief because I know I'm the only thing standing between you and lunch. Let me just say in summary that we not only have all of the children's organizations endorsing this, which you would expect, because it's right for kids. We also have a very conservative think tank called Right on Crime who has been right up-front endorsing this amendment as it is; and checking with them again after these changes were made, they're with us as well. Nine months, and not for lack of effort, we arrive at this point. This hopefully will be the last time I have to speak on either the amendment or on LB464, but I'm willing to speak on it again should it come back. So I want to do two things. First of all, I want to thank Senator Ashford for the opportunity to work on the LB561 and the LB464 process. I want to thank the legal counsel, Jenn Piatt, who, by the way, is moving on to bigger and better things in Washington, D.C., and we will miss her and her capability. I want to thank those people who weighed in, in the legal profession, and shepherded me a bit through it. And believe it or not, I even want to thank the police union because they've been a great deal of publicity for what's going on, both positive and negative, and that's good for the process. And I have made a promise to them and to like concerns that if we need to change things in the future, I will be here to make that happen or facilitate the changes with the other 48 of us who are here at the time. With that, I would tell Senator Brasch,

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bravo. Your piece of legislation is good. We need to get it into law. Senator Ashford, bravo. The truancy issues are finally now, I think, at a place where we can hold our head high. And the other issues in LB561, thanks to the county attorneys and NACO for their input and their support. I ask for your support of AM2687 and the underlying LB464. Thank you, Mr. President. [LB464 LB561]

SENATOR GLOOR: Thank you, Senator Krist. The question is, shall the amendments to LB464 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB464]

CLERK: 47 ayes, 0 nays on adoption of the Select File amendment. [LB464]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk. Senator Murante for a motion. [LB464]

SENATOR MURANTE: Mr. President, I move to advance LB464 to E&R for engrossing. [LB464]

SENATOR GLOOR: Members, you've heard the motion. All those in favor say aye. All those opposed say nay. LB464 is advanced. [LB464]

CLERK: Mr. President, messages. (Read communication from the Governor re LB661 and LB661A.) Senator Davis offers LR603, LR604, LR605, LR606; Senator Hadley, LR607. Those will be laid over. Amendments to be printed: Senator Mello to LB559; Senator Nordquist, LB191A; Senator Watermeier, LB811. Senator Chambers has a motion to be printed, Mr. President, that LB671 become law notwithstanding the objections of the Governor. LB690 and LB690A read on Final Reading this morning have been reported correctly engrossed. I have a gubernatorial appointment to the state Information Technology Commission. That will be referred to Reference. New A bill (read LB559A by title for the first time.) And a hearing notice from the Education Committee. And a motion by Senator Chambers to withdraw LR463. That will be laid over. That's all that I had, Mr. President. (Legislative Journal pages 1267-1273.) [LB661 LB661A LR603 LR604 LR605 LR606 LR607 LB559 LB191A LB811 LB671 LB690 LB690A LB559A LR463]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB690, LB690A, LB744, LB744A, LB768, LB867, LB867A, LB1087, LB1087A, LR509, LR511, and LR513. Mr. Clerk. [LB690 LB690A LB744 LB744A LB768 LB867 LB867A LB1087 LB1087A LR509 LR511 LR513]

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CLERK: Mr. President, Senator Harms would move to recess the body until 1:30 p.m.

SPEAKER ADAMS: Members, you have heard the motion to recess. All in favor indicate aye. Opposed. We are in recess.

RECESS

SENATOR KRIST PRESIDING

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

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

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

CLERK: Enrollment and Review reports LB907, LB999, LB1092, LB526, LB923A to Select File. I have a series of amendments and motions to LB485. Bills read on Final Reading were presented to the Governor at 12:23 (Re LB690, LB690A, LB744, LB744A, LB768, LB867, LB867A, LB1087, and LB1087A). Reference report referring gubernatorial appointee. And I have an explanation of vote, Mr. President (Re LB96, LB986, and LB987). (Legislative Journal pages 1274-1276.) And that's all that I have. Thank you. [LB907 LB999 LB1092 LB526 LB923A LB485 LB690 LB690A LB744 LB744A LB768 LB867 LB867A LB1087 LB1087A LB96 LB986 LB987]

SENATOR KRIST: Thank you, Mr. Clerk. We'll now proceed to the first item on this afternoon's agenda.

CLERK: Mr. President, LB998. Senator, I have Enrollment and Review amendments first of all. (ER185, Legislative Journal page 1045.) [LB998]

SENATOR KRIST: Senator Murante for a motion. [LB998]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB998]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. They are adopted. [LB998]

CLERK: Mr. President, the first amendment to the bill, Senator Burke Harr, AM2277. (Legislative Journal page 1054.) [LB998]

SENATOR KRIST: Senator Harr, you are recognized. [LB998]

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SENATOR HARR: Thank you, Mr. President. Members of the body, AM2277 would correct an inconsistency created by LB667 which we passed in 2011. The inconsistency is we treat those arrested for DUI offense prior to January 1, 2012, differently than the offender arrested after January 1, 2012. Specifically, AM2277 allows for people who have had their driver's license revoked for 15 years because of a DUI revocation to be eligible for ignition interlock permit. Currently, if you had your license revoked, you would have to serve at least seven years of the revocation before applying for a pardon with the Pardons Board. The law does not allow drivers who are arrested prior to January 1, 2012, who have had their licenses...license revoked or "revocated" to be eligible for an ignition interlock device. We, as a legislative body, have decided that using ignition interlock devices is good policy. These types of drivers have had multiple DUIs and are highest-risk offenders. In an Omaha World-Herald article dated May 29, 2011, titled, "DUI's human toll just the start," it stated that 80 percent of drunk drivers with suspended licenses continue to drive if they don't have an ignition interlock device. AM2277 would allow those people who have had their license revoked for 15 years because of DUI revocations prior to January 31...excuse me...December 31, 2011, to be eligible to apply for an ignition interlock permit. These drivers would apply to the Board of Pardons once a year for reinstatement. If the board agrees to the reinstatement, the driver would be eligible for an ignition interlock device for the duration of the revocation period. All we're doing is giving the Board of Pardons the chance to allow these individuals to apply to drive. That way, right now they're suspended, there's no oversight, they could be, they could not be driving. Obviously, driving is an important part of many people's lives. These individuals need a driver's license to be able to go to work; they need a driver's license to be able to go to rehab. We don't give them the interlock device, all we're doing is creating a spiral effect. That's why we changed the policy after December 31, 2011. With that, I would ask that you amend...pass AM2277. And I would also be remiss if I did not thank Senator Karpisek for allowing me to put this amendment on his bill. Thank you very much. [LB998]

SENATOR KRIST: Thank you, Senator Harr. The floor is now open. Seeing no one wishing to speak, Senator Harr, you're recognized to close on your amendment. [LB998]

SENATOR HARR: Thank you. Just quickly, I forgot to mention this bill came out unanimously. It was put forward for consent calendar, had no opposition. Unfortunately, as is the case, there are so many bills this did not make consent calendar. But I want to again thank Senator Karpisek for allowing me to put this on his bill. Thank you. [LB998]

SENATOR KRIST: Thank you, Senator Harr. You've heard the closing. The question is the amendment, AM2277, to LB998. All those in favor vote aye; opposed, nay. Senator Harr, for what purpose do you rise? [LB998]

SENATOR HARR: I would request a call of the house, please. [LB998]

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SENATOR KRIST: 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; opposed, nay. Please record, Mr. Clerk. [LB998]

CLERK: 21 ayes, 0 nays to place the house under call. [LB998]

SENATOR KRIST: The house is under call. Senators, please record your presence. Those unexcused senators please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Hansen, could you check in, please? Thank you. Senator Wightman, Senator Mello, Ashford, Kintner, and Bolz, please return to the Chamber. The house is under call. Senator Wightman, Senator Mello, Senator Kintner, please return to the Chamber. Senator Harr, how would you like to proceed? [LB998]

SENATOR HARR: I'll take call-in votes, please. [LB998]

SENATOR KRIST: Mr. Clerk. [LB998]

CLERK: Senator Chambers voting...you had voted yes, Senator. Senator Hadley voting yes. Senator Davis voting yes. Senator Watermeier voting yes. Senator Lautenbaugh voting yes. Senator Janssen voting yes. Senator Ashford voting yes. Senator Harms voting yes. [LB998]

SENATOR KRIST: Please record. [LB998]

CLERK: 27 ayes, 0 nays on adoption of Senator Burke Harr's amendment. [LB998]

SENATOR KRIST: The amendment is adopted. Raise the call. Next item. [LB998]

CLERK: Just a minute. Mr. President, the next amendment is by Senator McGill, AM2460. She would move to suspend the germaneness rule to allow consideration of AM2460. [LB998]

SENATOR KRIST: Senator McGill, you are recognized. [LB998]

SENATOR MCGILL: Thank you, Mr. President, members of the body. I come to you with a couple of amendments that are going to require me to suspend the rules in order to move forward. For better or for worse, the Judiciary Committee didn't kick out a whole lot of bills dealing with penalties, and so this really is the best home for these couple of bills that I have here before you. I'll have to suspend the germaneness rule for both of them individually. AM2460 is my bill that was originally LB1034, if you'd like to pull that up on your viewfinder, dealing with what is commonly referred to as "upskirting." So

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someone standing behind a woman in line who is wearing a skirt, putting their cell phone under there, and taking a picture upward, believe it or not, that is not illegal in our state and in many states, so we're seeing many different states in the union having to go through and make this practice illegal. The ACLU originally had some opposition to the bill, but we were able to work with them to try to address those needs and the bill then came out of committee unanimously. I would ask for your support so that we can move forward and I will share more about the bill if you're willing to suspend the rules. Thank you, Mr. President. [LB998 LB1034]

SENATOR KRIST: Thank you, Senator McGill. You've heard the motion to suspend the germaneness rules. The question is, shall the rule be suspended or germaneness rules be suspended? All those in favor vote aye; opposed, nay. Senator McGill, for what reason do you rise? [LB998]

SENATOR MCGILL: I would like to request a call of the house. [LB998]

SENATOR KRIST: There has been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB998]

CLERK: 23 ayes, 0 nays to place the house under call, Mr. President. [LB998]

SENATOR KRIST: The house is under call. Senators, please record your presence. Those unexcused senators please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Davis, could you record your presence? Thank you. Senator McGill, everyone is accounted for at this point. How would you like to proceed? [LB998]

SENATOR MCGILL: I'd take call-ins. [LB998]

SENATOR KRIST: Mr. Clerk. [LB998]

CLERK: Senator Ashford voting yes. Senator Garrett voting yes. Senator Avery voting yes. Senator Pirsch voting yes. Senator Karpisek, you had voted yes, Senator, thank you. [LB998]

SENATOR KRIST: It's just a reminder that this vote takes 30 votes to suspend the rules. [LB998]

SENATOR MCGILL: Roll call vote, please. [LB998]

SENATOR KRIST: Absolutely. Sorry. [LB998]

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SENATOR MCGILL: Thank you. [LB998]

SENATOR KRIST: Mr. Clerk. [LB998]

CLERK: (Roll call vote taken, Legislative Journal page 1277.) 29 ayes, 1 nay. [LB998]

SENATOR MCGILL: I'll change my vote to not voting. [LB998]

CLERK: It's...I've announced the vote. [LB998]

SENATOR KRIST: Sorry, Senator, the Clerk has announced the vote. [LB998]

SENATOR MCGILL: Okay. [LB998]

SENATOR KRIST: The motion to suspend the germaneness rule was not adopted. Raise the call. Speaker Adams, could you approach the Chair, please? Stand by one second, please. Stand at ease for a few minutes. (Visitors introduced.) We'll come back to order. Mr. Clerk, the first item on the agenda now. [LB998]

CLERK: Mr. President, I (laugh)...Senator Janssen would move to reconsider the vote just taken with respect to the suspension of the germaneness rule. [LB998]

SENATOR KRIST: Senator Janssen, you're recognized. [LB998]

SENATOR JANSSEN: Thank you, Mr. President and members. And during that vote I may have been preoccupied and as I looked at it and realized it was 29, it was too late to reconsider. And I know that we're all busy today in different committee work and it's a nice day and a lot of people are maybe even off the floor, so I think we...and I'm not normally a...suspend the rules on germaneness and didn't clearly look at everything there. So if I'd have seen 29, I would have voted for it and I think Senator McGill should be yielded the opportunity to get the votes on the floor to pass her legislation. And with that I'll yield the balance of my time to Senator McGill. [LB998]

SENATOR KRIST: Senator McGill, you have 9:23. [LB998]

SENATOR MCGILL: Thank you, Mr. President. Thank you, Senator Janssen. For those who were in their committee Executive Sessions, this is a motion...what we were voting on was a motion to suspend the rules so that I could attach what was LB1034 to Senator Karpisek's bill. This is my bill about "upskirting," making sure that that is...we criminalize that as it is not currently so in our laws. So I would simply ask for your vote and I will discuss further the details of my bill when we get to that point. So I ask you to vote yes to reconsider this motion. [LB998 LB1034]

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SENATOR KRIST: You have heard the motion by Senator Janssen. The question is reconsideration, a reconsideration of the motion to suspend the rules. Those wishing to speak: Senator Hansen and Senator Chambers. Senator Hansen, you're recognized. [LB998]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I was the only no vote on the original motion to go away from the germaneness rule, I guess. And we...and the reason was that we keep filing these bills onto other bills and to the public it looks like we don't know what we're doing. We're talking about interlock systems and "upskirting" at the same time. People are going to question me; they should question you, too, if they're listening to any of this discussion on the floor today. I think it's inappropriate. If Judiciary wanted to get more bills out, have some Exec Sessions and get them out; get something earlier. I know Senator McGill has talked about sex trafficking bills several years in a row now. It's her...I mean, that's what she wants to prevail and I appreciate it. Now we're going to get put out in the paper like if you have an ignition lock and a camera you can't use that camera in a line or something, in a grocery line. I don't know how they're going to twist this, but it's not going to look good. The germaneness rules should not be changed just for these two bills. They've come as amendments; they should be standalone bills. And I would have voted for both of them but I won't vote to suspend the rules for germaneness. Thank you. [LB998]

PRESIDENT HEIDEMANN PRESIDING

PRESIDENT HEIDEMANN: Thank you, Senator Hansen. Senator Chambers, you're up next and recognized. [LB998]

SENATOR CHAMBERS: Mr. President, members of the Legislature, sometimes it can be too late in the game to raise a point even though it validly can be raised. In past years, I would not agree to all this Christmas treeing. If a bill could be shown to be very consequential, then I would not object to its being added if a person could get the votes, but other than that I would tear these trees down. George Washington never cut down...well, he cut down a tree but he didn't lie about it. That would have been my example. But you start getting all of these bills. There are some that I even got out of committee which I think I might could have gotten attached to some of the bills that have gone through here but I haven't tried. Remember, when I tried to get a tax bill out of committee, all the committee Chairs stood up and said, no, we don't do that. But now bills are being pulled out of committee in this fashion and that is not illegitimate. One place where Senator Lautenbaugh and I agree on generally is in interpreting the rules and what is allowed and what can be done. But it ought to be clear what is being done. If I had offered that amendment, I would not have sought to suspend the germaneness rule because I take a very liberal view of it. I think the only time a matter should be considered nongermane, if it creates two subjects in the bill. That is unconstitutional. The Supreme Court has said so. But if I was trying to be collegial and I offered a motion

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to suspend the germaneness rule and I didn't get the motion, they didn't vote to suspend the germaneness rule, I would just offer the amendment. And then if somebody said, I object, why do you object, I think it's not germane, I'll say, then I'll take a vote, I move that this amendment be adopted. And then if they say, well, I want a ruling from the Chair, is it germane or not, well, the Chair might say, well, it's not germane. I don't need 30 votes to overrule the Chair. All I need is a majority of the voters of the people who are here, the ones who are present. But in no case would I need 30 votes. And if there were 25 people who supported the amendment, the Chair would be overridden. And that's how you get out of these entanglements that you put yourselves in. In a legislature you have to be able to legislate. I told you all on purpose I would vote against adoption of the permanent rules. And I took a record vote so it would show that I voted no. But I also added that the ones who vote yes are the ones who are going to have to suspend these rules. But I'm not so hidebound that I would prevent the Legislature from operating in a way that would allow essential business to be carried out. We could never anticipate every single eventuality and write a rule for it and we shouldn't. This is not a mechanistic, "automatonish" organization. It is like a debating society. There are times when the bulk of the legislators will have to just look the other way so that the business of the Legislature can be done. Technically speaking, the proposal in the form of an Appropriations Committee amendment... [LB998]

PRESIDENT HEIDEMANN: One minute. [LB998]

SENATOR CHAMBERS: ...as a committee amendment under the wording of the rule book can be divided. But realistically, it should not; practically speaking, it should not; pragmatically speaking, it should not. So the rules are not made to prevent the Legislature from doing the very thing which comprises its job, and our job is to legislate. Let people offer their amendment and if there are enough votes, then it'll be adopted. If I reach a point where I'm tired of the Christmas treeing, then it's up to me to stop it, and I wouldn't stop it by means of offering a germaneness rule. I'd put so much weight on that tree on this particular part that I'm against that the rest of the people who got their little baubles, bangles, and beads on the tree would say, you've got to take yours off, because if we go to cloture I'm not going to vote for cloture for you and lose mine. [LB998]

PRESIDENT HEIDEMANN: Time. [LB998]

SENATOR CHAMBERS: Thank you, Mr. President. [LB998]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. (Visitors introduced.) Senator Karpisek, you are up next and recognized. [LB998]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I do support voting for germaneness here. Would Senator McGill yield, please? [LB998]

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PRESIDENT HEIDEMANN: Senator McGill, will you yield? [LB998]

SENATOR MCGILL: Yes. [LB998]

SENATOR KARPISEK: Thank you, Senator McGill. This bill did come out of committee, correct? [LB998]

SENATOR MCGILL: It absolutely came out of committee. [LB998]

SENATOR KARPISEK: And what was the vote? [LB998]

SENATOR MCGILL: It was unanimous, I believe. There was one absent or not voting. [LB998]

SENATOR KARPISEK: Okay, thank you. So my point is, I think where Senator Chambers talked about his bill not coming out last year, it wasn't out of committee and he would have had to try to pull it out of committee and that's when the committee Chairs stood up. This bill is out of committee; it's pretty much unanimous; almost could have gone on consent calendar but not. I think it's too important, probably too big a bill for that. But I was happy to let Senator McGill try to amend this on because I think it is important. I think in a short session we just don't have time, nor the number of bills, to be able to get things up that are important to us. The Christmas treeing, we do it in committees a lot--Education, HHS, Judiciary, Christmas trees a lot of things in committee. I know our committee did this year. We had a little trouble with that and maybe not all of it looked like it went together, but it did. And I understand what Senator Hansen is saying. It does look odd to the outside person. However, most of what we do looks odd to them and they don't understand it, just as we didn't understand it until we got here and maybe we still don't get it when we'll leave. I think it's a good bill. I think we should suspend the rules. As Senator Chambers said, she probably didn't even have to ask for germaneness rule unless someone brought it up. But I think that she wanted to do it the right way, to say right away it may...it isn't germane, and so she went the right way about that, I feel, so I would ask for you to vote to suspend the rules. Thank you, Mr. President. [LB998]

PRESIDENT HEIDEMANN: Thank you, Senator Karpisek. Senator Lautenbaugh, you are recognized. [LB998]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I think I earlier in the session used that well-known phrase: Even a broken Chambers is right twice a session. He was right once earlier this year. He was right just a few moments ago, too, regarding the proper procedure. That said, I did vote to suspend the rules, as did he. I would urge you to do the same, but I think the peremptory suspension

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is a mistake that leads to these little train wrecks that we're having right now. I'll shut up about it though and just say that we should vote to suspend the rules here, but we should probably not proceed this way unnecessarily in the future. And I'll yield the remainder of my time to Senator Chambers. [LB998]

PRESIDENT HEIDEMANN: Senator Chambers, 4 minutes. [LB998]

SENATOR CHAMBERS: Thank you, Senator Lautenbaugh. Thank you, Mr. President. I'm going to vote to suspend the rule. I can do it. I voted against all those rules. They don't mean anything to me. I'm against all of them and my vote shows it. So when I suspend the rule, I'm not doing anything. I'm being consistent. But I'm trying to make a point, and Senator Lautenbaugh underscored it. And I don't think I'll have to speak again. How much time do I have, Mr. President? [LB998]

PRESIDENT HEIDEMANN: Three minutes and 40 seconds. [LB998]

SENATOR CHAMBERS: Three minutes? [LB998]

PRESIDENT HEIDEMANN: And you are next in the queue. [LB998]

SENATOR CHAMBERS: Okay. I won't take that much time. I know that I'm not listened to on this floor. I know that people have reasons other than the issue to vote against what I do. But I'm a grown man. If the worst thing I had to confront in life are people vindictively doing things against me in this Legislature, that's the biggest thing I have to worry about, you know what I'd do? I'd take people out to the cemetery. I'd say, you see that little, short grave there? You know the size of somebody filling that little, short grave? Let's walk through a pediatric cancer ward. Now you talk to these parents and ask them, if they were in the Legislature and somebody was mad at her and voted against her bill, how would she feel? If she had a knife she'd probably cut your tongue out. I'm trying to say there are priorities, there are perspectives that need to be taken. You all cannot hurt me by what you do. But some of the things you do to try to hurt me hurt your system. The whole Legislature as an institution was hurt, it was damaged, it was gutted because of how the majority of white people in this state felt about me. And they made it clear that they were going to get term limits because that was the only way to get me out of the Legislature, and I can show you editorials to that effect. I can show you where some guy in Iowa wrote to have that done and where some of the senators went out and said, don't do this, if you get rid of him, you're getting of us who you send down there all the time. Then I'd mock and I would scoff and say, I've been made bigger as one black man who is disliked than all 48 of the white people whom you love. Now who is the petty one? You will destroy your three-part government to get rid of one man who can't be here all the time anyway. So do what you want to against me and I'll be back. I've got six more years and I've got a memory that's longer than six years. And I'm not going to have to wait until next year. We've got time left this year. And if that's the

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way I'm going to be dealt with, then I will play according to the rules... [LB998]

PRESIDENT HEIDEMANN: One minute. [LB998]

SENATOR CHAMBERS: ...that are being invoked against me. If we're in a card game, "General" Garrett, and everybody is cheating and I'm going to try to play by some kind of rules, I'm not a gambler, I'm a fool; I'm not an honest man, I'm a fool. The only rule in that game is that there are no rules. You get away with everything that you want to that you can. So when I see what the rules are that you all are going to invoke against me, I'm going to show you that one man can withstand it all and will withstand it all, but not on every single issue. This has nothing to do with those things I just said except that we should not be unmindful enough to put the Legislature in a straightjacket with rules that are not of value. And I'll stop now. The next time I speak will end it, but I think have some things to say that are worthy of being said and I might croak before I get another opportunity. [LB998]

PRESIDENT HEIDEMANN: You are up next in the queue. [LB998]

SENATOR CHAMBERS: Thank you, Mr. President. And I believe that I'm still among the living, although when I look around at the people who are in here, I may have died and be in that place that nobody wants to go to. (Laughter) Oh, my goodness. Anyway, the point that I really want to underscore is that you don't want to throw out the baby with the bathwater. No one notion should be so significant that it undermines the very system within which that notion is presented. So I will vote to suspend the rules, and there are other occasions when I will vote to suspend the rules. I will always vote to call the house. I will rarely vote to cease debate. I will almost never vote for cloture. But those are just self-imposed rules for me and no rule, even if I impose it, that doesn't go to the core of my values, my ethics, and my sense of morality, no rule even if I put it in place is going to make me make a fool out of myself because I said it's going to be this way. Now there are things that I might do and say that other people will say could only be said and done by a fool. But their evaluation and assessment means nothing whatsoever to me. But those who are suspending the rules and those who want that consideration...think about it. Think how many times this session I had the opportunity. Senator Sullivan had bills that I genuinely would have taken issue with and taken time, like Senator Lautenbaugh had done on occasion, to talk about how bad education in general in this state is, and specifically with OPS, but I refrained. So here I am, the oldest person here, the one who has been here the longest, and the one to whom least heed is paid, but the one who will review and study before speaking, but it makes no difference. You're not persuaded; you're not convinced. And I know that's the way it is. But you know why I try to do it? Because I do have a sense of self-respect and I know there are young black people who pay attention to things that I say and that I do, and I want them to see that, no matter what the odds are, you have to do what you think is right and you have to do it the best way you can, even if the ones you're trying to do it

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cause you to do it a certain way because it's their rule, then they're going to violate their own rules just to turn you away. Don't let them destroy you. You have to outlast them. Somebody once talked about forgiving enemies. I am not the one. I'm quoting this: I don't have to forgive my enemies, I outlive them, then everybody is happy. But this is a very good bill that Senator...the one who laughed...see, we have ways of calling forth people to self-confess. But at any rate, I had even thought about trying to do something with this bill because there was a situation where this woman was in a police interrogation room and for some reason they stripped her to search her and then they were taking pictures of her. And the court said, well, that's not against the law because there is no expectation of privacy. What woman would expect, when she goes into a room and is ordered by the law to take all of her clothes off, expects to be photographed? [LB998]

PRESIDENT HEIDEMANN: One minute. [LB998]

SENATOR CHAMBERS: And the court said, that is not against the law because there is no expectation of privacy. Again, how do you think I feel when I see how low the morals of the people are in this state? White people, a white judge, white cops doing it to a white woman, and that's the master race, they are detrimental to the cause of white supremacy. Where is the concern and consideration for people who are rendered vulnerable by the law, then abused by the law, then given no redress under the law? Senator McGill, bless you, my child. Thank you, Mr. President. [LB998]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Senator McGill, you are up and recognized. [LB998]

SENATOR MCGILL: Thank you, Mr. President, members of the body. I just wanted to walk through things a little bit for those who weren't here before and since the conversation has taken a little longer than maybe I had initially anticipated. But our Judiciary Committee has really made an effort to not do a bunch of Christmas-tree bills. We did not kick one out intentionally and that does mean that there are other really good bills that need to find homes in a short session. I would argue this is one of those. We had a case in Cass County where a man was caught photographing up a woman's shirt and they won't be able to get him on anything. The guy is out there with no retribution, no course of action, no sentence, no punishment for having done that. That's a serious issue. I've been hearing from college campuses about how important this is to them and how our technology has come to such a place that these things can easily be taken and distributed. I heard from one gentleman, a former Douglas County sheriff who back in the '80s caught a guy just using a mirror under a woman's skirt on an escalator, and he had no course of action for this young man. Here we are now where it's not just a mirror under the skirt, it's taking a photograph, and that photograph can be texted out later or posted on the Internet. This is a serious issue, members, and one that I think is worthy of us suspending the rules here. I am going to be asking for it on the next bill as

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well, as is Senator Seiler for another Judiciary bill, and I came here asking to suspend the germaneness rule because the Speaker felt it was the best policy moving forward with these amendments. And so I took his advice. I'm here asking for folks to suspend the rules, and I would ask for you to vote yes on the reconsider motion from Senator Janssen. Thank you. [LB998]

PRESIDENT HEIDEMANN: Seeing no one else in the queue, Senator Janssen to close on your reconsider motion. [LB998]

SENATOR JANSSEN: Thank you, Mr. President. Again, had I noticed the board, I...we wouldn't have been this far down the road right now. We would have had the 30 votes probably 30 minutes ago. I would say that I noticed that Senator Chambers momentarily misplaced Senator McGill's name. Now he has an FBI file on him, he's told me, anyway, and told us all. But this morning on my desk, and I don't know if everybody got this, but I got something from February 9, 1994, and at the top, of course, there's "E.C." on it. It says, underlined, in parens, and then quotes: From the Janssen file. So presumably, you've had a file on Janssen since '94 and I would bet even further past that. So I've been getting watched for awhile there in this file. True story, it was my uncle Ramon though, however. This is a good bill and it should be passed and I will vote for reconsideration and the underlying bill. Thank you. [LB998]

PRESIDENT HEIDEMANN: You've heard the closing on the motion to reconsider. Members, you've...the vote is the motion to reconsider. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB998]

CLERK: 44 ayes, 0 nays to reconsider the vote, Mr. President. [LB998]

PRESIDENT HEIDEMANN: The motion to reconsider is successful. We are now back on suspending the rules for germaneness. Anyone wishing to speak? Seeing none, Senator McGill to close. [LB998]

SENATOR MCGILL: I would simply ask for your green vote so we can move on to the amendment. Thank you. [LB998]

PRESIDENT HEIDEMANN: Members, you have heard the motion to suspend the rules. All those in favor vote aye; all those opposed vote nay. This does take 30 votes. Mr. Clerk, please record. [LB998]

CLERK: 41 ayes, 1 nay, Mr. President, to suspend the germaneness rule. [LB998]

PRESIDENT HEIDEMANN: The germaneness rule is suspended. Senator McGill to open on AM2460 to LB998. (Legislative Journal page 1106.) [LB998]

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SENATOR MCGILL: Thank you, Lieutenant Governor, members of the body. Thank you, Senator Janssen and everyone who was willing to waive germaneness on this important issue. As you kind of heard recapped by myself, Senator Chambers, others, this is really about our unlawful intrusion statutes and how currently a person has to be in a place of solitude or seclusion, in a place where, as Senator Chambers put it, that there is an expectation of privacy for someone to be penalized for a behavior like this by taking a picture of someone's intimate area or where they're undressing. So, yes, right now if you're in a fitting room or changing your clothes in a closet like at the...there was a bar here in Lincoln recently where a manager was found to be taking pictures of some of his staff changing their clothes. There was...but there was an expectation of privacy in those areas. But for these women who were standing in line, or men for that matter, standing in line and someone takes a picture of them, they're in a public place. So we've drafted language similar to that of what's going around in some other states as well that it shall be unlawful for any person to knowingly photograph, film, record, or live broadcast an image of an intimate area of any other person without his or her knowledge and consent when his or her intimate area would not be generally visible to the public regardless of whether such other person is located in a public or private place. I really feel this language gets to the heart of the issue. I've already talked about some of the particular cases and would simply ask for your support moving forward. Thank you. [LB998]

PRESIDENT HEIDEMANN: Thank you, Senator McGill. Those wishing to speak on AM2460, we have Senator Schumacher. [LB998]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. As a former prosecutor, I've got some concerns about this particular piece of legislation being overly broad, covering more than it needs to cover to address the evil that is at hand. As it's worded, it would seem that it would cover all kinds of photographs that might be in the tabloids at a grocery store. It would seem to cover the paparazzi taking a picture of Bill Clinton in his boxer shorts. It would seem to possibly cover photographs taken of a person unconscious in a medical examination or by law enforcement. This covers a lot more than somebody sneaking up and doing what's called "upskirting." And I think if we pass it as is, we can probably expect there...if anyone ever is charged under this law, the defense to raise the issue that the law is unconstitutional because it is overbroad. I kind of think it probably should be tweaked to address the evil that has been spoke of rather than this broad sweeping language which probably will include a lot of other activities that aren't really being thought of. And the most common one, I think probably, you'll find in the tabloids at the grocery store and such places of photographs such as this, and whether or not if one were to take a picture or Xerox or transmit those in some ways you'd be guilty of this. It isn't really clear. I would suggest that an amendment be looked to at some point. This already is on Select File, so it's a little late to start dealing with amendments, to limit this particular language to the evils which are sought to be cured. Thank you. [LB998]

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PRESIDENT HEIDEMANN: Thank you. Senator Burke Harr, you are up next and recognized. [LB998]

SENATOR HARR: Thank you. I just wanted that thank Senator Schumacher for those words because I was having trouble with this amendment as well. The problem is obvious and we do need to find a way to fix it. But I agree with him that there's a problem with the way this amendment is written. Intimate area means the naked or undergarment-clad genitalia, pubic area, buttock, or female breast of an individual. As it's read, as I read this, you could take a picture of a female's...in a bikini and it'd be okay. But if she were in the same situation and had an undergarment on, well, then it's a problem. And I'm not sure if we...I think we need some consistency or a better definition. There are pictures being taken all the time and sometimes you catch something you don't want to. This says knowingly, but it's going to be difficult to prove that it wasn't knowingly, and that's going to be the burden unfortunately. I just think we need to be very careful about what we're doing here and we're already on Select File. So it's not as though we can sit here and say, hey, we'll fix this between General and Select. Senator McGill, would you yield to a question? [LB998]

SENATOR MCGILL: Yes. [LB998]

PRESIDENT HEIDEMANN: Senator McGill, will you yield? [LB998]

SENATOR HARR: Thank you. So if you're looking at your amendment, intimate area, did you see that? [LB998]

SENATOR MCGILL: Yes. [LB998]

SENATOR HARR: Okay. What...undergarment-clad, that just means...what does that mean, first of all? [LB998]

SENATOR MCGILL: Well, Senator Harr, in terms of your entire argument, I would actually ask you to look back up to: "would not be generally visible to the public." And so a swimming suit, if a woman is out at a pool wearing a swimming suit or even wearing a skirt laying out and it's...and she's laying down and puts her legs up, that's very generally visible to the public, which is different than a woman standing up with...even with a swimming suit bottom on or underwear on and somebody taking a picture up her skirt which is not generally visible to the public. [LB998]

SENATOR HARR: Okay. Let me ask you again. What does undergarment clad mean? [LB998]

SENATOR MCGILL: It means clothing, some sort of clothing or object...not object, but

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clothing covering that area. [LB998]

SENATOR HARR: Okay. Does it...what is a...so it has to be an undergarment though? [LB998]

SENATOR MCGILL: It could be a swimming suit bottom. [LB998]

SENATOR HARR: What's that? [LB998]

SENATOR MCGILL: It could be a swimming suit bottom. [LB998]

SENATOR HARR: I still didn't hear you. [LB998]

SENATOR MCGILL: It could be a swimming suit bottom. [LB998]

SENATOR HARR: Okay. Could be. That's...folks, that's the problem we have here is we got to be careful and we got to be clear about what we're taking here. And if you're going to commit a felony and be a registered sex offender, we got to have a law that's pretty clear. So it's what Senator McGill talked about. Person could be laying out in public in a swimming suit and it could be perfectly fine or it could not be. And I'm not sure where that line is as far as what I'm allowed to take a picture of. We have a problem. There's no doubt about it, but the question is how do we fix that problem. If I'm laying out in my Speedo, which that's a vision I'm sure a lot of you want, I'm not sure where that line is as far as when my rights have been violated and when they haven't been violated. I'm just...I'm unclear. And so--good bill, good idea, but I'm not sure if we're quite there on the language yet. Thank you. [LB998]

PRESIDENT HEIDEMANN: Thank you, Senator Harr. Senator McGill, you're up next in the queue and recognized. [LB998]

SENATOR MCGILL: Thank you, Mr. President, members of the body. And I would simply reiterate that would not be generally visible language. If a woman is out wearing a swimsuit or Senator Harr chooses to lay out in his Speedo for some reason, then he's laying out in a public place where people can see him in his Speedo. That may be disturbing, but it wouldn't be breaking the law here. So I'm struggling with that. I know we did have some media folks initially approach me about this bill who were concerned, as Senator Schumacher had talked about, with the media aspects. And when they heard what we were doing, what we were going at, they choose not to even testify on the bill or to be active on it. So that tells me that their concerns didn't rise to a level that should prevent us from passing this bill. If there were suggested amendments, I'd be happy to hear those either now or after this advances. But this is language that has been adopted in some other states. Our intimate area definition is used in other areas of statute as well. I think that this is as tight as it can be and that we need to protect our

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young men and women. It happens with both genders in some way, shape, or form. Obviously, women are more often to be the victims. But I think this is something important and it's honestly ridiculous that we don't have something on statute addressing this issue right now. So I certainly ask for your support. Thank you. [LB998]

PRESIDENT HEIDEMANN: Thank you, Senator McGill. Senator Schumacher, you're up next and recognized. [LB998]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. As I think about the overbroad nature of this, a Google Earth satellite. These deals they have driving up and down the streets taking pictures for Street View can run across almost anything and be transmitted anywhere. People wearing, what do they call these things, Google eye things that are transmitting all the time. I think that language could fix this to address the "upskirting" issue. But this...the more you think about it, the more you think of instances of what we would think perfectly legal behavior of...that would photograph someone in a bathing suit or undergarment that would be covered by this. And people would be put in jeopardy of some rather severe penalties. So I really think it's important that if this is going to be constitutional, if we're going to make it the law of this state that we limit it to the evil at hand, and that is somebody sneaking up on someone and photographing at close range and distance under the skirt or under the pants. This seems to be just terribly broad legislation and because it's terribly broad maybe unenforceable. Thank you. [LB998]

PRESIDENT HEIDEMANN: Thank you, Senator Schumacher. Senator...seeing no one else now in the queue, Senator McGill, you are recognized to close on AM2460. [LB998]

SENATOR MCGILL: We've been talking about this for a while, so I'll try to be brief here. We've had cases for decades of people looking up women's skirts and have had no recourse. These women are victims. These pictures are sometimes shared afterwards. This poor woman that the Cass County folks were dealing with didn't even know the pictures were being taken. A security camera caught the guy taking the pictures. They tried to get him with disturbing the peace and that didn't stick. And he's, I believe, been acquitted now. We have to have something on the books that addresses this issue and this threat to, especially, our young women. The perpetrators would not be put on the sex offender registry unless the pictures were taken of a minor. And so I think that's important to note the difference there. And so I ask your support in moving forward with this measure. Thank you. [LB998]

PRESIDENT HEIDEMANN: You've heard the closing on AM2460. The question is, shall AM2460 be adopted to LB998? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB998]

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CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of Senator McGill's amendment. [LB998]

PRESIDENT HEIDEMANN: AM2460 is adopted. Mr. Clerk. [LB998]

CLERK: Mr. President, Senator McGill would offer AM2459. Senator McGill would move to suspend the germaneness rule to otherwise permit consideration of AM2459. [LB998]

PRESIDENT HEIDEMANN: Senator McGill to open on suspending the rules for germaneness. [LB998]

SENATOR MCGILL: Thank you, Mr. President, members of the body. Once again I will hit the repeat button, I guess, on the germaneness rule. I'm bringing here what was originally LB933. This does, as Senator Hansen mentioned earlier, deal with human trafficking, an issue that I've been working on for several years, and cleaning up and making improvement to the definitions of human trafficking. So no fiscal note. No major changes other than how we define human trafficking. Again, this is, I feel, an important issue that we should address moving forward. It doesn't mean that our statutes will be perfect on human trafficking, and I can get into that a little later. But in the past year, the Uniform Law Commission met across the country to develop the Uniform Act on the prevention of and remedies for human trafficking. Ten states, including ours, have introduced changes that fall in line with the Uniform Law Commission, and I'm asking you to suspend the rules to address this amendment so we can take up their suggestions. I'd appreciate your support. Thank you. [LB998 LB933]

PRESIDENT HEIDEMANN: Thank you, Senator McGill. We are now open for debate on amendment...no, we are open for debate on suspension of the germaneness rules. Anyone wishing to speak? Seeing none, Senator McGill waives closing. The question, members, is--shall the rules suspend...the rules for germaneness be...? All those in favor vote aye; all those opposed vote nay. This does take 30 votes. Mr. Clerk, please record. [LB998]

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the motion. [LB998]

PRESIDENT HEIDEMANN: The motion is successful. The rules are suspended. Senator McGill to open on AM2459. (Legislative Journal page 1110.) [LB998]

SENATOR MCGILL: Thank you, Mr. President, and thank you, members of the body, for suspending the rules so we could take up this amendment. As I said, it is LB933 or the committee amendment version of it once it came out of committee unanimously. The Uniform Law Commission did work with defense attorneys to work out any of the problems the defense attorneys had at the original hearing, so they are no longer opposed to this piece of legislation. LB933, or this amendment, AM2459, really is

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addressing the different types of coercion that can be used to trap a woman or a man in human trafficking. So it adds new forms of coercion to our statutes. Those include debt bondage, abusing or threatening to abuse the legal process against another person. So if they know someone was brought here illegally and is a labor trafficking victim, they'll threaten to take them to court or turn them in if they bring up that they were...they're a labor trafficking victim. Controlling or threatening to control another person's access to a controlled substance. Unfortunately, many of these folks are either addicted to drugs or maybe they need an actual prescribed medication. And so threatening a person like that would fall under coercion. Exploiting another person's substantial functional impairment or substantial mental impairment. I mean, many victims have a disability. And these perpetrators are able to, these pimps, these traffickers are able to manipulate them because of their disabilities. So we want to make sure that the human trafficking definition really captures all types so that when law enforcement are presented with these cases, they can seek the proper course of action. As I said, there are still things that very likely need to be done in terms of our human trafficking statutes that will be left to future bodies. I know we've been working with Senator Nelson's office and some others looking at over the years how we've changed the human trafficking definitions and if we've left things out that maybe need to go back in, trying to be comprehensive about that. I just didn't feel like we were in a place to...on some of those other items to come to the Legislature and feel good about them. But these I do. These Uniform Law Commission recommendations. And so I hope we can get this done. I ask for your support. [LB998 LB933]

PRESIDENT HEIDEMANN: Thank you, Senator McGill. We are now open for debate on AM2459. Seeing no one in the queue; Senator McGill waives closing. The question is, shall AM2459 be adopted to LB998? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB998]

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of Senator McGill's amendment. [LB998]

PRESIDENT HEIDEMANN: AM2459 is adopted. Mr. Clerk. [LB998]

CLERK: Mr. President, the next amendment is AM2656. Senator Seiler would move to suspend Rule 7, Section 3(d), the germaneness rule, to permit consideration of AM2656. [LB998]

PRESIDENT HEIDEMANN: Senator Seiler, you're recognized to open on your suspension of the rules. [LB998]

SENATOR SEILER: Lieutenant Governor, members of the Unicameral, I feel like the guy that shows up for a wedding and he's at a funeral. After that long discussion on germaneness, I have asked for the rule to be suspended. I have Senator Karpisek's

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permission to amend this, his original bill, and we are proceeding forward with my amendment. First the motion though. [LB998]

PRESIDENT HEIDEMANN: Is anyone wishing to speak on suspend the germaneness rule? Seeing none, Senator Seiler to close. [LB998]

SENATOR SEILER: Waive. [LB998]

PRESIDENT HEIDEMANN: Senator Seiler waives closing. Members, you have heard the motion to suspend the germaneness rules. All those in favor vote aye; all those opposed vote nay. Once again, this does take 30 votes. Mr. Clerk, please record. [LB998]

CLERK: 32 ayes, 1 nay, Mr. President, on the suspension of the rule. [LB998]

PRESIDENT HEIDEMANN: The motion is successful. Senator Seiler to open up on AM2656. (Legislative Journal page 1278.) [LB998]

SENATOR SEILER: Again, Lieutenant Governor and members of the Unicameral, this is a pretty simple bill. It deals with the giving an order to who's in charge of a funeral; and if there's a contest, the giving...the county court, who has probate proceedings jurisdiction, the right to make that determination. As of right now, we don't have any orderly way of determining who is responsible for the funeral, who's to plan the funeral. This one starts out with people over 18 years of age may designate by an affidavit who they want to handle it. Then if that isn't done, then it goes to the spouse, then to the children, then to the parents, and right on down the lineage until the personal representative of the estate. If there's a conflict when it gets to the children's level, the county court has jurisdiction to decide who's going to have that authority. That's what this bill does. [LB998]

PRESIDENT HEIDEMANN: Thank you, Senator Seiler. Senator Krist, you're up next and recognized. [LB998]

SENATOR KRIST: Thank you, Mr. Lieutenant Governor. I wonder if Senator Campbell would yield to a question. [LB998]

PRESIDENT HEIDEMANN: Senator Campbell, will you yield? [LB998]

SENATOR CAMPBELL: Certainly. [LB998]

SENATOR KRIST: Senator Campbell, it comes to mind regarding this subject that, at least two years ago, we dealt with a federal form that our servicemen signed that would assign the ability to an individual. Do you have a concern about this amendment in

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terms of how that lineage, as it was described, would happen? [LB998]

SENATOR CAMPBELL: Senator Krist, I do not. Should I? [LB998]

SENATOR KRIST: I don't know, but I think I'll pursue the question, so that I just want to bring it to mind because I know you know the subject matter. Senator Gloor, would you yield...Mr. President, could Senator Gloor yield for a question. [LB998]

PRESIDENT HEIDEMANN: Senator Gloor, would you yield? [LB998]

SENATOR GLOOR: Yes, I would. [LB998]

SENATOR KRIST: Do you have an opinion, sir? [LB998]

SENATOR GLOOR: Mine would mimic Senator Campbell's, but I would be glad to take a harder look at that. [LB998]

SENATOR KRIST: Okay. Thank you, Senator Gloor. Would Senator Seiler yield? [LB998]

PRESIDENT HEIDEMANN: Senator Seiler, will you yield? [LB998]

SENATOR SEILER: I will. [LB998]

SENATOR KRIST: We covered a form that's filled out by a service member when he goes to battle or combat, is such that when they come back, if they come back in that state, that their remains are handled by the person who has executed that form. Does this piece of legislation change that override at all? [LB998]

SENATOR SEILER: No, it doesn't. I was a JAG officer and I handled quite a few of those. Besides the remains distribution, it was also a will that they prepared before they went to combat. [LB998]

SENATOR KRIST: Okay. Thank you, Senator Seiler. I support AM2656 primarily because of Senator Seiler's past experience and also I believe that the leadership within the Health and Human Services Committee, it did not send up a red flag. So with that, just as a matter of public record, when a service member comes back from a combat situation or even a noncombat situation, and the remains need to be dealt with, there are certain things that we should respect about how that service person has made a decision in coming back. So I will take a tougher look at this just to make sure, but I trust Senator Seiler's judgment. Some of these things kind of cross the boundary every once in a while and we should pay attention to them. Thank you, Mr. President. [LB998]

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PRESIDENT HEIDEMANN: Thank you, Senator Krist. Senator Bloomfield, you're next in the queue and recognized. [LB998]

SENATOR BLOOMFIELD: Thank you, Mr. President. Would Senator Seiler yield to a question? [LB998]

PRESIDENT HEIDEMANN: Senator Seiler, will you yield for a question? [LB998]

SENATOR SEILER: I will yield. [LB998]

SENATOR BLOOMFIELD: Thank you, Senator Seiler. I assume before this was an amendment, it was a bill. Would you give me that bill number, please? [LB998]

SENATOR SEILER: LB441. [LB998 LB441]

SENATOR BLOOMFIELD: LB441? [LB998 LB441]

SENATOR SEILER: Yes. [LB998]

SENATOR BLOOMFIELD: Thank you. And would... [LB998]

SENATOR SEILER: And it came out of committee 7 with 1 person absent. [LB998]

SENATOR BLOOMFIELD: Okay. Thank you. And would...I may have to look back there, too. Would Senator Krist yield? [LB998]

PRESIDENT HEIDEMANN: Senator Krist, will you yield? [LB998]

SENATOR KRIST: Yes. [LB998]

SENATOR BLOOMFIELD: Senator Krist, thank you for questioning the serviceman contact. I would like to be involved as you look further into that, if you're willing. As you recall, I signed those forms for my son when this discussion was had before, and I might be able to give you a little input into that too, if you're willing. [LB998]

SENATOR KRIST: Senator Bloomfield, thank you. And I have received a partial answer, but that's not going to keep me from looking at it again. The partial answer I have is that we have incorporated the military form into Senator Seiler's amendment, so. But I will verify that and I will involve you in that discussion. Thank you, sir. [LB998]

SENATOR BLOOMFIELD: Okay. Thank you, Mr. President. If Senator Krist would like any time, he can have what's left. [LB998]

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PRESIDENT HEIDEMANN: Senator Krist, if you wish, 3:30. [LB998]

SENATOR KRIST: It's very kind of you, sir, but I'll waive. [LB998]

PRESIDENT HEIDEMANN: Up next in the queue is Senator Schumacher. You are recognized. [LB998]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. We've been suspending the germaneness rule, which we can do; but we can't suspend the constitution. And to what extent we can go before we start tripping across the constitution is the question. Section 14 of Article III says very clearly, "No bill shall contain more than one subject, and the subject shall be clearly expressed in the title." So far on this Christmas tree we've got interlock devices, we've got photography of private parts, we've got human trafficking, and now we've got how people are going to be buried. And it's really, really hard to see the thread between any of them. So while our courts have been extremely lenient in application of this constitutional provision, if we push this much farther and somebody gets prosecuted for a Class III felony, one wonders how much slack the courts are going to cut us. Thank you. [LB998]

PRESIDENT HEIDEMANN: Thank you, Senator Schumacher. Is anyone wishing to speak on AM2656? Seeing none, Senator Seiler to close. [LB998]

SENATOR SEILER: I would appreciate a green vote on this and I'm closed. [LB998]

PRESIDENT HEIDEMANN: Members, the question is shall AM2656 be adopted to LB998? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB998]

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB998]

PRESIDENT HEIDEMANN: AM2656 is adopted. Mr. Clerk. [LB998]

CLERK: I have nothing further on the bill, Mr. President. [LB998]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB998]

SENATOR MURANTE: Mr. President, I move to advance LB998 to E&R for engrossing. [LB998]

PRESIDENT HEIDEMANN: You have heard the motion. All those in favor say aye. All opposed say nay. LB998 is advanced. Mr. Clerk. [LB998]

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CLERK: Mr. President, the Judiciary Committee would like to meet in Exec Session in Room 2022, now.

LB800. Senator, I have E&R amendments, first of all. (ER187, Legislative Journal page 1046.) [LB800]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB800]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB800]

PRESIDENT HEIDEMANN: The question is the adoption of the E&R amendments to LB800. All those in favor say aye. All opposed say nay. The amendments are adopted. [LB800]

CLERK: Senator Mello would move to amend with AM2584. (Legislative Journal page 1040.) [LB800]

PRESIDENT HEIDEMANN: Senator Mello to open on AM2584. [LB800]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. AM2584 is an amendment that was brought to my office by Bill Drafting, and simply clarifies the rules and regulations process for enterprise zones under LB800. Because there are existing rules and regulations dating back to the original enterprise zones in the 1990s, these rules and regulations will have to be updated to reflect the changes made to the Enterprise Zone Act by LB800. AM2584 clarifies that the Department of Economic Development would update the rules and regulations within six months of the bill's effective date, after which political subdivisions could then apply for potential enterprise zone designation for 180 days following the promulgation of the updated rules and regulations. I'd urge the body to adopt AM2584. Thank you, Mr. President. [LB800]

PRESIDENT HEIDEMANN: Thank you, Senator Mello. Is there anyone wishing to speak on AM2584? Seeing none, Senator Mello to close. Senator Mello waives closing. The question is, shall AM2584 be adopted to LB800? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB800]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Mello's amendment. [LB800]

PRESIDENT HEIDEMANN: AM2584 is adopted. Mr. Clerk. [LB800]

CLERK: Nothing further on the bill, Mr. President. [LB800]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB800]

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SENATOR MURANTE: Mr. President, I move to advance LB800 to E&R for engrossing. [LB800]

PRESIDENT HEIDEMANN: Members, you've heard the motion to advance. All those in favor say aye. All opposed say nay. LB800 is advanced. Mr. Clerk. [LB800]

CLERK: Mr. President, LB1067. Senator, I have E&R amendments, first of all. (ER186, Legislative Journal page 1046.) [LB1067]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB1067]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB1067]

PRESIDENT HEIDEMANN: The question is the adoption of the E&R amendments to LB1067. All those in favor say aye. All opposed say nay. The E&R amendments are adopted. [LB1067]

CLERK: Senator Hadley would move to amend with AM2540. (Legislative Journal page 1157.) [LB1067]

PRESIDENT HEIDEMANN: Senator Hadley to open on AM2540. [LB1067]

SENATOR HADLEY: Mr. President and members of the body, AM2540 deals with the Angel Investment Act. I...this was brought to us by the Department of Economic Development. It fits in with this bill because this bill deals with the Advantage Act. Just to refresh your memory real quickly about the Advantage Act, it was part of the original Talent and Innovation Initiative two years ago that we put together to try and stimulate business in Nebraska. And basically what it is, is that angel investors are those investors that help startup companies, to give them capital to get them going. It's primarily small companies that need the capital in order to succeed. The DED came to me just as this was going on General File, and so I asked that we hold this off until Select File. And all it is, is basically technical changes to the Angel Investment Act. We've had the act now for two years, so this is a way of cleaning up some of the things that DED has found with the angel investment, and I'll go quickly through them. It provides a definition of investment date which is currently now defined. It requires qualified investors to provide documentation of the investment date. It strikes a shortened certification period for an accredited investor. It clarifies that qualified investments must be made within 90 days after allocation of the tax credits. And the director shall be notified that the investment has been within 30 days of the expiration of the 90-day period. It further clarifies that if the investment is not made in this manner or if the director is not timely notified of the investment, then the credit is canceled and becomes available for reallocation. The exceptions to the requirement that the

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investment be held by a qualified small business for at least three years is amended to accommodate the death of an individual qualified investor before the end of the three-year period. The bill also grants discretionary authority to the director of DED to revoke the certificate and/or impose a fine if an annual report is not filed by July 1. These provisions are mandatory under the current law. It then also allows certain information to be deemed confidential by the director of DED or the Tax Commissioner. Just to let you know, in 2014, January 2, the entire \$3 million for the angel investment was spoken for. I think that some time in the future we're going to have to come back. This has been very successful; we'll need to look at upping the amount we put into this. But, right now, this is basically a technical amendment after two years of the bill being in effect. I would appreciate your green vote on AM2540. Thank you, Mr. President. [LB1067]

PRESIDENT HEIDEMANN: Thank you, Senator Hadley. AM2540 is open now for debate. We have Senator Burke Harr. [LB1067]

SENATOR HARR: Thank you, Mr. Lieutenant Governor. I feel like I'm hogging the mike today. I think the angel investment has been a great fund, or a great program. I do have some issues with the amendment, specifically the discretion. It looks as though the discretion is...well, it says the director shall at his discretion, which appears that a director could say, no fine at all. So I think the language needs to be clarified a little bit. In addition, on the reporting of the confidentiality, it says, "may be deemed confidential by the respective departments and not subject to public disclosure." I have a little problem with that language; either the information is or it is not confidential. I also don't know what would happen with this language if one department deems it confidential and the other doesn't. Is it confidential or is it not? Do they get to make that decision? Do they need to talk to each other? This bill is brought as part of...or this was brought as an amendment. I believe Senator Carlson introduced the bill originally last year. I spoke with Senator Hadley about this, and we have agreed to, although this is Select, to work on this between Select and Final, and if there is an issue, to also work with the Department of Economic Development to bring it back on Final Reading to make those changes. So I want to thank Senator Hadley for the willingness to work with me on this issue, and I would ask that you please pass AM2540. Thank you. [LB1067]

PRESIDENT HEIDEMANN: Thank you, Senator Harr. Seeing no one else in the queue, Senator Hadley to close on AM2540. Senator Hadley waives. The question is, shall AM2540 be adopted to LB1067? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1067]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Hadley's amendment. [LB1067]

PRESIDENT HEIDEMANN: AM2540 is adopted. Mr. Clerk. [LB1067]

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CLERK: Nothing further on the bill, Mr. President. [LB1067]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB1067]

SENATOR MURANTE: Mr. President, I move to advance LB1067 to E&R for engrossing. [LB1067]

PRESIDENT HEIDEMANN: Members, you have heard the motion. All those in favor say aye. All opposed say nay. LB1067 is advanced. [LB1067]

CLERK: Mr. President, LB1115. Senator, I have E&R amendments. (ER184, Legislative Journal page 1046.) [LB1115]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB1115]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB1115]

PRESIDENT HEIDEMANN: The question is the adoption of the E&R amendments to LB1115. All those in favor say aye. All opposed say nay. The amendments are adopted. [LB1115]

CLERK: I have nothing further on the bill, Senator. [LB1115]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB1115]

SENATOR MURANTE: Mr. President, I move to advance LB1115 to E&R for engrossing. [LB1115]

PRESIDENT HEIDEMANN: You have heard the motion. All those in favor say aye. All opposed say nay. LB1115 is advanced. [LB1115]

CLERK: LB1115A. Senator, I have no amendments to the bill. [LB1115A]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB1115A]

SENATOR MURANTE: Mr. President, I move to advance LB1115A to E&R for engrossing. [LB1115A]

PRESIDENT HEIDEMANN: You have heard the motion. All those in favor say aye. All opposed say nay. LB1115 is advanced...LB1115A is advanced. [LB1115A]

CLERK: Mr. President, LB908. First of all, I have E&R amendments, Senator. (ER181,

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Legislative Journal page 1077.) [LB908]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB908]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB908]

PRESIDENT HEIDEMANN: The question is the adoption of the E&R amendments to LB908. All those in favor say aye. All opposed say nay. The amendments are adopted. [LB908]

CLERK: Senator Coash would move to amend with AM2571. (Legislative Journal page 1011.) [LB908]

PRESIDENT HEIDEMANN: Senator Coash to open on AM2571. [LB908]

SENATOR COASH: Thank you, Mr. President, and good afternoon, colleagues. I have an amendment to LB908. First, I want to review what LB908 does. It has three components. The first component is clarification from my recent Supreme Court case that clarifies the biological father can file a valid objection to adoption at any time during the pregnancy or as late as five business days after birth. The second part of LB908 adds a term of abandonment for purposes of clarity in the law. And it's the third component of this bill which AM2571 seeks to address. Nebraska is one of a small number of states that does not have a statute establishing permanent guardianship proceedings under the juvenile family dependency court. Other states adopted models to do this after the federal government enacted the Adoption and Safe Families Act in 1997. LB908 takes this in that direction as well. The amendment is fairly technical in nature and very straightforward. Last week's passing of LB853 amended the same section as LB908. But LB908 and LB853 placed different language in the same place. The amendment reconciles this change made to Sections 43-284 by LB853 and LB908. The Revisors took the language directly from LB853 to correlate the two sections. They now match. The change, for the record, is found on page 8 and replaces the terms, "except as otherwise provided in this section," with "unless the child is eligible for extended guardianship assistance from the department pursuant to" that section, and that is the replaced language. I would urge your adoption of AM2571. Thank you, Mr. President. [LB908 LB853]

SENATOR KRIST PRESIDING

SENATOR KRIST: Thank you, Senator Coash. You've heard the opening to AM2571. Seeing no one wishing to speak, Senator Coash waives. The question is the adoption of AM2571 to LB908. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB908]

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CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of Senator Coash's amendment. [LB908]

SENATOR KRIST: The amendment is adopted. [LB908]

CLERK: I have nothing further on the bill, Mr. President. [LB908]

SENATOR KRIST: Senator Murante for a motion. [LB908]

SENATOR MURANTE: Mr. President, I move to advance LB908 to E&R for engrossing. [LB908]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB908 advances. [LB908]

CLERK: LB798, Mr. President. Senator, I have no amendments to the bill. [LB798]

SENATOR KRIST: Senator Murante for a motion. [LB798]

SENATOR MURANTE: Mr. President, I move to advance LB798 to E&R for engrossing. [LB798]

SENATOR KRIST: You've heard the motion. All those in favor, aye. One more time: All those in favor, aye. Opposed, nay. It advances. [LB798]

CLERK: LB989. Senator, I do have Enrollment and Review amendments. (ER202, Legislative Journal page 1141.) [LB989]

SENATOR KRIST: Senator Murante for a motion. [LB989]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB989]

SENATOR KRIST: All those in favor, aye. Opposed, nay. They're adopted. [LB989]

CLERK: I have nothing further on LB989. [LB989]

SENATOR KRIST: Senator Murante. [LB989]

SENATOR MURANTE: Mr. President, I move to advance LB989 to E&R for engrossing. [LB989]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. It advances. [LB989]

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CLERK: LB792. Senator, I have no amendments to the bill. [LB792]

SENATOR KRIST: Senator Murante. [LB792]

SENATOR MURANTE: Mr. President, I move to advance LB792 to E&R for engrossing. [LB792]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. It advances. [LB792]

CLERK: LB816. Senator, it does have Enrollment and Review amendments. (ER200, Legislative Journal page 1142.) [LB816]

SENATOR KRIST: Senator Murante for a motion. [LB816]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB816]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. They're adopted. [LB816]

CLERK: I have nothing further on LB816. [LB816]

SENATOR KRIST: Senator Murante. [LB816]

SENATOR MURANTE: Mr. President, I move to advance LB816 to E&R for engrossing. [LB816]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. It advances. [LB816]

CLERK: LB750, Senator. I have no amendments to the bill. [LB750]

SENATOR KRIST: Senator Murante for a motion. [LB750]

SENATOR MURANTE: Mr. President, I move to advance LB750 to E&R for engrossing. [LB750]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB750 advances. [LB750]

CLERK: LB876. Senator, I do have Enrollment and Review amendments. (ER199, Legislative Journal page 1142.) [LB876]

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SENATOR KRIST: Senator Murante. [LB876]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB876]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. It advances. [LB876]

CLERK: Those were the amendments. [LB876]

SENATOR KRIST: Sorry. It was adopted. [LB876]

CLERK: I have nothing further pending on LB876, Senator. [LB876]

SENATOR KRIST: Thank you, Mr. Clerk. Senator Murante for a motion. [LB876]

SENATOR MURANTE: Mr. President, I move to advance LB876 to E&R for engrossing. [LB876]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB876 advances. [LB876]

CLERK: LB1039. Senator, I have no amendments to the bill. [LB1039]

SENATOR KRIST: Senator Murante for a motion. [LB1039]

SENATOR MURANTE: Mr. President, I move to advance LB1039 to E&R for engrossing. [LB1039]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB1039 advances. [LB1039]

CLERK: LB701, Senator. I have no amendments to the bill. [LB701]

SENATOR KRIST: Senator Murante. [LB701]

SENATOR MURANTE: Mr. President, I move to advance LB701 to E&R for engrossing. [LB701]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB701 advances. [LB701]

CLERK: Mr. President, LB765. No E&Rs. Senator Conrad would move to amend with

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AM2272. (Legislative Journal page 1074.) [LB765]

SENATOR KRIST: Senator Conrad, you're recognized. [LB765]

SENATOR CONRAD: Thank you, Mr. President. Good afternoon, colleagues. This is really a technical amendment, a friendly amendment that my office, committee staff, and the Nebraska Bankers Association have worked on collaboratively. It just incorporates the fact that certain employers have different periods allocated for their pay period; and so for those that do have a daily pay period, it would allow for the one free transaction to happen on a weekly basis rather than on an as-pay-period basis, as in the original bill. So with that we ask for your support of the amendment. [LB765]

SENATOR KRIST: You've heard the opening on AM2272. Seeing no one wishing to speak, Senator Conrad, you're recognized to close. She waives closing. The question is the adoption of AM2272 to LB765. All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB765]

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Conrad's amendment. [LB765]

SENATOR KRIST: The amendment is adopted. [LB765]

CLERK: I have nothing further on LB765, Senator. [LB765]

SENATOR KRIST: Senator Murante for a motion. [LB765]

SENATOR MURANTE: Mr. President, I move to advance LB765 to E&R for engrossing. [LB765]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB765 advances. Items. [LB765]

CLERK: Thank you, Mr. President. Senator, with respect to LB780, I have no amendments to the bill. [LB780]

SENATOR KRIST: Senator Murante for a motion. [LB780]

SENATOR MURANTE: Mr. President, I move to advance LB780 to E&R for engrossing. [LB780]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB780 advances. [LB780]

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CLERK: LB693, Senator. Once again I have no amendments to the bill. [LB693]

SENATOR KRIST: Senator Murante. [LB693]

SENATOR MURANTE: Mr. President, I move to advance LB693 to E&R for engrossing. [LB693]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB693 advances. [LB693]

CLERK: LB828, Senator. I do have Enrollment and Review amendments. (ER207, Legislative Journal page 1160.) [LB828]

SENATOR KRIST: Senator Murante for a motion. [LB828]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB828]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. They're adopted. [LB828]

CLERK: I have nothing further pending to LB828. [LB828]

SENATOR KRIST: Senator Murante. [LB828]

SENATOR MURANTE: Mr. President, I move to advance LB828 to E&R for engrossing. [LB828]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. The bill advances. [LB828]

CLERK: LB937, Senator. I have no amendments to the bill. [LB937]

SENATOR KRIST: Senator Murante for a motion. [LB937]

SENATOR MURANTE: Mr. President, I move to advance LB937 to E&R for engrossing. [LB937]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB937 advances. [LB937]

CLERK: LB735, Senator. I have no amendments to the bill. [LB735]

SENATOR KRIST: Senator Murante. [LB735]

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SENATOR MURANTE: Mr. President, I move to advance LB735 to E&R for engrossing. [LB735]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB735 advances. [LB735]

CLERK: LB1050, Senator. I do have Enrollment and Review amendments. (ER210, Legislative Journal page 1161.) [LB1050]

SENATOR KRIST: Senator Murante for a motion. [LB1050]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB1050]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. They are adopted. [LB1050]

CLERK: I have nothing further pending to LB1050, Senator. [LB1050]

SENATOR KRIST: Senator Murante. [LB1050]

SENATOR MURANTE: Mr. President, I move to advance LB1050 to E&R for engrossing. [LB1050]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. The bill advances. [LB1050]

CLERK: LB1072, Mr. President. Senator, I have E&R amendments, first of all. (ER211, Legislative Journal page 1161.) [LB1072]

SENATOR KRIST: Senator Murante for a motion. [LB1072]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB1072]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. They are adopted. [LB1072]

CLERK: I have nothing further pending to LB1072. [LB1072]

SENATOR KRIST: Senator Murante. [LB1072]

SENATOR MURANTE: Mr. President, I move to advance LB1072 to E&R for engrossing. [LB1072]

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SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay.
LB1072 advances. [LB1072]

CLERK: LB930. I have E&R amendments, Senator. (ER212, Legislative Journal page
1162.) [LB930]

SENATOR KRIST: Senator Murante for a motion. [LB930]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB930]

SENATOR KRIST: You have heard the motion. All those in favor, aye. Opposed, nay.
They are adopted. [LB930]

CLERK: I have nothing further pending to LB930. [LB930]

SENATOR KRIST: Senator Murante. [LB930]

SENATOR MURANTE: Mr. President, I move to advance LB930 to E&R for engrossing.
[LB930]

SENATOR KRIST: You have heard the motion. All those in favor, aye. Opposed, nay.
LB930 advances. [LB930]

CLERK: LB737, Senator. I have no amendments to the bill. [LB737]

SENATOR KRIST: Senator Murante for a motion. [LB737]

SENATOR MURANTE: Mr. President, I move to advance LB737 to E&R for engrossing.
[LB737]

SENATOR KRIST: You have heard the motion. All those in favor, aye. Opposed, nay.
LB737 advances. [LB737]

CLERK: LB1008, Senator. I have no amendments to the bill. [LB1008]

SENATOR KRIST: Senator Murante for a motion. [LB1008]

SENATOR MURANTE: Mr. President, I move to advance LB1008 to E&R for
engrossing. [LB1008]

SENATOR KRIST: You have heard the motion. All those in favor, aye. Opposed, nay.
LB1008 advances. [LB1008]

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CLERK: LB997, Senator. I do have Enrollment and Review amendments. (ER213, Legislative Journal page 1162.) [LB997]

SENATOR KRIST: Senator Murante for a motion. [LB997]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB997]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. They are adopted. [LB997]

CLERK: I have nothing further on LB997, Senator. [LB997]

SENATOR KRIST: Senator Murante for a motion. [LB997]

SENATOR MURANTE: Mr. President, I move to advance LB997 to E&R for engrossing. [LB997]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. LB997 advances. [LB997]

CLERK: Mr. President, on LB964. No E&Rs. Senator Brasch would move to amend with AM2636. (Legislative Journal page 1281.) [LB964]

SENATOR KRIST: Senator Brasch, you are recognized on your amendment. [LB964]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. This afternoon I bring to you an amendment that the Bill Drafters had found in this. And because the bill itself was to change the status for the exemption to be not for single or married, that we struck the word "family or unmarried person age sixty-five or older" and replaced those words with "claimant" and "the claimant." And that better meets the intent and the requirements that we are fulfilling here. Thank you, colleagues. Thank you, Mr. President. [LB964]

SENATOR KRIST: Thank you, Senator Brasch. You have heard the opening on AM2636. Seeing no one wishing to speak, Senator Brasch, you're recognized to close on your amendment. Senator Brasch waives closing. The question is the adoption of AM2636 to LB964. All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB964]

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Brasch's amendment. [LB964]

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SENATOR KRIST: The amendment is adopted. [LB964]

CLERK: I have nothing further on the bill. [LB964]

SENATOR KRIST: Senator Murante for a motion. [LB964]

SENATOR MURANTE: Mr. President, I move to advance LB964 to E&R for engrossing. [LB964]

SENATOR KRIST: You have heard the motion. All those in favor, aye. Opposed, nay. It advances. [LB964]

CLERK: LB1089, Senator. I do have E&R amendments. (ER204, Legislative Journal page 1162.) [LB1089]

SENATOR KRIST: Senator Murante for a motion. [LB1089]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB1089]

SENATOR KRIST: You have heard the motion. All those in favor, aye. Opposed, nay. The E&R amendments are adopted. [LB1089]

CLERK: I have nothing further on the bill, Senator. [LB1089]

SENATOR KRIST: Senator Murante for a motion. [LB1089]

SENATOR MURANTE: Mr. President, I move to advance LB1089 to E&R for engrossing. [LB1089]

SENATOR KRIST: You have heard the motion. All those in favor, aye. Opposed, nay. LB1089 advances. [LB1089]

CLERK: LB558, Senator. I have no amendments to the bill. [LB558]

SENATOR KRIST: Senator Murante for a motion. [LB558]

SENATOR MURANTE: Mr. President, I move to advance LB558 to E&R for engrossing. [LB558]

SENATOR KRIST: You have heard the motion. All those in favor, aye. Opposed, nay. LB558 advances. [LB558]

CLERK: LB1044, Senator. There are E&R amendments. (ER205, Legislative Journal

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page 1162.) [LB1044]

SENATOR KRIST: Senator Murante for a motion. [LB1044]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB1044]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. They're adopted. [LB1044]

CLERK: I have nothing further pending to LB1044, Senator. [LB1044]

SENATOR KRIST: Senator Murante for a motion. [LB1044]

SENATOR MURANTE: Mr. President, I move to advance LB1044 to E&R for engrossing. [LB1044]

SENATOR KRIST: You have heard the motion. All those in favor, aye. Opposed, nay. LB1044 advances. Moving on to General File, the Cook division. Mr. Clerk, when you're ready. [LB1044]

CLERK: Mr. President, General File. Senator Nordquist to LB1042. (Read title.) The bill was introduced on January 22 of this year; at that time referred to the Retirement Systems Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President. (AM2132, Legislative Journal page 748.) [LB1042]

SENATOR KRIST: Thank you, Mr. Clerk. Senator Nordquist, you're recognized. [LB1042]

SENATOR NORDQUIST: Thank you, Mr. President and members. As the Clerk said, there will be a committee amendment which will replace the bill, and then I have an amendment to the committee amendment that the committee supports, to make some changes to the committee amendment. But LB1042 essentially...during the interim the committee reviewed the purchase of service for school employees, specifically refunded service, which is the purchase of relinquished creditable service. Service credits are relinquished when a member terminates employment, withdraws their portion of the contributions from the plan, and if the person again becomes a school employee later he or she has the option to buy back those years that they essentially cashed out. NPERS, the Nebraska Public Employees Retirement System, collected data on refunds purchased during the last ten years, and there were a few patterns that we saw. The average age of people repurchasing was 58 years. They tended...they waited, on average, 16 years from coming back to the plan to repurchase the years they cashed out. And this means, essentially, that most members are waiting until they're close to retirement to buy back those years that they cashed out early in their career. In order to

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provide greater value to the retirement system for these repurchases, the purchases need to occur more immediately following a member's return to employment rather than allowing them to purchase towards...closer to the time of retirement. Right now, there are about 2,400 members of our school system who had previously left employment and have come back but have not applied to repurchase their credits. As introduced initially under LB1042, members who rejoin the system prior to an unspecified date in the bill would have paid a lower cost for those years. Current members who elect to repurchase their creditable service after the ex-exit date in the bill, members rejoin after that would be charged the actuarial cost; so the actual cost of the service they're buying. So we introduced the bill and left it kind of wide open. All repurchases must be completed within five years or whichever is earlier. And members will only be restored to original membership status if they repay the full amount of the withdrawn contributions. Again this was under the underlying bill. With that, I will go ahead and open on the committee amendment which replaces the bill. Thank you. [LB1042]

SENATOR KRIST: As the Clerk stated, there are committee amendments, and I understand you're going to open on both of the amendments subsequently, or...? [LB1042]

SENATOR NORDQUIST: I'll just do the committee amendment right now, and then... [LB1042]

SENATOR KRIST: You are recognized. [LB1042]

SENATOR NORDQUIST: Thank you. AM2132 strikes the original bill and incorporates another bill we heard in our committee, LB1041. So the changes that we're making to LB1042 as amended inserts effective dates into the bill, which was not defined in the original bill. Current members who rejoined the system prior to the effective date of the act and file an application prior to July 1, '16--so these are people who have already come back to the system--will be charged the current lower cost of the service credits. All other members who rejoin after the effective date of the act and those members who have already rejoined the system but choose not to file an application prior to July 1, 2016, will be charged the actuarial costs to the retirement system to repurchase their credits. As I said, this amendment, the amendment also includes an emergency clause. It also incorporates LB1041 as amended by the committee. The majority of LB1041 of this bill was brought to the committee by the Omaha Public Schools on behalf of the Omaha School Employees Retirement System. And this deals with what's called air time. The public pension in defined benefit pension plans, benefits are calculated based on a formula. That's what makes it a defined benefit plan. You take your number of years times your final salary times a 2 percent multiplier, and that gives you your monthly benefit. Members accumulate years of service through work or through purchase of service. The purchase of service by a member increases the total amount of benefits. As you increase years in the formula, you increase your benefit. Well, both

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the state school system and the Class V system currently allow if you work five years you can purchase five years. So, for instance, if you were coming in--well, I guess it wouldn't necessarily be out of state because you could transfer in those credits--but you come into the school system, you work five years, maybe at the end of your career you work five years, and you choose...you want to purchase an additional five years, so you get ten years of monthly benefit...ten years of benefits calculated into the benefit formula. We're saying now, you have to work ten years. We thought there was a little bit, you know, maybe this is one direction to address what we see sometimes, double-dipping in our school plan; but we're going to make people work at least ten years before they purchase additional years and receive additional benefit under the plan. This would require...this would be the same then, both for state employees and Omaha Class V district employees hired on or after July 1. They would have to accumulate ten years of service before they're eligible to purchase. An additional issue that was brought to us by OPS addresses a liability standard. There was some question as to who held the liability in OPS. So we modeled it after the state plan. A liability standard is inserted for members of the board of education and the trustees in the Class V system. The liability standard, as I said, is similar to what we have in our public employees retirement and Investment Council. There was some question because there's a board of trustees for the OSERS plan that whether or not they ultimately carry the liability or whether the school board ultimately carried the liability. We also are requiring, because we are putting--this is the one defined benefit plan, the Class V system--the Omaha system, is the one nonstate defined benefit plan that the state makes substantial contributions to. We are also requiring that they present to the committee their actuarial valuation, like we have with all of our other state-run retirement plans, because their system is very unique in that they receive significant state funds. And we just codified that the current system of the Public Employees Retirement Board bringing the state ones forward, that those are also now required by statute to be brought forward to the committee. It was never defined in statute or required in statute before. We also make technical changes and updates to the Internal Revenue Code references in the School Employees and Class V Retirement Acts. And then the portion of...let's see here. So that is all in the committee amendment, and I will have an amendment to the committee amendment that I'll open on. [LB1042 LB1041]

SENATOR KRIST: Thank you, Senator Nordquist. Mr. Clerk. [LB1042]

CLERK: Mr. President, Senator Nordquist would move to amend the committee amendments with AM2596. (Legislative Journal page 1142.) [LB1042]

SENATOR KRIST: Senator Nordquist. [LB1042]

SENATOR NORDQUIST: Thank you, Mr. President. AM2596 is an amendment to the committee amendment. We really looked...after we deliberated in committee, we kind of reassessed where we were going with the refunded credit portion. I think we decided to

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ultimately go in a slightly different direction. AM2596 amends the LB1042 portion of the committee amendment. It changes the language so that the costs and time aligned for payment are similar to that, that the Class V Omaha School Employees Retirement Act has. So essentially what we're asking to do is we would require all employees who come back to work after the act takes effect to complete their repurchase within five years. If they purchase their years back within five years, they can purchase them at how much they took out plus 8 percent interest, which is the act...or the assumed rate of return on our plans. If they don't purchase within those five years, after that they have to pay the full actuarial value of the years that they're purchasing, which is substantially more costly to them. So this really addresses the issue that we found where we have a lot of people returning to work, waiting until they get close to retirement, and then saying, ah, I really want to buy back those five years that I was...that I cashed out earlier in my career. This really limits that and says if you're going to buy them later in your career, they're going to be much more expensive. It hurts the plan less if we limit and make them purchase it when they come back to the plan. And we do grants. For those people who have already come back, we grant them one additional year. So if they've already come back to the system, they'll get six years starting the effective date of the act. They have to make the full repurchase within six years. If they don't, again it's the actuarial value. And for those people now coming back, they will get just a five-year window to repurchase their service. So we think that's a fair way of doing it for people who decide to cash out and then come back to the system, that they get...they would have to pay 8 percent interest on the money they cashed out. But we think it's a fair approach, and I think the entire committee supports this amendment to the committee amendment as well. Thank you. [LB1042]

SENATOR KRIST: Thank you, Senator Nordquist. The floor is now open on debate with AM2596 to AM2132 to LB1042. Senator Kolowski, you are recognized. [LB1042]

SENATOR KOLOWSKI: Thank you, Mr. President. Good afternoon, Senators. I want to thank Senator Nordquist for his leadership and for the committee's hard work on working through a lot of different angles on these amendments and the bill we have before us. I think it's a very fair, equitable situation. Using the retirement system myself and talking to others in the field who are currently in the system or using it or will be in it shortly upon their retirements, they think it's a very fair, very balanced approach. And again, I appreciate the work Senator Nordquist has done on this and where we are on this particular amendment, amendments, and with the bill. Thank you very much. [LB1042]

SENATOR KRIST: Thank you, Senator Kolowski. Seeing no one wishing to speak, Senator Nordquist, you're recognized to close on AM2596. [LB1042]

SENATOR NORDQUIST: Thank you, Mr. President. This is just the meat and potatoes of most of the work that we've done here. Again, five years to repurchase at a lower

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rate, and then after that if you're going to repurchase your credits, it's going to be at a higher actuarial calculated rate. Thank you. [LB1042]

SENATOR KRIST: Thank you, Senator Nordquist. You've heard the closing on AM2596 to AM2132. The question is the adoption of AM2596. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB1042]

CLERK: 26 ayes, 0 nays on adoption of the amendment to the committee amendments. [LB1042]

SENATOR KRIST: The amendment is adopted. Seeing no one wishing to speak, Senator Nordquist, you're recognized to close on your committee amendment. [LB1042]

SENATOR NORDQUIST: Thank you, Mr. President. The committee amendment with the amendment we just adopted would again mainly address pieces of the Omaha plan, spells out what the liability standard is for their members of their board of trustees and board of education, as well as require them to present at a hearing before the Legislature, and says that if you're going to buy air time, which is time you did not work, you have to work for at least ten years rather than five years to purchase that time. I'd also like to take a second and thank committee staff, especially legal counsel Kate Allen, for her hard work on these amendments. Thank you. [LB1042]

SENATOR KRIST: Thank you, Senator Nordquist. You've heard the closing on AM2132. The question is the adoption of the amendment to the bill. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB1042]

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB1042]

SENATOR KRIST: The committee amendments are adopted. [LB1042]

CLERK: I have nothing further on the bill, Mr. President. [LB1042]

SENATOR KRIST: Thank you, Mr. Clerk. Seeing no one else wishing to speak, Senator Nordquist, you're recognized to close on LB1042. Senator Nordquist waives closing. The question is the advancement of LB1042 to E&R Initial. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB1042]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB1042. [LB1042]

SENATOR KRIST: LB1042 advances. Next item. [LB1042]

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CLERK: LB1042A is by Senator Nordquist. (Read title.) [LB1042A]

SENATOR KRIST: Senator Nordquist, you are recognized. [LB1042A]

SENATOR NORDQUIST: Sorry. One second, Mr. President. So this LB1042A appropriates funds to the retirement board as they...we think as we tighten that window up to...for all those 2,400 employees that have returned to our school retirement system, that they're going to see an influx and it takes a little bit of time to process these applications for repurchasing credit, so we think that we need to give them additional time. But we have worked with the Fiscal Office to ensure that if we do experience this influx of new people applying for refunded credit, that the staff really is temporary in that it will be for just a couple years. The Fiscal Office has made that clear. We've made it clear to the retirement board that the additional staffing to process these is really a short-term appropriation. Thank you. [LB1042A]

SENATOR KRIST: Thank you, Senator Nordquist. The floor is now open on debate on LB1042A. Seeing no one in the queue, Senator Nordquist, you're recognized to close. Senator Nordquist waives closing. The question is the advancement of LB1042A to E&R Initial. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB1042A]

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB1042A. [LB1042A]

SENATOR KRIST: LB1042A advances. Items for the record. [LB1042A]

CLERK: Thank you, Mr. President. I have notice of hearing from the Transportation Committee and the Health Committee with respect to some items. Enrollment and Review reports LB907A, LB999A, LB464A to Select File. Enrollment and Review also reports LB683, LB697, LB698, LB702, LB736, LB753, LB774, and LB781 as correctly engrossed. Amendments to be printed: Senator Dubas to LB1092; Senator Campbell to LB1076; Senator Murante to LB923; Senator Wightman to LB810. That's all that I have, Mr. President. (Legislative Journal pages 1281-1289.) [LB907A LB999A LB464A LB683 LB697 LB698 LB702 LB736 LB753 LB774 LB781 LB1092 LB1076 LB923 LB810]

SENATOR KRIST: Thank you, Mr. Clerk. Next item.

CLERK: Mr. President, LB961. (Read title.) The bill was introduced on January 16 of this year; at that time referred to the Business and Labor Committee. It was advanced to General File. There are committee amendments pending, Mr. President. (AM2626, Legislative Journal page 1175.) [LB961]

SENATOR KRIST: Senator Cook, you are recognized. [LB961]

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SENATOR COOK: Thank you, Mr. President, and good afternoon, colleagues. I indeed rise as the introducer of LB961. LB961 is the vehicle for a variety of Business and Labor Committee bills. The underlying legislation addressed at the February 10 public hearing for the bill is not included in the committee amendment AM2626. In short, LB961 proposed that if the Workers' Compensation Court found that an employee's injury was the result of the willful negligence of their employer, the employee may have sought damages outside of the worker comp framework. Again, LB961 as amended by the committee does not advocate for this proposal. By the way, under current law, if an employee is guilty of an intentional willful negligence, he or she is barred from receiving compensation under the Workers' Comp Act. As introduced, LB961 would have applied that principle to employers. Our Business and Labor Committee asked me if they could use this LB961 as a vehicle for a few policy changes, and those proposals are going to be outlined in AM2626. I have reviewed the amendment and endorsed each of the changes. Thank you, Mr. President. [LB961]

SENATOR KRIST: Thank you, Senator Cook. As the Clerk stated, there are pending amendments from the Business and Labor Committee. Senator Lathrop, as the Chair of the committee, you are recognized. [LB961]

SENATOR LATHROP: Thank you, Mr. President and colleagues. Good afternoon. AM2626 strikes the original provisions and would become the bill. Three bills would be incorporated into LB961. Those bills are LB820, LB895, and LB951. LB820 can be found in Sections 1 and 2, pages 1-5, of AM2626. LB820 authorizes the Governor to join the Great Plains Interstate Fire Compact for the prevention and control of forest fires. Currently, South Dakota, Colorado, and Wyoming are participating in the Great Plains Interstate Fire Compact. In 2007, Congress passed legislation which granted the consent and approval of Congress to the compact. The purpose of the compact is to assist...pardon me, to facilitate assistance in prevention, pre-suppression, and control and management of prescribed fires between member agencies of the compact. LB895 can be found in Section 3, pages 5-7, of AM2626. LB895 ensures that wages used for the calculation of workers' comp indemnity benefits for volunteer fire or emergency service personnel is 1.5 times the maximum state average weekly wage or wages from his or her regular employment, whichever is greater. LB895 further ensures that an individual serving as a volunteer will not lose his or her volunteer status if the city or village provides a nominal fee for their services. LB951 can be found in Section 4, pages 7-12, of AM2626. LB951 addresses issues raised by the Nebraska Supreme Court case of Holdsworth v. Greenwood Farmers Co-op. The court found that the waiting time penalties and attorney fees do not apply to lump sum settlements where court approval is not required. LB951 clarifies that a lump sum settlement that is not required to be submitted for approval by the Compensation Court shall be final and conclusive unless procured by fraud. LB951 also requires that amounts due to an employee pursuant to a release to be paid within 30 days of the filing of the release. A 50 percent penalty will be added if the payment is not made within 30 days. I ask for

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your support of AM2626 and LB961. [LB961 LB820 LB895 LB951]

SENATOR KRIST: Thank you, Senator Lathrop. Mr. Clerk for an amendment. [LB961]

CLERK: Mr. President, Senator Lathrop would move to amend the committee amendments with AM2692. (Legislative Journal page 1290.) [LB961]

SENATOR KRIST: Senator Lathrop, you're recognized. [LB961]

SENATOR LATHROP: Thank you once again, Mr. President and colleagues. AM2692 addresses two technical concerns. First, as to the provisions concerning LB895, Senator Scheer's volunteer firefighter bill. AM2692 clarifies the language stating that such volunteer shall not lose his or her volunteer status if he or she is provided a nominal fee. A nominal fee is defined in AM2692 as an amount not exceeding 20 percent of the amount that otherwise would be required to hire a permanent employee for the same service. This language is necessary to comply with the Fair Labor Standards Act which provides that a volunteer cannot receive any compensation but may be paid a nominal fee. The language in AM2692 mirrors the language employed by the federal Department of Labor. Second, AM2692 addresses LB951, Senator Lautenbaugh's lump sum settlement bill. The amendment clarifies that a release is final and conclusive "as to all rights waived," and that the Workers' Compensation Court shall enter an order with prejudice as to the rights waived in the release. And with that and those technical clarifications, I would encourage your support of each of the amendments and LB961. Thank you, Mr. President. [LB961 LB895 LB951]

SENATOR KRIST: Thank you, Senator Lathrop. Senator Scheer, you are recognized. [LB961]

SENATOR SCHEER: Thank you, Mr. President. I'd like to thank Senator...for including this in their bills. Senator Lathrop was extremely helpful in providing us a vehicle to get this. And just for the information of the rest of the body, this came to light because a lot of the smaller rural communities that have volunteer fire departments are having difficulty getting people to serve in that capacity because if they were injured they may be making...put their families at risk because the compensation for the work comp would be based on whatever the little amount they may receive on a basis of educational value when they were there; or if they got paid, for example, \$10 to go to a fire then that would be the rate that they would based on, and they couldn't find volunteers to put themselves at risk for that type of compensation if they were to be injured. And so we've come up with a compromise that certainly will take care of the rural fire departments. And I do appreciate it because it's become extremely hard in the rural areas to attract competent, qualified individuals to serve in that capacity. So thank you very much, Senator, and thank you, Mr. President. [LB961]

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SENATOR KRIST: Thank you, Senator Scheer. Senator Davis, you are recognized. [LB961]

SENATOR DAVIS: Thank you, Mr. President and members of the body. And I just want to echo what Senator Scheer says in thanking Senator Lathrop and the Business and Labor Committee for putting this bill together. My part of it was the Great Plains Fire Compact which is an agreement among states, and particularly, the western states, to work together essentially to deal with the fire issues that have developed. As you know, that's been one of my big concerns since I was elected a few years ago. And when we were working on our bill last year for fire suppression, this came up as an opportunity which would really benefit us. South Dakota has a lot of good equipment. We can call them in if we have fire issues, and vice versa; they can do the same with us. So that's my part of this bill. But I also want to thank Senator Lathrop and the committee for the work with Senator Scheer's part of the bill because I will say exactly what he said, it gets harder and harder in rural communities to attract people and we need to incentivize them if we can in any way that we can. So this is a very good bill and I urge the body to move it forward. Thank you. [LB961]

SENATOR KRIST: Thank you, Senator Davis. Senator Hansen, you are recognized. [LB961]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. This is a good bill and I too am very glad that the Great Plains Fire Compact is in this bill. The states that are involved are Nebraska, South Dakota, North Dakota, Wyoming, and Colorado. And this deals with any of those states calling another state and saying we need help on a, mostly, a forest fire. Colorado, Wyoming, South Dakota, North Dakota have a lot more trees than Nebraska does, so. But when we need help we do need help. So this compact that we want to enter into will be a great help. And it's called, when they request for aid, in the fire business they call it mutual aid. Mutual aid is one state helping another state. And it's a little dicey if we don't have this compact in place where we take our equipment over and cross that South Dakota line. If we're fighting fires and somebody gets hurt, then it's a big deal. And I think all those precautions are taken into account from this bill. It's a good bill and I urge the...Senator Scheer's amendment, AM2692, and the Business and Labor Committee AM2626. Thank you. [LB961]

SENATOR KRIST: Thank you, Senator Hansen. Seeing no one else wishing to speak, Senator Lathrop, you're recognized to close on your amendment. [LB961]

SENATOR LATHROP: Just briefly. This is the technical amendments to what will become the bill, and I'd appreciate your support. Thank you. [LB961]

SENATOR KRIST: You've heard the closing on AM2692. The question is the adoption.

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All those in favor, aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB961]

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of the amendment to the committee amendments. [LB961]

SENATOR KRIST: The amendment is adopted. Seeing no one else in the queue, Senator Lathrop, as the Chair, you're recognized to close on your committee amendment. [LB961]

SENATOR LATHROP: Just briefly. As you've heard, this will allow us to get into the compact; it will address concerns about recruitment and retention of volunteer firemen; and it will also take care of a lump sum settlement issue that developed in a Supreme Court case. I'd encourage your support of AM2626. [LB961]

SENATOR KRIST: You've heard the closing on AM2626. The question is the adoption. All those in favor, aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB961]

CLERK: 30 ayes, 0 nays on adoption of committee amendments. [LB961]

SENATOR KRIST: Committee amendments are adopted. Seeing no one else in the queue...I'm sorry, Mr. Clerk. Do you have anything else? [LB961]

CLERK: I have nothing else, Mr. President. [LB961]

SENATOR KRIST: Thank you. Seeing no one else in the queue, Senator Cook, you're recognized to close on your bill. Senator Cook waives. The question is the advancement of LB961 to E&R Initial. All those in favor, aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB961]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB961. [LB961]

SENATOR KRIST: LB961 advances. Moving on to General File, this would be the Gloor division. Whenever you're ready, Mr. Clerk. [LB961]

CLERK: Mr. President, LB565. (Read title.) The bill was discussed, Mr. President, last Thursday. At that time the committee amendments, as offered by the Government Committee, were presented. Senator Nelson opened on his bill. When the Legislature adjourned for the day, we had pending an amendment to the bill...or to the committee amendments, I should say, by Senator Burke Harr. (AM810, Legislative Journal page 875, First Session, 2013.) [LB565]

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SENATOR KRIST: Senator Nelson, do you wish to refresh our memory on any point? [LB565]

SENATOR NELSON: Thank you, Mr. President. Just very briefly, LB565 is a bill that addresses a discrepancy or a loophole that we have in the law right now in our statutes with regard to registering and voting early on the same day. In the normal process, if a person goes in to register, they register and then there is a verification acknowledgment that is sent out. And if that comes back as undeliverable, then the polling books are marked so that when that person comes in to vote they have to provide some sort of verification. In the instance here, where someone comes in to register and vote early on the same day, we really have no opportunity to verify it. They cast the ballot and it's put in the ballot box. So what LB565 addresses, and I will discuss that a little bit on my amendment, how we can solve this. Thank you, Mr. President. [LB565]

SENATOR KRIST: Thank you, Senator Nelson. Senator Avery, as the Chair of the committee, would you wish to refresh our memory on any points? [LB565]

SENATOR AVERY: Thank you, Mr. President. This amendment would change the bill in ways that improve it. We discussed this at length last week and I urge your adoption. [LB565]

SENATOR KRIST: Thank you, Senator Avery. And Senator Harr, would you like to refresh us in any way? [LB565]

SENATOR HARR: I would ask to withdraw my amendment, please. [LB565]

SENATOR KRIST: The amendment is withdrawn. Mr. Clerk for an amendment. [LB565]

CLERK: Mr. President, Senator Nelson would move to amend the committee amendments with AM2671. (Legislative Journal pages 1290-1291.) [LB565]

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

SENATOR NELSON: Thank you, Mr. President and members of the body. AM2671 simply removes paragraph (2)(a) of the committee amendment, which allowed the same-day early voter to present some form of address verification. That language was taken directly from existing statute, but it nevertheless contains some ambiguity. AM2671 would retain the portion of the committee amendment which allowed a same day early voter to cast a kind of provisional ballot that will be counted if his or her acknowledgment of registration is not returned as undeliverable within ten days for reasons other than clerical error. Currently, if a person registers to vote and votes early at the same time, their ballot is accepted and counted as a matter of course, even if their acknowledgment of registration is returned as undeliverable. This amendment will

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give county election officials time to verify the registration applications of same-day early voters in a manner more equal to the verification process for election day voters. I urge you to adopt AM2671 and advance LB565 to Select File. Thank you, Mr. President. [LB565]

SENATOR KRIST: Thank you, Senator Nelson. You've heard the opening on AM2671. Those wishing to speak, Senator Burke Harr, Senator Schumacher. Senator Burke Harr, you're recognized. [LB565]

SENATOR HARR: Thank you, Mr. President and members of the body. I want to thank Senator Nelson for introducing AM2671. As I stated last Thursday before we went into recess, I had a lot of problems with how the bill is written with some of the ambiguities. And I think this clarifies it and makes it a better bill. I'm still a little leery that this is a problem...a solution in search of a problem. But I want to thank Senator Nelson and Senator Murante for being willing to work with me to find a solution. I was wondering if Senator Nelson would yield to a question. [LB565]

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

SENATOR NELSON: Yes, I will. [LB565]

SENATOR HARR: Thank you, Senator Nelson. Again, thank you for your work on this. I'd be remiss if we didn't also mention committee counsel too, Christy Abraham. Do you...let's say a homeless person registers to vote and votes the same day. Where is that card sent to, the address card? [LB565]

SENATOR NELSON: Well, by law, the homeless person can elect to use the address of the election office as his permanent residence or home address. So the verification will go out to the address of the election commissioner, wherever that is, in the courthouse or wherever. And so it will go out. It will come back at the address shown. So it's valid. It can be accepted. [LB565]

SENATOR HARR: Okay. So the election commissioner couldn't send it back to the sender, aka themselves, and say it's not valid, right? [LB565]

SENATOR NELSON: I'm sorry, I...? [LB565]

SENATOR HARR: The election commissioner could not send it back as undeliverable. Is that correct? [LB565]

SENATOR NELSON: That's right. That's correct. [LB565]

SENATOR HARR: Okay. That is at least your intent with this legislation. [LB565]

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SENATOR NELSON: Yes. [LB565]

SENATOR HARR: Okay, I appreciate that. And thank you. I want to thank you once again. Colleagues, I would ask that you please vote for AM2671. Thank you. [LB565]

SENATOR KRIST: Thank you, Senator Harr. Senator Schumacher, you are recognized. [LB565]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Would Senator Nelson yield to a couple questions? [LB565]

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

SENATOR NELSON: Yes. [LB565]

SENATOR SCHUMACHER: Thank you, Senator Nelson. As I understand it, someone would register and then they would vote, and then according to the amendment the vote would be securely held someplace until they got the return letter. [LB565]

SENATOR NELSON: Yes. They vote the ballot. That ballot will be put in an identified envelope separately marked. It will be sealed. The necessary information, name and date and whatever. And then the election commissioner can either put it in with the provisional ballots, and if the acknowledgment comes back undeliverable then they will have an opportunity eventually to get that out and not count it. Or one commissioner told me that he would probably just put it in a separate secure box, so they have all of those early ballots placed in a separate box. [LB565]

SENATOR SCHUMACHER: Okay. So let's assume that the return address or the mail isn't rejected and it went someplace. Now there is this envelope with this person's name on it with a ballot inside. [LB565]

SENATOR NELSON: Correct. [LB565]

SENATOR SCHUMACHER: Is that then opened? [LB565]

SENATOR NELSON: No, it's a sealed...it's a sealed, just like a provisional ballot. [LB565]

SENATOR SCHUMACHER: Okay, but sealed. [LB565]

SENATOR NELSON: And it's illegal to open it up. [LB565]

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SENATOR SCHUMACHER: At some point it has to be opened to be counted, isn't it? [LB565]

SENATOR NELSON: At what? At some point it has to be counted. And if ten days have elapsed and the verification acknowledgment has not come back as undeliverable, then they can go ahead and count it. [LB565]

SENATOR SCHUMACHER: Okay. So then they open the envelope with the person's name on it, and they pull out his ballot for counting. [LB565]

SENATOR NELSON: I don't believe that's the way they do it. They will have to open it up, yes, but they won't count it if...are you asking if... [LB565]

SENATOR SCHUMACHER: Well, suppose it's okay,... [LB565]

SENATOR NELSON: What...if it's okay? [LB565]

SENATOR SCHUMACHER: ...then they open the envelope with the person's name on it and count his ballot. [LB565]

SENATOR NELSON: I think it will be handled the same way as provisional ballots are. [LB565]

SENATOR SCHUMACHER: Thank you, Senator. [LB565]

SENATOR NELSON: Yes. [LB565]

SENATOR SCHUMACHER: We have a provision in our constitution that says very, very clearly that...well, let's see if I can find it here now. It's page 36. "All votes shall be by ballot or other means authorized by the Legislature whereby the vote and the secrecy of the elector's vote will be preserved." This particular mechanism in which the person's name is on an envelope and his ballot is inside, not with a secret envelope, and not with an inside envelope, but for whoever opens that envelope to pull out and look and see the name and see how that person voted, violates that section of the constitution. And there's no ifs, ands, or buts about it, there's no provisions in this law that will preserve the secrecy of that ballot. And it's mandatory under the constitution that those ballots have their secrecy preserved, and this violates that. Thank you. [LB565]

SENATOR KRIST: Thank you, Senator Schumacher and Senator Nelson. Senator Avery, you are recognized. [LB565]

SENATOR AVERY: Thank you, Mr. President. I just wanted to point out that this amendment AM2671 does reflect discussions that committee staff has had with Senator

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Harr over the weekend, and he has expressed his agreement with what is being proposed in AM2671; in particular, the points that were under discussion last week about voter ID. They have been taken out, but we retained and added some new language about the segregating of the vote until the residence can be verified. I think that's a good compromise and one that you can support, so I urge you to vote yes on AM2671. [LB565]

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

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I do rise in support of this compromise amendment, and I do want to just explain the procedure as I recall it. It is correct that as these ballots are segregated in envelopes that have the voter's name on them, yes, if a person were to open all the envelopes and look at the ballots inside you could tell how that person voted. But that's pretty much true of every ballot by mail. That's true of every provisional ballot which would arise if you moved and showed up at your new polling place to vote but hadn't updated your registration; they would make you vote provisional and your ballot goes in an envelope and all of your information is on the outside of that envelope. It's not perfect. But when those are processed at the election office the information on the outside is verified to make sure that that person is authorized to vote in that place for whatever reason they had to vote in that special way, and then all the ballots are simply taken out one by one, with people in teams making sure that no one is sitting there comparing the ballots to the names on the outside. So the election offices enact procedures to protect the secrecy so that your name isn't matched with your ballot. But it isn't ever going to be perfect, whether we're talking about mail-in ballots or absentees, as we used to call them, or provisional ballots or the ballots in question under this amendment, under this law...under this bill, excuse me. But the secrecy is protected in that way because we are making another exception to the general rule of this is how we handle the ballots at the polling place. This is different. So I understand the concerns that Senator Schumacher is raising. A few years ago we went and did away with the...there used to be an envelope within an envelope, and we did away with that. So the commissioners have developed procedures internally to protect the secrecy of the ballot, so that ballot inside that envelope is not compared to the information on the outside of the envelope to do away with the secrecy of the ballot. Again, someone could know...I suppose it's possible at the polling place when the judge goes to dump the sleeve with the ballots into the box, the judge could put their thumb on the hole so the ballots don't go in there, and when you walk away the judge could then pull them out and look at your ballot too. There's always a way around the system. But we have teams of people of differing affiliations working in these jobs to keep an eye on each other, to give us a measure of confidence in how the system works. So yes, there's always going to be a way someone could say, well, if you did this, then the secrecy of the ballot would be violated; or if you did this, then you could do...if you did X then you could do Y. But other safeguards exist

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to prevent that from happening. And at some point you have to trust those other safeguards to work. And they seem to, in general. So I think this is a good amendment. I think this is a good bill, and I would urge you to vote green throughout, barring anything unforeseen that may develop while we're here and get attached to it. Thank you, Mr. President. [LB565]

SENATOR KRIST: Thank you, Senator Lautenbaugh. Senator Schumacher, you are recognized. [LB565]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. He's right. The mail-in ballots, provisional ballots, ballots under this, all: the secrecy of the ballot is not preserved. It was pretty simple. You have an inside envelope. You throw...pull open the outside envelope with the identification on it and you put the inside envelope in a pile and mix them up just as if they were coming out of the ballot box. But, you see, in our democracy that was too expensive. In testimony before the Government Committee, that was just too much work for the election commissioners. And in reality, today, when you do not vote in person at the polls but send the ballot in, it is not secret. Anybody can see it that's opening it. Now, the constitution specifically says, by a "means authorized by the Legislature." Do you see anything in any of these laws where we say that they've got to be looking at each other or keeping tabs on each other or they can't talk back and forth or they can't take a picture of your ballot with an iPhone and transmit it all around the world? No. This is a flaw in our system. It can be easily remedied by an inside envelope in a very inexpensive way, and we have an obligation under the constitution to do it. The fact that the Government Committee will not put out a bill that remedies this situation is indicative of the problem with the system whereas the administrative bureaucracy in the election commissioner's office just doesn't want to do the work. And for the minuscule amount of money it would take to preserve the secrecy of the ballots, preserve whether or not somebody is worried there's a consequence if he votes against his uncle for dogcatcher. Those are all a chilling effect on our system. Even if the election commissioners are perfectly well behaved and hide their eyes when they open that envelope, it is a chilling effect to know that your ballot, if mailed in, is not a secret ballot and there's no consequences to it not being kept secret. That chills the election process, chills your freedom of choice, chills your ability to vote. And it's flatly wrong. And for all the millions of dollars and hundreds of thousands that we spend here in this body, to not spend a few thousand dollars in order to keep that appearance of impropriety, that possibility that your ballot is not secret, that unjustified infringement upon your free will to vote, for us not to spend the money and authorize it and right the rules is wrong on our part. Thank you, Mr. President. [LB565]

SENATOR KRIST: Thank you, Senator Schumacher. Seeing no one else wishing to speak, Senator Nelson, you're recognized to close on your amendment. [LB565]

SENATOR NELSON: Thank you, Mr. President. I can understand the objections of

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Senator Schumacher, but it appears that his objections apply to the entire system of how we're presently counting and trying to preserve the secrecy of the ballot, provisional, regular. If you go into an election day and you've cast your ballot and at that time you observe the clerk take the envelope and push the ballot in there, and I think our election officials do the very best that they can to maintain secrecy of the ballot, and I think Senator Lautenbaugh did a very good job of how it's being...of explaining how it's being done to preserve the secrecy of the ballot to the extent that they possibly can. So I would say, let's not single out this particular amendment and LB565 as an objection to how things are being counted as well as they can at this time. I think I will just say that we have a very simple method now of counting or preserving the secrecy and not only letting someone come in and vote and register early and putting that ballot in a segregated, secure place in an envelope, so if it turns out that the address verification acknowledgment is wrong or there's fraud of any sort like that, then that ballot can be identified in its envelope and will not be opened and will not be counted. And so I would certainly urge you to vote green on AM2671 and on LB565 itself. Thank you. [LB565]

SENATOR KRIST: Thank you, Senator Nelson. You've heard the closing on AM2671. The question is the adoption. All those in favor, aye; opposed, nay. Please record, Mr. Clerk. [LB565]

CLERK: 32 ayes, 1 nay, Mr. President, on the adoption of the amendment to the committee amendments. [LB565]

SENATOR KRIST: The amendment is adopted. Seeing no one else wishing to speak, Senator Avery, you're recognized to close on your committee amendment. [LB565]

SENATOR AVERY: Thank you, Mr. President. The committee amendment, as amended by AM2671, does eliminate the ID requirement that was causing a little bit of difficulty last week. The amendment specifies how the ballots will be handled. It is true that Senator Schumacher raises a valid point. We have attempted to do something about that in the past. He has had a bill before the committee and all of the election workers that can make it to Lincoln show up to oppose it for the reasons that he had stated. This amendment does answer the questions raised last week by Senator Harr (phonetic), and I would urge you to vote to advance it. Thank you. [LB565]

SENATOR KRIST: Thank you, Senator Avery. You heard the closing on the committee amendments. The question is the adoption of AM810. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB565]

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB565]

SENATOR KRIST: The committee amendments are adopted. [LB565]

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CLERK: I have nothing further on the bill, Mr. President. [LB565]

SENATOR KRIST: Senator Nelson, you're recognized to close on your bill. [LB565]

SENATOR NELSON: Thank you, Mr... [LB565]

SENATOR KRIST: I'm sorry, Senator Nelson. Senator Chambers, you're recognized. I apologize for not seeing it. [LB565]

SENATOR CHAMBERS: Thank you. Mr. President, I listened to "Professor" Schumacher. In certain situations if it's possible to err, the error should be on the side of maintaining the integrity of a process. And the secrecy of the ballot does mean a great deal, and that's a fact. It should mean a great deal to all of us. This whole discussion and what's being done can be viewed in such a way that people arrive at different conclusions. But when I was driving down here today, I was listening to public radio, and they were talking about the impending elections in Afghanistan and the threats of violence, the actual violence that is occurring. But some people, one young man in particular, had stood in line for two days so that he could vote despite the threats, despite the fact that people were being maimed and killed right now at election areas. And he said he expects that there will be corruption, but he wants to participate anyway. In a country like this, there might be a tendency to lecture other people on how their elections are carried out, the need for a constitution that is inclusive. Explaining to these people who are not as knowledgeable about civics as Americans that a constitution is the fundamental law and it should be binding on everybody. Nobody should be above the law. And the reason it's in the constitution so that it places certain things beyond the whim or the caprice of whoever might be in power at the time. When the seas of corruption, "Professor" Schumacher, are about to wash away the entire seashore, then that constitution a bullwork that says this far you'll come but no farther. Then we have a situation in this country and in this state where we are supposed to repose trust in ordinary people. Trust in a system where, as Senator Karpisek has been pointing out, the person who is the election commission is appointed by whoever is the Governor, whatever party that person belongs to. And you're supposed to believe that in this political situation, this politicized situation, you can count on people not to look at ballots in the way that the "Professor" laid out could very easily occur under the provisions of this bill. I have stayed out of the discussion. I am not going to vote for the bill. And the reason I will not vote for it are the reasons that were laid out by Senator Schumacher. I think there is validity to what he says and I wouldn't have to call anybody a crook, but I don't want people to be tempted to be a crook. When I was in the military, oh, I see the "General" is gone, but they used to tell us when you put a lock on your duffle bag, that lock will keep honest people out. So if honest people would steal but for a lock, then put the lock on and keep them honest. Don't put them in peril of losing their immortal soul for an act of dishonesty. So rather than place that temptation... [LB565]

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SENATOR KRIST: One minute. [LB565]

SENATOR CHAMBERS: ...before politicians, I think it would be better not to do it. I don't see where if this bill is not enacted any great harm will be done to the system. But if it is enacted, there can be harm. And I'm afraid that a statement by Oscar Wilde would be the watchword of these politicians. He said the way to get rid of temptation is to yield to it. Thank you, Mr. President. [LB565]

SENATOR KRIST: Thank you, Senator Chambers. You've heard the closing. The question is...I'm sorry, Senator Nelson, you are recognized to close now. Let me not circumvent that. [LB565]

SENATOR NELSON: Thank you, Mr. President, members of the body. We have a process that we use now on just general registration, verification of that registration so that if it does become obvious there is a problem that that can be corrected on election day when that person comes into the polling place to vote on election day. Because there is a red flag there or a mark, a question, then they're going to have to verify their address and whether they should be voting in that particular place. So here we have very much the same thing, almost simpler. We don't ask for any verification. LB565 just lets someone register, a same-day registration and voting. The ballot is cast and the ballot is counted as long as there are no problems with the registration because the verification came back undeliverable. So I don't think we can solve any questions about how things are handled in various county offices. I mean, we're doing the best we can. I think this is as close as a loophole that we have in this particular situation. It's a simple bill and I certainly urge you to vote green for LB565. Thank you, Mr. President. [LB565]

SENATOR KRIST: Thank you, Senator Nelson. Now you've heard the closing for LB565. The question is the advancement of LB565 to E&R Initial. All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB565]

CLERK: 26 ayes, 5 nays, Mr. President, on the advancement of LB565. [LB565]

SENATOR KRIST: The bill advances. Next item. [LB565]

CLERK: LB935 was a bill originally introduced by Senator Gloor. (Read title.) Introduced on January 16 of this year; at that time referred to the Government, Military and Veterans Affairs Committee; the bill was advanced to General File. There are committee amendments pending, Mr. President. (AM2182, Legislative Journal page 746.) [LB935]

SENATOR KRIST: Thank you, Mr. Clerk. Senator Gloor, you're recognized to open. [LB935]

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SENATOR GLOOR: Thank you, Mr. President. Good afternoon, members. For a while there I thought if Senator Chambers can close on Senator Nelson's bill, perhaps he'd want to open on my bill. But I understand that's problematic procedurally. Members, it's no secret that the impetus for LB935 had to do with the proposed relocation of the Grand Island Veterans' Home from its site in Grand Island where it's been for over 126 years. Contrary to what you have been told behind the glass and in letters and elsewhere, that's no longer the case. This bill does not purport to do that. That's what the committee amendment is about that Senator Avery will get to in a minute. And I'm going to talk a little bit about why I still believe this bill, even with that lookback provision taken out, makes sense. All you need do is walk in my shoes for a day in the community of Grand Island to hear the concerned consternation about this decision, about the process, questions about the process to recognize that there needs to be a greater degree of transparency and openness in these sort of decisions when we take books of state business and move them around the state calling them economic development, when in fact what we're doing is pouring water from one bucket, economically speaking, into another, leaving a hole in the economy of one community while we bolster the economy of another. I believe the Legislature needs to get involved in this. LB935 would add this layer of justification, accountability, and the important issue of transparency by establishing a legislative process for us that would give us final authority over the proposed relocation from one jurisdiction to another jurisdiction of any state services where that cost is going to exceed \$15 million. Let me run through how the process in statute, proposed statute, would lay out. Proposal would have to be submitted to the Legislature's Executive Board as any resolution would. That would then have to contain this information: a description of the proposed relocation; justification for the proposed relocation; are the facilities antiquated; is there a need for expansion that can't be accomplished on the existing site, whatever that justification for the relocation would be; a review of the long-term costs, I'll explain more about that later; measurable goals for improving the quality of service and assessment of the feasibility of alternatives that the state agency might have looked at prior to this decision; any known or foreseeable legal, environmental, or other issues related to the proposed move; and an important component that says a description of economic development efforts that will be undertaken to use any facility abandoned by the move or to create new economic activity for the jurisdiction from which the service is proposed to be moved. In the case of Grand Island, back in 1887, members of the community came together and raised \$25,000, which was a king's ransom back in 1887, to buy land under the provisions that the state would develop the first old Soldiers and Sailors' Home at that particular site. Now it's to be vacated. What's to happen with that land? The long-term costs that I related earlier fall into these categories, by way of explanation: direct cost to providing the state service in the proposed location and of moving from the current location; the indirect cost of providing the state services in the proposed location and of moving from the current location; any continuing or transitional cost of providing the state service in the new location and of moving it from the current location; additional cost of providing the state service in the new location and moving it from the current location; and, of

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course, the all important capital construction costs. How this would proceed would be the Executive Board would then assign it, as it always does, to the appropriate standing committee of jurisdiction. That committee would investigate and hold at least one public hearing. The committee introduces a resolution then to approve the move, disapprove it, or take no position. The full Legislature would then debate and vote on the resolution introduced by the committee as we currently do with any resolution. A majority of 25 votes would approve the resolution and the position of the committee. Less than 25 votes would be taking no action, thereby, allowing the proposed move to go forward. In other words, the move can't be stalled by inaction. There are exemptions. Because these various entities are covered under other statutes--the University of Nebraska, the Nebraska State College System, the courts, the Legislature, or any officer or state agency established by the Constitution of Nebraska. We're talking about probably the Department of Education, Public Service Commission, and any constitutional officers. When I was putting together this legislation, we used as a model LB858 which was passed by this body unanimously in 2012, came to us from the Government, Military and Veterans Affairs Committee, was a result of the LR35 meetings that we held, sessions that we held after the child welfare debacle. When it was felt that before we go out and start doing contracts with entities, there ought to be some degree of internal review. And LB858 was introduced along those lines. It also set the \$15 million level. So we used the \$15 million level as a result of previous legislation, and the research that Senator Avery and the committee had done on LB858 back in 2012 seemed reasonable to us. So that's the basis for some of this information. You have a handout in front of you, by the way, that has some information in it, talks about LB858. It talks about the fact that other states find this an appropriate method. Kansas to the extent that it even built into its constitution that moves of agencies, relocations, regardless of the price have to come before the legislature, their legislature, for discussion and ultimate approval. There's also a letter in here from me to each member of the Government, Military and Veterans Affairs Committee about the amendment, making it clear that with the lookback provision stricken, I'm not about to get involved in any procedural shenanigans and try and stick it back in nor will I let any of you do that, not that I expect there is an interest in jumping into the middle of this hot mess by any of you. Nonetheless, I made it clear that I feel strongly enough about the importance of this bill, even with the committee amendment, that it should be brought forward. Let me finish with two comments spoken to in the front page of the handout that I gave you. And this has to do with the insinuation, the misinformation being passed around that this bill, even in its neutered form, is some sort of a threat to the funding for the relocation. The veterans home proposal that we're talking about was presented to us at \$121 million. The Thomas Fitzgerald home, which is the most recent veterans home that we completed construction, as I recall, completed about a decade ago was for 100 beds versus the 225 being talked about here. The total cost for that project was \$15 million versus the \$121 million that we're talking about for this relocation. Now obviously we're talking about doubling in size of the new facility that's being discussed. But if you work that on a per bed basis, Thomas Fitzgerald was a \$153,000 a bed; the new facility

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comes in at over a half million dollars per bed, \$540,000 per bed. The importance of that, members, and I understand, I have a little experience in medical construction projects. I know there will be some inflation over the past decade but not that much. [LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR GLOOR: Clearly, not that much. The issue here is that the total Veterans Department funding across the country for all new and replaced facilities was \$56 million last year. This one project ate up the entire federal budget, and that's why it was not funded, not this little bill, not LB935. The demands, and there's some questions about how expensive this is, but the bottom line is the bottom line. We wanted all the federal money for one single project. It will have to wait. It'll have to be parcelled out in perhaps multiple years. I have no doubt it will eventually be funded. But this bill is not a problem. I think it's good policy. The transparency will eliminate a lot of the bad blood that's developed in central Nebraska, and I think we will have an interesting discussion about this little bill. Thank you, Mr. President. [LB935]

SENATOR KRIST: Thank you, Senator Gloor. As the Clerk stated, there are committee amendments. Senator Avery, as the Chair of the Government, Military and Veterans Affairs Committee, you are recognized. [LB935]

SENATOR AVERY: Thank you, Mr. President. AM2182 is a committee amendment that helped move the bill out of committee. Prior to adopting this amendment, the bill was pretty much stuck. The committee understood and sympathized with the dilemma that Senator Gloor was in. And we met on this a number of times and finally came to this amendment. The committee amendment removes the provision that applied the bill retroactively to January 1, 2013, which would have the effect of restarting the site selection process that we referred to as the retroactive portion of the bill. With the amendment, the bill will now apply to a move of a state service after the effective date of this act which, of course, will leave in place the current decision. LB935, as amended, was advanced from the committee on a 5 to 3 vote. We felt in discussing this amendment that Senator Gloor ought to have the opportunity to discuss this issue on the floor and that he ought to have an opportunity to convince his colleagues that the process part of the bill was worthy of adoption. We felt that the decision that had already been made should not be reversed. We did not get into any substantive discussions about the merits of that previous decision. We felt this was a way to get an opportunity to discuss the issue on the floor without having to go back and redo the work of the site selection committee. With that, I would urge your adoption of AM2182. [LB935]

SENATOR KRIST: Thank you, Senator Avery. Those wishing to speak, Senator Hadley, Bloomfield, Garrett, Dubas, and Karpisek. Senator Hadley, you're recognized. [LB935]

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SENATOR HADLEY: Mr. President, members of the body, I certainly stand in support of AM2182. I don't think it's the role of this body to make retroactive legislation. I also oppose LB935 because I think it is not good policy, and I hope to make the argument to you why I do not think it is good policy. Let me give you some numbers. The state highway system: The state funds \$170 million; federal purchase, minus \$13 million; federal funds, \$201 million; federal purchase program, \$19 million; Build Nebraska, \$51 million; other local, \$3 million. Total: \$431 million we spend every year on our highway system. I would like to ask all of you in here how many times you have voted on a highway project. How many times have you pressed a green or red button because they want to build an interchange in Kearney, build another lane on the interstate by the Lincoln airport, an overpass in Hershey? We don't do that. I want to tell you why. It's for the same reasons I oppose this bill. Two thousand two, Jerome Warner, a Republican state senator from 1963 to '97 was regarded as the dean of the Nebraska Legislature and was the leading proponent for strong investment in transportation. He was cited as the top public official for the twentieth century in Nebraska dealing with transportation. He did a lot of things, but the things that are so important he enacted laws that established a road classification system, a weighted formula for distributing state dollars, a variable gas tax correlated to the budget for roads, and a long-range planning of roads over a 20-year period. In plain English, he took road decisions out of this body. He did that because it had become a political football. My understanding, the last political road was in Devils Nest. I don't know if you know anything about Devils Nest, but it's called the road to nowhere. Nineteen sixty-nine, this body voted on it. That's the last decision we've made on roads. Now why do we keep it out of the body? Why do we have a 20-year plan that we don't vote on? Because you bring it in to the most political body we have in the state to make those decisions. And you can run into problems for two reasons. One, it can be a difference in political party. It can be a political reason for that issue. Also, and as very much...very important, it could be a very urban/rural split. If you bring it in here and want to start voting on roads, you would make those kinds of decisions. That is the reason I am opposed to this from a policy standpoint, to bring into this body decisions about whether this community or that community gets something becomes a political decision. Now it's been said... [LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR HADLEY: I'm sorry? [LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR HADLEY: Okay. It's been said that other states do this. Let me read you something about how other states handle their roads. Michigan just had their road projects, 115 for pet projects of their senators. The priority list for special projects will be determined by the leadership of the Republican-controlled house and senate. Kansas legislators have just robbed the trust fund for their highway for \$527 million to make

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their budget balance. Here's one: Governor Bill Haslam of Tennessee, the governor told reporters after a speech that he had not formed an opinion about whether the project called the Amp, which is in Nashville, is a good idea. He's worried about the possible precedent of legislative committees deciding over individual transportation projects in the state. [LB935]

SENATOR KRIST: Time, Senator. [LB935]

SENATOR HADLEY: Thank you. [LB935]

SENATOR KRIST: Thank you, Senator Hadley. Senator Bloomfield, you're recognized. [LB935]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good afternoon, colleagues. I stand in support of AM2182, but very much opposed to LB935. If there's anything I wear on my sleeve in this body, it's my love for veterans. I don't want to do anything that could conceivably harm any funding of this bill or of this new vets home. I know that's not Senator Gloor's intent. He wouldn't do such a thing. But I fear that we're going to throw enough of a cloud up that the people that do the funding may look and say, my gosh, Nebraska can't even decide what they're going to do. Why should we fund anything out there? It's also my belief that this decision belongs exactly where it has been. The Governor is the CEO of the state. He's elected by the voters. He has an obligation to represent all of Nebraska, not a given community. Last week, we talked about just voting for us to approve the Governor's nomination to three counties on the election commissioner. And that just about got personal. Can you imagine what would happen in here if we start deciding where we're going to spend this kind of money? There will be 49 different districts, 49 different senators each wanting their piece of it. If a coalition can be put together, the odds of outstate Nebraska getting anything would be slim and none. This needs to stay in the hands of the Governor where it has rightly been and hopefully will rightly remain. Thank you, Mr. President. [LB935]

SENATOR KRIST: Thank you, Senator Bloomfield. Senator Garrett, you're recognized. [LB935]

SENATOR GARRET: Thank you, Mr. President. Members of the body, I rise in support of AM2182, but I'm strongly against LB935 as well. I go back to the old adage if it ain't broke, don't fix it. When I first heard about the whole veterans home move I thought, okay, if there was something wrong with the process, we'd go in and fix it. There was nothing wrong with the process. The Governor had his selection committee. It was above board. There was transparency. You could see what the scores are for the four cities that bid for the move. And, again, like Senator Bloomfield said last week when we discussed or debated whether or not we were going to...the Legislature was going to approve all the nominations for all the positions that the Governor appointed. It's not like

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this body doesn't have enough to do. We don't need to be approving every one of his appointments and we also don't need to be approving moves. Senator Hadley had it right. The last thing we wanted to do is politicize all of these moves, roads projects, everything else. It is bad policy. We just don't want to politicize it. I think, you know, there's three parts to government, and the executive branch has got their part to do and the Governor's selection committees are doing, I think, a great job with what they're doing. We just don't need to bring that into the Legislature. Thank you, Mr. President.
[LB935]

SENATOR KRIST: Thank you, Senator Garrett. Senator Dubas, you're recognized.
[LB935]

SENATOR DUBAS: Thank you, Mr. President. I stand in support of the amendment and I also stand in support of LB935. What Senator Gloor is attempting to do through this process is, as much as possible...and there's no way to do it in any way, shape, or form, is to take the politics out of a selection process. What we're talking about through LB935 is moving existing facilities, moving facilities that are already in place. Our communities regularly compete against each other when they're recruiting new business, a business that doesn't yet exist in the area. Everybody shines up their community. They put their best foot forward. They go out and actively recruit this...a business hoping that they will ultimately end up winning that business. If they don't, they didn't lose because they never had it. Sure, they're disappointed and they look forward and see where can we go from here, but they aren't looking at something that exists in their community now being uprooted and moved somewhere else. In this situation, a community lost. We regularly have to work together in rural Nebraska. We talk about this often, that we are going to have to start looking regionally. How do we grow not only the entire state of Nebraska but especially rural Nebraska? How do we grow that? And it's going to have to be regionally. We're going to have to have communities come together and collectively see what we can do to attract economic development activities to the region. With the process that unfolded with the Grand Island Veterans' Home, that totally undermines that ability to bring people together regionally and work together. This created and has established a very adversarial approach. To my understanding, when the veterans home, new veterans home was built in Norfolk, there was no process such as this. When it was built in Omaha, the new one, there was no process such as this. Yes, the Governor made the decision, but there was no let's see what may be available out there. I think this bill is forward looking. This bill is...we did a very similar process when we moved the State Fair. The Legislature was deeply involved in the moving of the State Fair. We had public hearings. We had people who came in and talked about what it meant to lose in Lincoln, but yet they were going to benefit, they were going to get something in return. There was kind of a give and take in that process. So there was a lot of public involvement, a lot of public hearings, people had a chance to weigh in and state their views before an ultimate decision was made. And it wasn't an easy decision and there was a lot of debate on the floor. Hopefully it ended up in a manner that that

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has worked out for everyone. But as I said, I think this is a very forward-looking type of approach. If you don't think that this can...would never happen to you or your community or your district, just look at some of the state facilities that are located in your district and wonder what would happen if, for whatever reason, a new facility needed to be built or an expansion or changes or whatever. And now we're going to open it up and create a bidding war, so to speak. As I said, there's no way to take politics out of anything that we do here in the Legislature or in state government. There will always be that certain dimension to the discussions and the debates that we have. But when you create the kind of process that Senator Gloor has outlined in LB935 that gives the public input... [LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR DUBAS: ...thank you, Mr. President, just like all of our other bills that we have come before us, we value the public's input. That's doesn't mean we always go with everything that public says. We take everything, we look at the big picture, we step back, we try to take that bird's-eye view, and hopefully we make the decision that's the best policy for the state of Nebraska and the best policy that serves the majority of the citizens. And I think that's exactly what LB935 does. It takes that bird's-eye view, it tries to minimize the politics that would come into decisions such as this and create a much more transparent and open process. So I stand in strong support of AM2182 and the underlying bill. Thank you. [LB935]

SENATOR KRIST: Thank you, Senator Dubas. Senator Karpisek, you are recognized. [LB935]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. As usual, Senator Dubas stole my speech right before me. But when we think about what we did with the State Fair, isn't this exactly what we did, what we're talking about? It came through the Ag Committee. I didn't like how that vote ended up. I was one of three votes against it, but it came through here. So now why wouldn't we look at these sort of things? I agree about not going back. I agree with AM2182 and I wouldn't have voted for the bill to come out without it. But, however, when we voted to put money for a new vets home, I may have been asleep at the wheel, but I didn't know anything that there was any thought about ever moving it out of Grand Island. And if I missed that, I did, but I don't know that anyone has ever really said no, we knew that we were going to shop it around, which is fine if we did. And I agree with Senator Bloomfield that I just want to have a new vets home. So I don't want anything to muck that up, but I don't think this is, and I don't think it will. But going forward, and I know some of the members on the committee said--why do we have to do it this year? Why don't we wait till next year or the year after? Well, number one, because at least 17 people won't be here next year that understand what happened. The idea of waiting for people to be here that don't remember things to me is a crazy thought. Those of us that have been through it should

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try to fix some things. And I do think that this needs to be fixed. I don't see any problem that Kearney got it. I don't see any problem so much of how thing went. But why wouldn't the Legislature be involved? It seems like we keep trying to say, well, that's not a place to do it in here. I don't understand that. We do a lot of things in here that affect a lot of people. But it seems like lately, no, we'll just let the Governor decide that. The attitude has sure changed in here since when I got here, because that sure wasn't the way it was then. But it seems to be now. I think that this Legislature should be more involved in these sorts of processes. Talking about roads funding, Senator Hadley, of course, we don't want to do that, I agree. But when it comes to these sort of things, why can't we have hearings where citizens can come? And we have fights in here all the time over where things are going to go, where money is headed. Water issues: I read a big deal about, oh, that Mello and Carlson are doing something on water and something is going to go to Omaha. Well, of course it should, and some should go out rural too. I don't know why we wouldn't want to be involved and why we wouldn't try to make sure that everything goes as we say it does. Everybody asked, well, what was wrong with the way it was done. I don't know that anything was wrong because I don't know really how it was done. I hate to say it, but I think we all know that it was probably...part of it was done out of spite. It's no secret that the person who is in Grand Island at the veterans home has got in bad graces with the Governor. [LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR KARPISEK: If any of us were in charge and we want something to move or be different, I bet you that I could figure out a real nice way to rank things and everything and it'd come out the way I want it to. And so when we get in here, we talk about that we can't do that. We just won't want to do that in here. We did it with the State Fair. We did it and it was like 45 to 3 or something like that was the vote. It worked. I lost, but it worked. I don't think we should lose sight of that. Forget about the veterans home now, but let's look forward and keep some of this power and oversight with the Legislature. Thank you, Mr. President. [LB935]

SENATOR KRIST: Thank you, Senator Karpisek. Senator Gloor, you are recognized. [LB935]

SENATOR GLOOR: Thank you, Mr. President. Here's the only way roads could be involved in this. Understand the issues of building highways or interchanges is only an issue if you can pick them up using sky hooks and who knows what technologies not developed yet and move them from one community to another community. Otherwise, this isn't going to involve roads except to the extent that you may have a district road office. And we're not just talking about the plant where you've got graders and snow plows and the maintenance trucks that may work a specific roads district. We're talking about the expense associated with the electronics, the fiber optics because of the cameras that go out of there that are set up at different locations across the state.

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Clearly to me there would be \$15 million sunk into a district road office. But all my bill is trying to accomplish is provide a degree of justification and understanding for, and why are we moving the district road office from this community to another community. And the questions that should be asked as a result of that are built into this project, and they're straightforward and pretty commonsense to me, including the issue of, and what are we going to be doing with land we now own where the existing district road office is. What's going to happen to that? Should we make some plans along those lines? This bill is about winners and losers. It's not about economic development. It's about winners and losers. And if we're going to have winners and losers when we move state business around, we are going to have hurt feelings--understandable. But to the extent that the Legislature is involved, built around the transparency that's part of the fact that any bill introduced, any resolution introduced, gets a public hearing, the transparency that hasn't been available, transparency that hasn't been part of this process will alleviate a lot of the misgivings and concerns that are building up a level of bad blood between communities, as Senator Dubas said, that should be working together, need to work together, will have to work together. I mean, we're not looking back in this debate, and it's a credit to all of us who are involved. I'll look back enough to say that the proposals that came in from the four communities involved, it wasn't just Grand Island and Kearney, it was also Hastings and North Platte, those were four quality proposals about getting the veterans home either to stay in their community or relocate to their community. But it was a win-lose scenario. If it didn't stay in Grand Island, there were winners in the other three communities, a loser in Grand Island, without any plans on how to mitigate that in any way, shape, or form. And if there are going to be winners and losers, I think there is a policy role. I think it's exactly what this Legislature does a good job of. It's the reason that, as Senator Karpisek said, we talked not one year but two years about the relocation of the State Fair. And there were contingency plans built into what was going to happen with the vacated State Fair land if the State Fair moved out of Lincoln. And, in fact, as relates to Thomas Fitzgerald in Bellevue, the Governor then, who I believe his name was Johanns, made the decision to task four senators, I know Senator Preister, Senator Schimek were two of those four senators, to be part of the site relocation committee. They were intimately involved in the final recommendation that came forward. Maybe that's a variation on the theme I'm proposing, but since we can't or don't have a statute in front of us that would force the Governor or a future Governor... [LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR GLOOR: ...to allocate state senators or assign state senators to serve on those committees, let's have people come to us through our established process and get that accountability and transparency lacking that other governors have apparently decided should be part of the process. I think it's still a good bill. It's not a big bill. It's a small bill. It doesn't do what it started out to do, but I think it accomplishes something that will avoid us being put in a win-lose scenario in the future. And to the extent that

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there are losers, we've mitigated that to the extent possible. Thank you, Mr. President. [LB935]

SENATOR KRIST: Thank you, Senator Gloor. Those still wishing to speak: Senator Hadley, Davis, Wallman, Murante, Bloomfield, and Chambers. Senator Hadley, you're recognized. [LB935]

SENATOR HADLEY: Mr. President, members of the body, I'd like to respond to some of the items that have been talked about. First of all, there is a question about whether we knew how the process was going to be done. I refer you to Section 9, agency 25, page 2 of LB198 that went into the funding of this. Let me read it: It is the intent of the Legislature that the Department of Health and Human Services shall provide a report electronically to the Legislature outlining the process and criteria used to select a site for the new veterans home. The report shall include, but not be limited to: identification of the communities submitting offers to be the site for the new facility; written responses of interested communities to questions posed by the site selection committee; the process used by the selection committee to evaluate offers; the criteria used by the site selection committee to make a recommendation to the director of veterans homes and the final site selected. The report shall be provided to the Legislature within three weeks after a site selection. It is the intent of the Legislature that this site shall not be selected prior to June 5, 2013. It's right there. We voted on it. You voted on the process. The process was laid out. There was a question raised about the transparency. You can go to the report. The only thing the report doesn't do is tell you how each of the three evaluators voted on each individual item. But they tell you on every item how each of the cities was rated. It's a quite in-depth report that they did. So if you're saying there isn't transparency, I'm sorry, I think there was. Secondly, I thought I heard, and maybe I'm wrong, that this bill takes politics out of the process. You're going to put that in this body and tell me that it takes politics out of the process. I agree entirely with Senator Bloomfield. That's what we elect a Governor to do, to make these kinds of decisions. We appropriated the money. A completely transparent process was put together. That report came to you. If you had concerns about it, I didn't hear any. Now, we talk about the home in Omaha. Do you know that it came down to two different places, that process? It didn't come in here to make the final decision, but there were two different places and they were both...one in south Omaha and one in Bellevue. Would Senator Crawford yield to a question? [LB935 LB198]

SENATOR KRIST: Senator Crawford, will you yield? [LB935]

SENATOR CRAWFORD: Yes. [LB935]

SENATOR HADLEY: Is the veterans home located now in Bellevue, Nebraska? [LB935]

SENATOR CRAWFORD: Yes, it is. [LB935]

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SENATOR HADLEY: Thank you. The process that was used moved the home from Omaha to Bellevue. Now that may not sound like much: Two different legislative districts, two different cities, two different counties. But what's interesting... [LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR HADLEY: ...the committee after reviewing the options available, the determination was made that a new home was the best option. A team was established to begin the process for acquiring a new facility. Several sites were selected and looked at by the team. But when the city of Bellevue so generously offered to donate the land, approximately 20 acres, for the new veterans home, it was an offer too good to pass up. Along with the land donated by the city of Bellevue, the Sarpy County Board of Commissioners donated \$300,000 to build an access road to the new veterans home. This is in 2002. Cities were putting money into the pot in 2002. So I don't see how the process that was in 2002 is any different. They picked a site selection team. Then there was a site selection team then. Now they've evaluated the proposals then. They evaluated the proposals now. They made... [LB935]

SENATOR KRIST: Time, Senator. [LB935]

SENATOR HADLEY: Thank you. [LB935]

SENATOR KRIST: Thank you, Senator Hadley. Senator Davis, you're recognized. [LB935]

SENATOR DAVIS: Thank you, Mr. President, members of the body. I've listened to this discussion very carefully and am certainly interested in what we decide to do here. But I just want to say a couple of things. Last week, we talked a lot about redistricting and how partisan and nasty that got. If you really think about this, think about it hard, can't you see how nasty and ugly this could get in this body? The process that we have in place has worked well. I understand the city of Grand Island is not happy and that Senator Gloor is not happy. I wouldn't be either if I was the representative from there. But it was carefully done. It was transparent. And the selection site was made. And we have to compete, even among communities in our state, we have to compete against each other just as we would against other states and other communities. So I think passing of this bill, the amendment is probably fine, passing the bill would be a huge mistake for us. I'm very opposed to it. I agree with Senator Bloomfield. And that said, I would yield the rest of my time to Senator Hadley. [LB935]

SENATOR KRIST: Senator Hadley, you're yielded 3:46. [LB935]

SENATOR HADLEY: Thank you, Senator Davis. I want to finish up on the fact that

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basically the process used in the veterans home in Bellevue was essentially the same process we used in this. The difference was, is that the change was not fought in the body. Now, are there other examples? Senator Karpisek brought up the State Fair. One of my understandings is the reason the State Fair had to come to this body, it was in the statute. The statute said the State Fair will be in Lincoln, Nebraska. So you couldn't move it unless you brought it to this body. So that's the difference. There's nothing in the statute that says anything over \$15 million we've got to come in here and vote, or the constitution. Have there been other examples? Yes, let me give you an example...another example. And I was involved in this. And by the way, I was not involved at all in the Kearney process. I was not a part of the team. I didn't feel it was appropriate that I would, as a member of the Legislature, would be trying to sway the people who were coming in to do the evaluation. So I was not a member of that team. The helicopter facility: the helicopter facility was in Lincoln, Nebraska. A decision had to be made whether to leave it in Lincoln, Nebraska; move it to Kearney, Nebraska; or move it to Grand Island. We went through a process and I think...I'm sure the dollars were more than \$15 million, and we all made proposals to the National Guard which then went to the commanding general that went to the Governor. We all made proposals. I'm going to read you a quote from General Lempke: Moving the city...the facility and putting it someplace other than Lincoln wasn't necessarily an easy choice, but the choice had to be made. That choice was, again, moving an existing facility and it didn't come into this body. Kearney was on the losing end of that one. We didn't get it. It left Lincoln. It left Lincoln with the employees. [LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR HADLEY: Thank you, Mr. President. [LB935]

SENATOR KRIST: Senator, that was just a one-minute call if you'd like to continue. [LB935]

SENATOR HADLEY: Oh, I'm sorry. I misunderstood. So there had been examples. In fact, every time I tried to delve into this, it has been handled outside of the Legislature. The only time I can find it is on the fair and I think truly the reason it was, the State Fair was brought in here, was because it was in statute and you couldn't move it unless you changed the statute. I want to read from the fiscal note. Any potential cost of this bill is difficult to estimate. First, it is likely that there are very few instances in which the process would be utilized. Second, it is also likely that much of the information in Section 1 would already be compiled. And, third, the bill refers to information to be provided by the agency, much relating to the cost of the allocation. But it does not identify the specific criteria to be used by the standing committee and Legislature in determining approval or rejection of the relocation. [LB935]

SENATOR KRIST: Time, Senator. [LB935]

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SENATOR HADLEY: Thank you. [LB935]

SENATOR KRIST: Thank you, Senator Hadley. Senator Wallman, you're recognized. [LB935]

SENATOR WALLMAN: Thank you, Mr. President. Good evening, members. Would Senator Hadley yield to a question? [LB935]

SENATOR KRIST: Senator Hadley, will you yield? [LB935]

SENATOR HADLEY: Yes. [LB935]

SENATOR WALLMAN: Thank you, Senator. Now, Senator, was there any HHS personnel involved in this? [LB935]

SENATOR HADLEY: Yes. [LB935]

SENATOR WALLMAN: On the HHS Committee? [LB935]

SENATOR HADLEY: Oh, not the committee, but you asked HHS. The Department of Health and Human Services there were. [LB935]

SENATOR WALLMAN: I meant the committee in here. [LB935]

SENATOR HADLEY: No. [LB935]

SENATOR WALLMAN: Okay. Thank you. And I think that would have been a good thing, had the Chairman of the HHS involved in this. And the more people you get involved, it doesn't necessarily have to be your community or my community, I can remember the state prison, how contentious that was. Somebody wanted it here, somebody wanted it there, and it finally went to Tecumseh. And that was a lot of debate going on in this building right here as well. And I don't know who decided that finally, but it decided to go to Tecumseh. And did it help Tecumseh out? Not necessarily. And so I'm very strong for this amendment, and I'm going to listen and I thank Senator Gloor for bringing this out here because responsibility eventually comes down to here. They don't blame the Governor usually. They blame the legislators. And we can blame ourselves, too, if we don't make the right decisions. And that's the way I always feel. So thank you, Mr. President. [LB935]

SENATOR KRIST: Thank you, Senator Wallman. Senator Murante, you are recognized. [LB935]

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SENATOR MURANTE: Thank you, Mr. President. Members, good evening. I rise in strong opposition to LB935. I voted against it in committee and continue to oppose it on the floor. A message that we heard over and over again in the public hearing on this bill, and to a lesser extent on the floor today, is that what we're attempting to do in this process is to mitigate winners and losers and not pit communities in the state of Nebraska against each other. Unfortunately, when we talk about transferring state agencies and state services between communities, there are going to be winners and there are going to be losers. And by its very nature we are committing...pitting communities against each other. That's not the question. Those things are inevitable. The question on the table is how are those winners and how are those losers determined. And it's been brought up that the State Fair is an example because it seems to me that I have a decidedly different recollection of how the State Fair process worked. To suggest that there wasn't any contention in that process is not how I remember it. I remember public hearings that lasted well into the evening and constituents from Lincoln who are upset to this very day. When we talk about changing...making major policy changes, that is going to be the effect. There is...adding the Legislature into the process doesn't mitigate it at all. If anything, it amplifies it and puts a magnifying glass to it. So the question we have on the table is really twofold. First, what is the evil that we're hoping to correct here and, second, how does LB935 correct that evil? And I'm not sure that the first question has even really been addressed all that much today, aside from the overarching the Legislature should again be involved in everything regardless, which is not a philosophy which I happen to agree with. But I haven't heard a lot of talk about the process in Grand Island being flawed. As a matter of fact, it's been stated over and over again that the situation in Grand Island is not why we're here today having this discussion. So let's talk a little bit about the downside of what happens when we advance LB...if we advance LB935. The problem isn't this Legislature. The problems is inherent in legislative assemblies, that majorities win, and where resources get allocated on this floor is contingent exclusively on getting 25 votes to make those things happen. And I got to tell you, Senator Hadley brings up roads funding, which I think is really on point. We inject ourselves...and I'd like to contrast the roads funding and how we appropriate dollars for roads with how we appropriate dollars for schools, one of which this Legislature is intensely involved in, the other we are pretty much removed from the process. And I'd like to hear an explanation or someone stand up on the floor and argue that the state aid to schools process is more fair than the roads funding formula. And the process by which I know, Senator Adams, believe it or not people don't like the state aid to schools formula, some of us. But LB935 turns the process of relocating state agencies and state services into the state aid to schools formula. That's how the process is going to work. It is going to make the process contentious because it's going to involve members of the Legislature who have constituencies... [LB935]

SENATOR KRIST: One minute. [LB935]

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SENATOR MURANTE: ...who have priorities and people to represent. And I got to tell you as a senator from Gretna and Sarpy County, I'd like to point out that this floor has a remarkably horrible track record of making balanced and impartial decisions when it comes to decisions which pit Sarpy versus Douglas County. We can...I can talk ad nauseam about my woes with the Learning Community and my difficulty in getting the attention of members outside of the Omaha metropolitan area to listen to the plight of Sarpy County taxpayers. That issue is probably the single greatest issue in terms of importance in the minds of Gretna taxpayers and we're having a tough time getting anything done. When issues come, let's look at how our Legislature itself is constructed. [LB935]

SENATOR KRIST: Time, Senator. [LB935]

SENATOR MURANTE: Thank you, Mr. President. [LB935]

SENATOR KRIST: Thank you, Senator Murante. Senator Bloomfield, you're recognized. [LB935]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, it was mentioned about some bad blood between Grand Island and the guy that was involved in making this decision. I think you'll find that's why the Governor put together a committee to make this decision. This wasn't done out of his back pocket or out of his shirt pocket and said, oh my god, let's just get this out of Grand Island. There was a committee put in place to make the decision, and the decision was made. And if Senator Avery is available I'd like to ask him a couple of questions just so we can get some things on the record. [LB935]

SENATOR KRIST: Senator Avery, are you available for questions? Senator Avery, would you yield to some questions? [LB935]

SENATOR AVERY: Sorry, Mr. Chair. Yes, I will. [LB935]

SENATOR BLOOMFIELD: Thank you, Senator Avery. I'd like to engage in kind of a dialogue or a question and answer. I don't know how we want to go about this. But, colleagues, this has, to me, become the Lazarus bill. We had voted this bill down in committee at one time. And I would like to have Senator Avery explain how...to the body how that reconsideration was made that raised this bill from the dead. [LB935]

SENATOR AVERY: Thank you, Senator Bloomfield. We did consider this bill in Exec Session and voted it without a majority supporting it to General File. I was asked to reconsider by the introducer, and I have had a policy for about six years that reconsideration votes would be taken when you have certain things happen. One, the introducer has to request it and, number two, there has to be a material change in the

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circumstances surrounding the bill. And the material change that we were looking for and that was provided to us by Senator Gloor is in the handout. If you turn to the second page of the handout, you'll see a letter there from Senator Gloor to the committee in which he pledged not to use an amended version of...if we were to report the bill out as it has been reported out with this amendment. And if we did that, he would not try to amend back in the retroactive portion that we amended out, and he would resist all efforts to do that. He reassured everybody that was the material change in the circumstances surrounding the bill. So we did reconsider it and we...with the help of Senator Gloor talking to members of the committee, we got five votes. [LB935]

SENATOR BLOOMFIELD: Okay. Colleagues, I thought it important that you understand that there were some maneuvering done to get this bill out of committee after it had been officially killed in committee. And that's fine. That's two people that know what they're doing being able to move the committee the way they like it. I've seen a lot of strange things this year down here. This has been an unusual year, and that's one of them. That doesn't alter the fact... [LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR BLOOMFIELD: Thank you, Mr. President. That doesn't alter the fact that this discussion and if this bill should pass could just throw enough smoke up around this veterans home that the feds looking in might decide we don't want to go to Nebraska, they don't have their ducks in a row. Thank you, Mr. President. [LB935]

SENATOR KRIST: Thank you, Senator Bloomfield and Senator Avery. Senator Chambers, you're recognized. [LB935]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, once again I have to come with a discouraging word or two. The bill, as has been stated, was worked over in committee to put an amendment on it to make it crystal clear that this bill, if advanced and enacted into law, would have no impact on that facility that is to be constructed in the other city. That bill was advanced March 5 with the committee amendment, and a letter...Senator Dubas didn't put me up to doing this, a letter dated March 14 was mailed to her. Senator Bloomfield often mentions about us getting personal in here. But we are all a body of equals. We're all adults. And everybody is in a position to defend himself or herself. But in the same way that I'll speak up for the Legislature as an institution when I think one of our colleagues has been dealt with in a way that I think is grossly inappropriate, I know she's grown, but I still at my age, "General" Garrett, have a bit of what might be called chivalry. If she were trying to cross the street and there were a puddle of water and I had on a brand new jacket, I wouldn't put it in the puddle. I'd just pick her up and carry her over the water and we achieve the same goal. But here's the letter. Dear Senator Dubas: LB935 introduced on January 16, 2014, by State Senator Gloor--and this person didn't mention that Senator Dubas was

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the cosponsor and another of our female colleagues, Senator Sullivan--is of paramount interest to us because it has the potential to cease the construction of the new Central Nebraska Veterans Home. It directly impacts us as veterans and the thousands of members of the organizations that we represent--the Nebraska American Legion and the Nebraska Veterans of Foreign Wars. As veterans, we urge you to vote against this bill. We find it disgraceful that anyone would submit a bill such as this with full knowledge that should it pass would only delay the construction of the sorely needed veterans facility. At the time this letter was written, March 14, it was clear that that bill was not going to have any impact whatsoever. To refer to it as disgraceful is, I think, in itself disgraceful. And maybe I'm overly sensitive, but let me continue. Our primary concern is for our veterans throughout our state. The new home would give our treasured heros a new state-of-the-art home which would have a great impact on their quality of life. We have read very little in the papers with regard to your position on LB935 and, therefore, look forward to your reply expressing your opinions and your current stance on the issue. She's a cosponsor. She obviously believes in the bill. But at the time this letter was written, the bill had changed, and there was plenty in the newspaper about it because this was not one of the issues that I paid much attention to. I felt the process had been gone through. I can understand Senator Gloor taking the position he did. He represents an area. But beyond that I had no interest in it. But I knew that the bill had changed. [LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR CHAMBERS: And by the time it was advanced, everybody should know. And this letter was signed by David W. Salak, S-a-l-a-k, Department Adjutant, and John L-i-e-b-s-a-c-k, Department Adjutant of the American Legion, Department of Nebraska and Veterans of Foreign Wars, Department of Nebraska. And I'm going to put on my light one more time. And I'm not going to raise my voice and scare anybody out of here, but I have two or three more things to say. Thank you. [LB935]

SENATOR KRIST: Thank you, Senator Chambers. Senator Gloor, you're recognized. [LB935]

SENATOR GLOOR: Thank you, Mr. President. Let me get...I've tried to not get down in the weeds too far, but since issues come up that...and comments are made, I've got to respond. Let me talk about the issue of transparency and the fact that this was supposedly a transparent process, or that the Legislature laid out some sort of a general rule that took care of that transparency when we took care of our budget responsibilities. One of the questions was availability of a work force to which the communities scored the same. And the question that comes to me from constituents is how could the Grand Island Veterans' Home that has an established, hired, in-place work force not score any better than the communities that are going to have to build a work force. And my answer to that fits into the general category of, duh, I don't know. I

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don't. Clearly the scoring was shared that we scored the same, but the reason the score was the same is known to four people. The three people the Governor appointed, department heads who made that decision, and the Governor, if they even shared with him why they made this decision. That's the lack of transparency. Would not this body have asked the question about the availability of a work force and gotten, and may have made, the same decision? Trust me on this. And I think most of you know me well enough to trust me on this. The outcome may have been the same, members. It may have been relocated to Kearney or Hastings or North Platte for that matter. But the questions that are being asked now in that community are, in fact, ones that fit in the category of, quoting Senator Davis, nasty and ugly. This body cuts its teeth on nasty and ugly. One way or another, we work through nasty and ugly. We have processes in place to control nasty and ugly, and what we don't have in place, as a result of an example I just gave you, as an example, is a way to calm down communities who are mad at each other over a decision that they think was transparent. And there are other examples that I don't plan to give, but I gave you one because it's the sort of thing that gets thrown at me on a regular basis. Why would not the Legislature understand that the scoring of available work force doesn't make sense to us? What's the answer you get to that? And I have to tell them I get no answer. You'll get no answer. The Legislature probably won't get any answer. So let's set up a process. It is nasty and ugly in my district, and if you were able to spend a week with me and read the e-mails and the letters and get the comments that come that don't in any way, shape, or form bridge the sort of harmony that we had in central Nebraska between communities, you would understand why this is an important bill to me to make sure no other community has to go through, or communities for that matter, have to go through what's going on right now. And that's the reason behind the bill. It isn't going to change anything as relates to the decisions we've made, but it might prevent one of your communities from going through what's happening right now with us. It's a preventative piece of legislation as far as I'm concerned. It isn't going to make that much difference in my...to my constituents, in fact, none at all, except they may see it as verification or justification for some of the push back that's going on. Once again, it isn't going to affect the decision made by the feds. [LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR GLOOR: The fact that we're gobbling up an entire year's worth of money for funding of all relocation and replacement facilities in the Veterans Administration across the United States, there's the issue. There's the issue with that. And by way of correction, I know Senator Bloomfield didn't intend it, but said that the committee had killed this bill. It had not been killed. It had not been IPPed. I think he would agree that that terminology of his was not a procedural term. This bill had not been killed by the committee. Thank you, Mr. President. [LB935]

SENATOR KRIST: Thank you, Senator Gloor. Senator Karpisek, you are recognized.

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[LB935]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I want to go back and if I said that the State Fair wasn't contentious, I misspoke, but I don't think I said that. I said it worked. It wasn't a very easy ride, but it did work and it came through here. I know because I was on the Agriculture Committee. I was there. I didn't vote for the bill out of committee and I didn't vote for it on the floor and I spoke against it. But I didn't like it because it was moving the fair. I guess that other people don't see the connect between the two, but I guess I can't see that there's not. And Senator Hadley said, well, because it's a statute that that had to be done. And that's what this is trying to do is to say that there would be a statute saying that anything over \$15 million would also have to come through the Legislature. I'm trying to get away from the whole talk about what even happened with the veterans home. That's not my issue here. My issue is I just think that it...these sort of things should come through the Legislature. And I know we've talked about, well, the Governor is elected and all those things and I agree. But it's one person making up a decision. And if we really think that that is the way to go about it, why are we even here? Why do we show up? If that's the way it is, we should just let the Governor decide on all the bills and we could save the state some money on our salaries. And I don't think that's what we want to do. Yeah, it wouldn't be much savings but it would be some. But that's not the point of what we're trying to do here. We don't want...I don't understand why it's okay for some things and not for others. And, yes, things get contentious here. And again, I'm going to bring it up again, when we get to redistricting, the same people singing this song are not going to be singing this song then. Because then it's going to be, oh no, we have to do it in here. We have to draw the maps ourselves. No one else can do that. And I'm sure that I will point that out when we get there again, but it falls on deaf ears because somehow it's different, but it's all the same. I just think that these sort of things, issues, should come through the Legislature. I think there should be public hearings, and of course it's going to be contentious when you're talking about moving these things. Again, I don't really know how the scoring worked. I didn't look into it. I'm not saying it was wrong. If it comes through here, then the Governor can veto it if he doesn't like how it worked. That's how we do most everything here. Again, maybe we should have waited awhile on this to bring it up, but...
[LB935]

SENATOR KRIST: One minute. [LB935]

SENATOR KARPISEK: ...in two years, four years, the people here probably won't remember what we're even talking about. I don't...I'm not trying to say that it was done wrong or the wrong thing...the wrong place was picked. But I just thought that the Legislature should have more of a role in it. Thank you, Mr. President. [LB935]

SENATOR KRIST: Thank you, Senator Karpisek. Senator Murante, you're recognized.
[LB935]

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SENATOR MURANTE: Thank you, Mr. President, members. And I like Senator Karpisek, but I think we're going to have to agree to disagree on some of these things. Well, I'll leave that where it is. Finishing up on my remarks from the first time around, as a state senator from Sarpy County, I feel that this Legislature...and to be clear, I'm not making indictments of the individual members. I'm making indictments of how legislative processes work across the board. I can't hold...Senator Nelson is not here, so I'll feel free to talk about him, I can't hold Senator Nelson accountable or be angry with him for voting for a law that takes property tax dollars out of my district and spends it in his. It would be irresponsible for him not to vote for that sort of a law. And unfortunately when that law was passed by this Legislature, there were 15 people who were cashing the paychecks and 3 who writing them. And shock of shocks, the bill passed. That's how it works. Whoever has the most votes wins. It doesn't make it good public policy. It doesn't mean we should inject ourselves into innumerable things. But that's the consequence. And if you are a state senator right now who is on a...who represents a constituency that is remotely close to a major metropolitan area that has lots of state senators, you are going to have a devil of a time trying to get any of these agencies or services moved to your district. Because if you're near the Omaha metropolitan area, they've got 14 votes in the bank. They need to pick up 11 of the remaining state senators to do whatever they want. As a Sarpy County senator, I don't know how I would ever expect to win a vote like that. Look at the way the Legislature is constructed. Right now I see Senator Crawford right there. I think she's a good leader. I think she'd make a great representative on the Executive Board. But this Legislature has said that even though we're in the exact same county, I can't vote for her to be on the Executive Board as one of the representatives of our caucus and she can't vote for me. And I can't vote for Senator Garrett and he can't vote for me. And I can't vote for Senator Kintner and he can't vote for Senator Smith. And we're torn up. Our county is torn right down the middle. There was...as far as I can recall, there was never even a discussion of, well, maybe just out of fairness we should on this one just let's cut Douglas County up this time. Somebody bring that proposal and see how far that goes in this Legislature. Redrawing the legislative district caucuses such that Sarpy County is made whole and Douglas County is cut up. It's not going to happen because they have the votes. And that's where we're going down with LB935. And I don't mean to make this an airing of the Sarpy County grievances, which it kind of is, but that's where I see this going. I don't see any good public policy coming from this because he who has the votes makes the rules. And for most of the members of this Legislature, we don't represent constituencies that garner a lot of votes, and a lot of us represent areas just outside of those municipalities with many votes. [LB935]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: One minute. [LB935]

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SENATOR MURANTE: I think it's a bad public policy what LB935 proposes to do. I think it's going to have dire consequences. Not only will it bring contention into this Legislature--that's what we get paid for, we shouldn't seek to avoid that--but it will not mitigate the contention that comes from moving services like this. That's inherent in what we're talking about doing. There's nothing we can do to make...to ease that pain. Thank you, Mr. President. [LB935]

SENATOR WATERMEIER: Thank you, Senator Murante. Senator Hadley, you are recognized, and this is your third time. [LB935]

SENATOR HADLEY: Mr. President, members of the body, I again want to go back to the bill. I think it is bad policy to bring this kind of decisions into this body. I agree entirely with Senator Murante. Some of the things that have been said--what do we need us for if the Governor going to do everything--well, you voted on it last year. You voted on how this was going to work. You voted on the appropriation of the money. You asked for accountability of the process. You knew the Governor was going to set up, I mean I assume you knew the Governor was going to set up the committee, the same as was done when the Fitzgerald Home was moved from Omaha to Bellevue. I mean the two processes are basically the same. But now it's not right because the city that thought they were going to get it didn't. And so...but again, I just think it is incorrect to bring that kind of conflict that would seriously come. I would ask the senators from Omaha or Douglas County and Sarpy, if we had to do a movement of the home right now and it came down between Sarpy and Douglas County, could that be a fairly ugly battle in this body? Some questions have been asked about...that I want to respond to. There's a firm called Schemmer, an Omaha-based architectural, engineering, and planning home used as a consultant on the Bellevue home and used, the same firm, in planning for the Central Nebraska Home. So it just wasn't these three people who are on the committee that sat down and said, we'll devise these criteria or how do we weight them. The same firm was used in both of them. But again, I want to go back to Senator Chambers used a term that stuck with me: integrity of the process. We've had a lot of information about this process and the only time the integrity of the process was questioned was after the decision was made. I have here a letter that says the Greater Nebraska Cities coalition has taken a position of support for Governor Heineman's proposed funding for construction of a new Central Nebraska Veterans' Home. Goes on to list the things that they would like to see happen. Cities within the coalition are prepared to compete and provide local incentives to ensure completion of the facility. As cities competing for this project, it will be our privilege to work with the state of Nebraska to ensure that our veterans are shown the respect they have earned by building a facility that we all can be proud of. Thank you for your consideration. Signed, Jay Vavricek, Mayor,... [LB935]

SENATOR WATERMEIER: One minute. [LB935]

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SENATOR HADLEY: ...Grand Island; Vern Powers, Mayor, Hastings; Rick Jeffery, Mayor, Holdrege; Stan Clouse, Mayor, Kearney; John Fagot, Mayor, Lexington; Dwight Livingston, Mayor, North Platte. So before the process, before the decision was made, everything was fine, everything was fine. By the way, they asked the mayor about this letter, one of the newspapers, and he said he didn't remember signing it. They sent it to him and then he would not make a comment. So everything seemed to be fine, so again I go back to the idea, do you really want to bring those kinds of decisions into this body? If you believe it then, fine, you need to vote for this bill. But if you think that this will not have political ramifications, geographic ramifications, population ramifications, I think you are incorrect. [LB935]

SENATOR WATERMEIER: Time, Senator. [LB935]

SENATOR HADLEY: Thank you, Mr. President. [LB935]

SENATOR WATERMEIER: Mr. Clerk for an announcement and a motion. [LB935]

CLERK: Mr. President, I have a priority motion. Senator Bloomfield would move to bracket LB935 until April 17 of 2014. [LB935]

SENATOR WATERMEIER: Thank you, Mr. Clerk. Senator Bloomfield, you are open to your bracket motion. [LB935]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I would like you to go to your gadget and look at the committee statement of people that supported this bill and people that opposed the bill. If you look, the veterans' organizations were overwhelmingly opposed to this bill. I fear what we are going to do, and I mentioned it before, is to throw up a cloud that the feds won't look through. I asked Senator Gloor earlier, before this was passed out of committee, to consider bringing it next year when he is back and this is away from the fog and the emotions of the current funding for the veterans' building. He didn't want to do that. I think we need to get this stuck away, out of the view of the feds. And if we want to discuss it, let's come back and do it next year when the emotion is out of it, when there's no longer any danger of doing harm to the new veterans' home. There's a process in place. It worked. One community is not happy with it. Don't let's harm our veterans. Don't endanger this new veterans' home. Please vote to bracket this, and if we want to look at it again and challenge the process, which I don't believe needs challenged, let's do it next year when we've all been able to take a few breaths and look at what we're doing. Thank you, Mr. President. [LB935]

SENATOR WATERMEIER: Thank you, Senator Bloomfield. Those in the queue wishing to speak: Senator Chambers, Senator Krist, Senator Gloor, and Senator Dubas. Senator Chambers, you're recognized. [LB935]

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SENATOR CHAMBERS: Mr. President, members of the Legislature, about that letter, I've said enough, except that I think it was very inappropriate and out of line. But soon as Senator Bloomfield stood up, Senator Bloomfield, sometimes these old cells in my head run in rhyme: Shall there be racket about the bracket? Were it a walnut, would we crack it? Or shall the members sack it? What's going to happen is a discussion and I doubt that there will be enough votes to bracket it. I think the discussion has been good. On both sides are points that are well taken. But when you deal with a body which is political, we can put the word "partisan" into it or leave it out, but partisanship also plays a part. And when Senator Murante mentions that where the votes are is where you find the power, that's true; and as Deep Throat said, follow the money, in Watergate. What the President that Senator Bloomfield loves, Senator Bloomfield, oh, he's over there, Ronald Reagan said, trust but verify. Well, touching on that letter, if those guys who wrote that letter had taken the time to verify what the situation was, they never would have written it. I think they made pompous rear ends of donkeys out of themselves. Some military people, especially when they've had a position of command, cannot give it up. They were accustomed to giving directives and orders to people who were in a position where they had to take what was ordered them...what they were ordered to do without question, without back talk. And sometimes it's difficult to give up that kind of power. That's why that fellow might have said, and it was in a religious context, he was talking about a big shot religious guy: power corrupts, absolute power corrupts absolutely. And I think those two fellows kind of got outside the box. But now that we're discussing this on the floor of the Legislature, it is our responsibility to exercise oversight. When there was a siting issue going on about the new prison, which wound up at Tecumseh, Governor Nelson was the individual. He was a Democrat. He wanted to run for another office so he wanted to get some votes from outstate Nebraska. And I fought him tooth and nail, pointed out that if you look at the makeup of the membership--they call it the residents, others call them inmates or prisoners--of this prison, they will come primarily from the eastern side of the state so there's no way it should go out there and I'll do everything I can to fight it. There was a director at that time named Harold Clarke and he had good sense and he had some influence, and they put together a siting committee and it was decided not to go out there. But you know what the Governor got? What the Governor got, not based on facts, but because he had the power, the work camp. That's how that work camp got out there. There was nothing penological about it. It was pure politics and it was in the context of a Governor running for a higher office. So for people to stand in here and act like somehow the Governor is above politics is misplaced. When you're talking about a project above \$15 million, the Legislature should do more than just trust and verify. The Legislature should have something very significant to say about it. When the Governor wants to find a way to give what he calls a tax break, give somebody, who had been paying \$129 on taxes, \$25-a-year break and they'll love him forever is foolishness. But the Governor is going to use the governorship as a bully pulpit, has no need to garner votes from anybody else. His one veto is worth 29 of our votes plus 1. [LB935]

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SENATOR WATERMEIER: One minute. [LB935]

SENATOR CHAMBERS: It's worth 29 because if you only get 29 he wins. If you get 30, you beat him. I don't trust any Governor and I have problems with the Legislature, but at least I am here and can have some role to play. So I'm going to continue to listen and I will observe with interest how Senator Bloomfield's bracket motion comes out. Thank you, Mr. President. [LB935]

SENATOR WATERMEIER: Thank you, Senator Chambers. Senator Krist, you are recognized. [LB935]

SENATOR KRIST: Thank you, Mr. President. Good evening, colleagues, and good evening, Nebraska. I'm going to be a bit disjointed in my comments but I only intend to talk one time so I'll have to cover a plethora of areas. In response to what Senator Chambers said, we used to have a saying in the senior ranks in the Air Force and that is your worst enemy sometimes is the guy who used to have your job and still lives in the local area, and that's because people don't very often give up their rank or their status. They always have to have an input. Some of us...some...let me not judge. Some never take off their uniform no matter how far distanced they are. So I do believe that there was an element of that in that letter. And I do believe that also in that letter was contained what I'm seeing more and more, what I saw with LB464, what I've seen with other issues here on the floor, people take the first draft that goes in the bucket and they think they know everything about what's going on and they weigh in. And I think that's their right. It's Civics 101, though, to understand that...I used the terminology this morning, I don't necessarily like it, but it's a fact, if you want to know what's really happening, you have to watch the whole sausage be built, because there are different points at which a bill, a substantial change in statute or in direction for the government, has to come through a committee process and is amended and, in the case of some bills, amended and amended. So very shortsighted, I think, in the comments that were made. That's that subject. Now let me cover a couple more. I will not support the bracket motion for two reasons. Number one, I think there's been ample debate on LB935. I'm not entirely sure LB935 is the answer to all, but I think it's a move in the right direction. I think I heard Senator Karpisek say earlier if the legislative process takes things through then the Governor has veto authority. That's the way the process does work. And the other part of the logic there is our job is to legislate and appropriate. So where there's money to be spent from the state of Nebraska, the appropriations is going to have to come from us to begin with or anyway, and then it's up to the Governor maybe to veto the process. To that end, I do not believe that the federal government will be influenced at all at our shenanigans, and I'll call them that. There's a way that they will work through their issue and they will figure out where their limited money will go. And I remind you again what Senator Gloor said, and I agree, we're asking for more money than the feds have in their budget usually on any given year to do what they want to do. So rewind back to just a few seconds ago what I said--it's up to us to

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legislate and appropriate. So we may have to actually pony up some money if we're going to go forward with this. And the land that already exists, the structure that already exists, and the people that already exist might have been, might have been a better way to go but we're beyond that decision. So as we go forward with these kinds of issues, I don't think one year, two years, or three years are going to make the Grand Island, Hastings, Kearney, North Platte people love each other on this particular issue, but that's not who needs to get together and talk about the issue, it's the people inside this body. One last point to Senator Murante's comments earlier. You know, the majority usually wins, but I will remind you within this body and this process it only takes 17 people to make sure that nothing ever happens ever. So... [LB935 LB464]

SENATOR WATERMEIER: One minute. [LB935]

SENATOR KRIST: ...the politic involved in this body and understanding the rules and moving forward if we're going to get anything done, we're going to have to work together for the common good of the people of Nebraska. Senator Gloor has 39,000; Senator Hadley has 39,000; I've got more than that because my district is growing rapidly, so I guess I've got more votes. But the point being, we have to get together and make sure that we're working for the...all the citizens in the state of Nebraska. I'll listen to debate and I can pretty well guarantee there might be a few more hours. Thank you, Mr. President. [LB935]

SENATOR WATERMEIER: Thank you, Senator Krist. Senator Gloor, you are recognized. [LB935]

SENATOR GLOOR: Thank you, Mr. President. I don't like the bracket motion and I encourage you not to vote for the bracket motion. Now that we got that out of the way, I wish the decision had been to set up the same sort of committee process that Governor Johanns had set up for the Thomas Fitzgerald move. It included not only four state senators to make sure that we felt comfortable with the process of transparency, it also included all of the various veterans' groups across the state. They were also involved in this process. And as Senator Bloomfield said, they were in opposition to my bill, but that was the green copy. That's not the amended bill that's out there. And they certainly weren't involved in the process of making the decision and evaluating the criteria and looking at the different sites or interviewing members of the veterans' home who had strong opinions about where they wanted to be. I wonder if Senator Bloomfield would yield to a question. [LB935]

SENATOR WATERMEIER: Senator Bloomfield for a question? [LB935]

SENATOR BLOOMFIELD: Yes. [LB935]

SENATOR GLOOR: Senator Bloomfield, you brought up the issue of me waiting until

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next year. Senator Karpisek addressed that a little bit also. But you had a helmet bill, a couple of months ago, why didn't you wait until next year, when you had fresh faces, with your helmet bill, if I might ask? [LB935]

SENATOR BLOOMFIELD: The two don't correspond, Senator Gloor. The helmet bill seems to have a little controversy around it every year. The veterans' home has a great deal of controversy around it this year that would be gone next year. Therein lies the difference. [LB935]

SENATOR GLOOR: Thank you, Senator Bloomfield. And you've made my point, which is this is an issue in the here and now. It has people's attention in the here and now. The reason to introduce it in the here and now is because I felt it was the best way for it to get the consideration that it merits. That is, are these sort of policy decisions the one that ought to be the responsibility solely of the executive branch, or is it important enough that it ought to be a shared responsibility? And clearly, the way I've drafted the bill, I think it's a shared responsibility. Members, I've sent out a letter. I've circulated a letter that also gets to Senator Murante's question about controlling the votes, making the rules, this will come down to votes. I don't think so. I don't think this body makes decisions that way. This is a letter from a woman, who I know, whose husband, disabled veteran, I know, we both served in administrative positions in the community at the same time. And I would reference the third paragraph: We built a home in Grand Island. Made it handicapped accessible after qualifying for specially adapted housing grants with the Veterans' Administration. As a result of this qualification, this home is exempt from property tax. We're also able to obtain life insurance that covers the balance of the mortgage upon my husband's death. If the veterans' home is moved to Kearney, all these benefits my husband was eligible for by his service to his country as a veteran and his 25 years of service in the Department of Veterans' Affairs will be forfeited. This body would have taken that into consideration, maybe not this specific case, but I pulled out one of the letters, one of the comments that I've gotten from constituents who are saying we have a home in this town and my spouse is now in the veterans' home. Am I in a position now to have to sell... [LB935]

SENATOR WATERMEIER: One minute. [LB935]

SENATOR GLOOR: ...and move, to try and move, or am I in a position to commute? We would have considered that. That's the nasty and ugly reality that we're dealing with in Grand Island. And I think this body would have been very comfortable not just voting, because we've got the votes and can throw our weight around on an issue like this, but taking into consideration. This body has the ability to deal with nasty and ugly, while it juggles eggs. We do. It is what we do. And it is the sort of thing that we take into consideration above and beyond just cold, hard votes. All one needs to do is sit in a committee meeting, any of our committee meetings, and listen to the input we get from Nebraskans to understand and know it's not just about throwing our weight around and

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throwing our voting power around. We listen, regardless of the state or community involved, to what's best for Nebraskans, and that's why I trust the Legislature rather than the administrative branch to make the right decisions. [LB935]

SENATOR WATERMEIER: Time, Senator. [LB935]

SENATOR GLOOR: Thank you. [LB935]

SENATOR WATERMEIER: Thank you, Senator Gloor and Senator Bloomfield. Senator Dubas, you are recognized. [LB935]

SENATOR DUBAS: Thank you, Mr. President. I stand in opposition to the bracket motion. If you look at the committee statement and you see who were the proponents and the opponents, there is a very, very large segment of people who are missing from that statement, although they may be represented...not maybe, they are represented by the veterans' service officer who spoke in support of this bill, and that is the veterans, the veterans and their families who live in Grand Island, the veterans who call the Grand Island Veterans' Home their home where they have, many of them, have lived for years and years and years. Family members who have moved to Grand Island, as Senator Gloor just referenced, built a home there so they could be close to their family members. When you talk about the scoring of the application, I know for a fact that many, many of the veterans that live in the veterans' home in Grand Island right now submitted letters of support to keep the veterans' home, to keep their home located in Grand Island. To my knowledge, that portion of the application was given no points, none. So the very people who call the Grand Island Veterans' Home their home were given no consideration. You're going to move to another facility. That's just the way it is. These are the people that should be at the top of this discussion. These are the people that should be given the most consideration. And I know Senator Gloor's bill is...we are not talking about the location of the veterans' home. We are talking about future locations of state facilities. And again, I think that's what we need. This gives us a lot of opportunity to not only just have the executive branch involved with it, but the legislative branch as well, as referenced in the task force that was put in place for the Thomas Fitzgerald Home. But again, the veterans and their families who live in Grand Island, who live at the Grand Island Veterans' Home have not been given near the amount of attention that they should be, because we are talking about a place that they call home. And just like for any of us, none of us want to leave our homes willingly anyway. If we decide to move, it's a decision that we make to move on to something bigger or better or smaller and better, whatever the case may be. But those people that are directly impacted by the decision that was made to move this home have been given short shrift in what we're talking about here. And I think this conversation should not continue without bringing their desires into the mix, and their desires are--please let us stay in the place that we call home. I would yield the remainder of my time to Senator Campbell. [LB935]

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SENATOR WATERMEIER: Senator Campbell, 2 minutes. [LB935]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. When I look at the bill before us and the amendment, I have to start thinking about not what has been but where we should go. And I certainly do not support the bracket motion because I think we do need to continue discussion and deal with this issue now. As I look at this, one of the most important responsibilities of the Legislature is oversight, and I've spent the last three years looking at that whole issue with regard to the child welfare system. And at times I've said to myself, if we only would have had an avenue for greater oversight, would some things have happened? [LB935]

SENATOR WATERMEIER: One minute. [LB935]

SENATOR CAMPBELL: Thank you, Mr. President. I would have to say that after much conflicted emotions in me, I will support the underlying bill. But I would suggest that between General File and Select we perhaps add some elements to the process in terms of the expertise that might be needed by the Legislature in looking at an idea and how we might involve the expertise that is existing in this state. And I would be willing to sit down with Senator Gloor and talk about those issues. I think this bill calls us not to look to the past, but to look to the future and look at one of the most important aspects of the Legislature, which is oversight. Thank you, Mr. President. [LB935]

SENATOR WATERMEIER: Thank you, Senator Campbell and Senator Dubas. Those in the queue wishing to speak: Senator Hadley, Senator Garrett, Senator Bloomfield, and Senator Campbell. Senator Hadley, you are recognized. [LB935]

SENATOR HADLEY: Mr. President, members of the body, Senator Campbell talked about the expertise. We used the same firm for the Omaha, as the consultant, as we did this time, so I would guess are we questioning the expertise of the Schemmer firm? Sounds like it. There's been a lot of talk that this is about the future, has nothing to do with the current status. Let me read you, this is from the Grand Island Independent and it is February 26, 2014, article by Tracy Overstreet: Without the clawback provision, it lacks the oomph, Gloor said of the bill, but having it in place, having the bill in place, who knows what the future may hold? If LB935 is amended with no retroactive status, but clears the full Legislature, it still may help Grand Island in the coming years. If federal funding for the new home falls through, there's a chance that in the future it may find its way back for approval. And if I can get this through, we'll have a piece of legislation in place that would then require that it come back to the Legislature for review, he said. I'm sorry. You wonder why there's still strife when there's still bad feelings between Kearney and Grand Island? This then ran in the front page of the Kearney paper and I got as many calls as Senator Gloor probably has got on other things. What is this? Is LB935, are we going to have to fight the battle again? Is that

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what the purpose of LB935 is to give some mechanism to bring this discussion back again? So the idea that somehow the decision is completely done, at least some people don't think that. But going back, I disagree with the idea that we bring it in here to a decision by this political body when you have two competing entities. I'm sorry, I don't want to decide between Lincoln and Omaha when it comes to something. I really don't. I don't want to decide between Scottsbluff and North Platte. We have a process set up. That's what we elect the Governor. We've used this process numerous times, we've used the process. I'm going to be very blunt and say we wouldn't be here today if Grand Island had won, plain and simple. We wouldn't be discussing LB935 today. You can ask the Governor, but his quote to me before this was over with, this is Grand Island's to lose. If they're anywhere close in the process, Galen, they will be awarded the home. Now you can doubt him at his word, but I take him at his word because it made sense to me. So I am for the bracket motion. Let's put this to bed. Let's let the communities get...start working together again. You pass this, the next year is going to be completely about one community trying to hold up the funding--and I'm sorry, they are, they write letters--... [LB935]

SENATOR WATERMEIER: One minute. [LB935]

SENATOR HADLEY: ...and the other community saying let's get the process going. We can end this right now. I think it's bad policy for LB935 and I think it's bad policy to continue this strife. Thank you, Mr. President. [LB935]

SENATOR WATERMEIER: Thank you, Senator Hadley. Those in the queue wishing to speak: Senator Garrett, Senator Bloomfield. Senator Garrett, you are recognized. [LB935]

SENATOR GARRETT: Thank you, Mr. President, members of the body. I rise in support of the bracket motion. Again, I have to keep going back to the "if it's not broke, don't fix it." The process is not broken. And for a bill that doesn't have anything to do about the veterans' home, it seems like that's all we're talking about. I was on the Government, Military and Veterans Affairs Committee and I heard the testimony, both opponents and proponents, and it broke my heart, veterans on both sides, from both communities. The current facility is old, it's dated, it needs updating if not completely replacing. And probably the most cost-effective thing is to replace it. But the selection process was a valid process. I'm the newest member of the Legislature. When I came in and heard about this debate, you know, I was real interested in finding out about how the selection process was made, and it was a valid, great selection process. There was transparency and the selection committee made their decision. There was no fraud. Nobody had a dog in the fight there. And I think Senator Krist is exactly right. The purpose of this Legislature is to legislate and appropriate. So we ultimately do get a decision in these kinds of selection process because we appropriate the funds. So anything that any of the Governor's committees, selection committees choose, we, of course, divvy out the

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checkbook. We make the appropriations as to whether or not those things are going to go forward. So it again amazes me. I've seen this body probably two months ago I rose in opposition to the novelty lighter bill that I posed the question, is it the intent of this body to become the Nebraska Consumer Product Safety Commission? I guess we are because we passed that prohibition against novelty lighters. Last week it was approving all gubernatorial appointments, again, you know, we just keep on taking on more and more responsibility here in the Legislature. It just amazes me. I don't think we need to be into the selection process for moves, everything from roads to the veterans' home. And again, we've got enough on our plate. I rise in support of Senator Bloomfield's position to bracket and I yield the rest of my time to Senator Bloomfield. [LB935]

SENATOR WATERMEIER: Senator Bloomfield, 2 minutes 20 seconds, and you are not the last to speak. [LB935]

SENATOR BLOOMFIELD: Did you say I was or I was not? [LB935]

SENATOR WATERMEIER: You...there are others in the queue. [LB935]

SENATOR BLOOMFIELD: Okay, thank you. Colleagues, this is a difficult issue. Again, there is a system in place, it works. Somebody wins, somebody loses. I asked Senator Gloor in committee, had Grand Island won would we see this bill. I ask you that same question now. Had Grand Island won the competition, do you think we would see this bill at this point? Search your hearts a little bit. What we do not want to do is jeopardize a new home for our veterans. This veterans' home isn't just designed to serve the veterans that are there now or the folks from Grand Island. This is all of central Nebraska. Let's be very, very careful what we do here. [LB935]

SENATOR WATERMEIER: One minute, Senator Bloomfield, but you are next in the queue. [LB935]

SENATOR BLOOMFIELD: Thank you, Mr. President. Veterans are very important to me. I think everybody knows that. They should be important to everybody in this body. I know they're important to Senator Gloor. We just have a fundamental difference of opinion in what we should be doing here, it's really sad to see him wrong two times in a row like this, once on motorcycle helmets and now on this. Unfortunately, he prevailed on the motorcycle helmets. I think it's my turn. But it is not whether we win or lose in here, it's whether our veterans win or lose, whether we facilitate new facilities for them or whether we'll endanger that. [LB935]

SENATOR WATERMEIER: You are on your 5 minutes now. [LB935]

SENATOR BLOOMFIELD: Thank you, Mr. President. I think minds are pretty well made up on this. I don't know that we're going to change anymore. That's why I threw the

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bracket motion in. I think it's time we decide what we're going to do here. But this could go on considerably longer. I hope we put it to bed now. The drama needs to go away from around this vets' home. We need to make a clean break of it for this year. I think the system we have works. If we insist on looking at it again, let's do it next year again when the fog has settled and the dust is cleared. Thank you, Mr. President. [LB935]

SENATOR WATERMEIER: Thank you, Senator Bloomfield. Senator Gloor, you are recognized. [LB935]

SENATOR GLOOR: I thought...thank you, Mr. President. I thought Senator Bloomfield would like to know that I believe some of the veterans who are in the home are there because they were riding motorcycles in other countries without motorcycle helmets on. I'm not 100 percent sure on that, but I'll check it out and get back to you, Senator Bloomfield. Good discussion and I certainly appreciate the tenor of it, because it's the sort of civil back-and-forth discourse with a little edge to it that we get used to having. (Laugh) But I don't want somebody to vote for the bracket motion based upon Senator Hadley's admonishment that we can end it right now, because that's the whole basis behind my bill. We do have members in the community writing letters because of the lack of transparency that they perceive. We can argue about whether it was or not. They certainly don't perceive the transparency was there, the openness, the fairness, and so they're writing letters. They're not asking me for permission. They're not asking you. Senators, we've got prayer vigils going on, not necessarily organized by any of the community leaders, per se, (laugh) but this is what happens, talking about down and dirty within legislative debate, this is what happens when people feel part of the culture of a community, something that's been in place for 126, going on 127 years, is being taken away from them for reasons they don't understand. And we can bring that understanding and a better level of transparency. We can't make all...if we were talking about a similar circumstance moving forward, we can't take all the disappointment, we can't take away all of the letter writing campaigns that might go on as a result of that community's disappointment. But what I am telling you and the basis for this legislation is we can minimize it to a great, great, great degree. And that's the reason that I introduced the bill. It isn't going to change anything. I explain again for those constituents who are listening, it isn't going to change anything about the decision that was made, but it can, hopefully, temper the decisions in the future that might be made that fit into the same category, and that's what I hope for for this legislation and would ask for you not to vote for the bracket motion, Senators. Thank you. [LB935]

SENATOR WATERMEIER: Thank you, Senator Gloor. Seeing no one in the queue, Senator Bloomfield, you may close on your bracket motion to April 17, 2014, to LB935. [LB935]

SENATOR BLOOMFIELD: Thank you, Mr. President, members. I referred you to your gadgets earlier. I'm going to read into the record the people in favor of this bill: Senator

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Mike Gloor, introducer; Duane Hodge for himself; Jay Vavricek, city of Grand Island; Keith for himself; Ken Gnad, city of Grand Island. I'm going to drop the names of the testifiers: city of Grand Island, Grand Island Independent, Hall County Supervisors, Veterans' Service Officers Associated (sic) of Nebraska, United Veterans Club, Hall County, Grand Island Economic Development Corporation, Economic Development Corporation. Let me list the opponents: Senator Hadley; city of Kearney; Nebraska Veterans' Home Board; Veterans' Home Division, Department of Health and Human Services; Nebraska Department of Veterans' Affairs; Nebraska Veterans' Council; Nebraska Veterans of Foreign Wars; Nebraska Veterans' Council again; Post 252 (sic), American Legion; VFW, Veterans of Foreign Wars Veterans' Home Board. Colleagues, it's abundantly clear where the veterans fall on this. They want a new home. I think that's what we're looking at here. Let's do nothing to deprive them of that opportunity. It is vitally important that we take care of our veterans in central Nebraska, far more important that we take care of the veterans than it is that we take care of a given community because they didn't like the way a process that they freely and openly took part in, they were disappointed with the way it came out. Well, you play the game to the best of your ability, you live with the results. That's what we need to do here. Let's get away from this. Let's get back to taking care of veterans instead of communities. Thank you, Mr. President. [LB935]

SENATOR WATERMEIER: Thank you. [LB935]

SENATOR BLOOMFIELD: I'd like a roll call...or a call of the house. [LB935]

SENATOR WATERMEIER: Thank you, Senator Bloomfield. There has been a request for a call of the house. All those in favor vote aye; those against, nay. Record, Mr. Clerk. [LB935]

CLERK: 26 ayes, 0 nays to place the house under call. [LB935]

SENATOR WATERMEIER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. Senator Mello, Senator Seiler, Senator Janssen, Senator Ashford, Senator (inaudible). Senator Conrad, Senator Pirsch, Senator Scheer, Senator Burke Harr, Senator Chambers, Senator Larson, Senator Carlson, and Senator Lautenbaugh, please return to the Chamber. Senator Conrad, Senator Scheer, Senator Larson, Senator Carlson, and Senator Lautenbaugh, please record your presence. The house is under call. Senator Scheer and Senator Lautenbaugh, please record your presence. The house is under call. Senator Scheer, please record your presence. The house is under call. Senator Scheer and Senator Lautenbaugh, the house is under call. Please record your presence. Senator Bloomfield. [LB935]

SENATOR BLOOMFIELD: Mr. President, let's proceed with what we have here, and I'd

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like a roll call vote in regular order. [LB935]

SENATOR WATERMEIER: All right. Thank you, Senator Bloomfield. Members, the question before us is, shall the body adopt the bracket on LB935 until April 17, 2014? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please call the roll. Reverse order you said, Senator Bloomfield? Regular order. [LB935]

CLERK: (Roll call vote taken, Legislative Journal pages 1291-1292.) 18 ayes, 12 nays, Mr. President, on the motion to bracket. [LB935]

SENATOR WATERMEIER: The motion to bracket is not adopted. Senator Avery, there's no one in the queue. Please raise the call. Are there any further debate on AM2182 on LB935? Senator Avery, you are recognized to close on the amendment. [LB935]

SENATOR AVERY: Thank you, Mr. President. This is a simple amendment. It just removes the provision that would have the effect of restarting the selection process. That's the retroactive provision. So with the amendment, the bill now, if you vote for this, it will apply to a move of state services after the effective date of the act, which of course will leave in place the current decision. And with that, I would ask that you vote to approve AM2182. Thank you. [LB935]

SENATOR WATERMEIER: Thank you, Senator Avery. Members, the question before us is the committee amendment to LB935. All those in favor vote aye; all those opposed, nay. Have all those voted? Record, Mr. Clerk. [LB935]

CLERK: 30 ayes, 3 nays, Mr. President, on the adoption of committee amendments. [LB935]

SENATOR WATERMEIER: The amendment passes. I do have an announcement. Mr. Clerk. [LB935]

CLERK: Mr. President, I have an amendment to the bill. Senator Bloomfield would move to amend the bill with AM2704. (Legislative Journal page 1292.) [LB935]

SENATOR WATERMEIER: Senator Bloomfield, you are recognized to open on your amendment. [LB935]

SENATOR BLOOMFIELD: Colleagues, this is a very simple amendment. It takes the amount from \$15 million down to \$1 million. If we're going to get involved in making these decisions, we're going to bring the decision into the body, let's bring them in by the truckload. This is very simple, very easy to do. All we need to do is support this amendment and we can make the decisions on everything that the state does. Makes

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perfectly good sense if we're going to tell the Governor how to run the state. Give this a little thought. I'm sure you're going to want to vote for it. I don't know how you could avoid wanting to vote for it. But this is where we're going to go if this is what we need to do to eliminate what I feel is a bad bill. We just as well settle in. We're probably going to be here a while. Let's start on voting at \$1 million. Maybe the next one will be for \$2 million, \$3 million, maybe we drop it down to 50 bucks at a pop if we need to, but we can certainly spend eight hours at this. This needs to go away for this year, in my opinion, and if it can't go quietly we'll try to make it go with a struggle. Thank you, Mr. President. [LB935]

SENATOR WATERMEIER: Thank you, Senator Bloomfield. Senator Gloor, you're recognized. [LB935]

SENATOR GLOOR: I rise in opposition to AM2704. One million is pretty low. And although the Governor has come to this body an awful lot over the past X number of years asking us to tell him what to do, I'm not comfortable going this low with the dollar amount. Fifteen million, I want to remind the body, was arrived at through a process of taking a look at legislation that was passed by us in 2012, LB868, having to do with contracting, and I think it was well-thought-out. I think it got to the point where we were looking at a large enough dollar amount to occupy our time, a large enough dollar amount to merit that sort of look through, but not one that was going to burden us with looking at so many projects when it came to contracting, or in this case DAS, that it was over the top. Fifteen million seems to have worked pretty well the past year and a half for contract review. And, you know, there's a lot of discussion about burdening the Legislature with this process. Members, the movement of state business happens so infrequently (laugh), so infrequently it's possible that this bill, if passed, might only come up once every decade or two. But when it does, it will be important. When it does, the need for the Legislature to get involved will be spelled out just like it is in Kansas, just like it is in Missouri, just like it is in a number of other states who recognize the wisdom of having the Legislature involved and moving books of state business around and leaving that to the whims of the executive branch. I would ask you to reject AM2704. Thank you. [LB935]

SENATOR WATERMEIER: Thank you, Senator Gloor. Seeing no one in the queue, Senator Bloomfield, you are recognized to close on your amendment. Senator Bloomfield. [LB935]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, this bill needs to go away. I am persuaded by other members, whether wisely or unwisely, to pull this amendment, and I will do so at this time. [LB935]

SENATOR WATERMEIER: Okay. Motion is withdrawn. [LB935]

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CLERK: I have nothing further pending on the bill, Mr. President. [LB935]

SENATOR WATERMEIER: Thank you, Mr. Clerk. Seeing no one in the queue, Senator Gloor, you are recognized to close. [LB935]

SENATOR GLOOR: Thank you, Mr. President. There's an awful lot of discussion about process. We've...several of us have been talking, specifically Senator Dubas and I have been talking, since she's a cosigner. Problem is there's no process. There is no process. The executive branch, the Governor, can move books of state business around wherever he or she chooses to move books of state business around. And all this bill attempts to do, looking forward, not looking back, is to get the Legislature involved at a level of \$15 million in helping make some decisions to avoid some of the bad blood that's going to be out there. I guess if this bill is defeated, we'll see money flowing in from the federal government real quick like--not. I'd remind you that the request for this one home, for reasons that defy description and explanation, are sucking up and would suck up all the money for a full year for all the veterans' projects, replacement, renovation across the entire country. There's the problem, and that won't go away anytime soon, regardless of what happens with LB935. I have enjoyed the discussion in part because we've talked about it far longer than I thought we might. And as Mark Twain said--Senator Chambers will appreciate this--as Mark Twain said, not to me personally, understand--maybe he talked to Senator Chambers, but not to me personally: The problem with wrestling with a hog is you both get dirty and the hog likes it. I like talking about this bill. I like talking about it a lot. I wish it had gone to a full filibuster. We could have talked about it till the cows or, in this case, the hogs come home, because it draws attention to a bad decision. It draws attention to a lack of process. It's a billboard that doesn't say anything, and in not saying everything it says an awful lot, folks, about what we went through with this decision. So I was happy to talk about it as long as possible. The bill started as a hope. Now it's a bill that may help you. It isn't going to make that much difference for the community of Grand Island. That's over and done with. It isn't, as I said, the reason that the federal funding isn't available. I'm laying the groundwork and I want the record to show that when this transaction, when this relocation is completed, because I think there's a good chance that it will sail through in another year or two, I'll be back, if I'm still here, talking about the land that the community gave to the state to build a veterans' home. And if that veterans' home is no longer there and the land isn't being used for that purposes, then it ought to go back to the community that bought it for the state 127 years ago for that purpose. I think it's fair. I think it makes sense. And, frankly, I think I could get the votes for that. I think people would understand. It's also one of the reasons to introduce this bill now and put a stake in the ground as relates to that. And finally, as relates to whether the Legislature should be involved in making these decisions and whether it gets down and ugly, I would reference again the Coghlan letter. [LB935]

SENATOR WATERMEIER: One minute. [LB935]

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SENATOR GLOOR: There are dozens of cases like that out there that are people struggling to deal with the realities of this decision, and this body would have taken some of those into consideration in making its decision, or at least demanded contingencies in place to address the needs of those individuals, especially veterans. We've talked about veterans this year in legislation with jobs and education and taxes. Certainly had this come before the Legislature we would have talked about ways to help people who were going to be disenfranchised as a result of a relocation. I would ask for a green vote and would ask that we advance LB935. Thank you for your time, patience, and we'll see what happens. [LB935]

SENATOR WATERMEIER: Thank you, Senator Gloor. Members, the question before us is the advancement of LB935 to E&R Initial. All those...Senator Gloor. [LB935]

SENATOR GLOOR: I would ask for a call of the house, roll call vote, regular order, please. [LB935]

SENATOR WATERMEIER: 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, nay. Record, Mr. Clerk. [LB935]

CLERK: 35 ayes, 0 nays to place the house under call, Mr. President. [LB935]

SENATOR WATERMEIER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Mr. Clerk, please call the roll, regular order. [LB935]

CLERK: (Roll call vote taken, Legislative Journal pages 1292-1293.) 13 ayes, 17 nays on the advancement of the bill, Mr. President. [LB935]

SENATOR WATERMEIER: The bill fails to advance. Items for the record, Mr. Clerk? And raise the call. [LB935]

CLERK: Thank you, Mr. President. Amendments to be printed: Senator Davis to LB1115A; Senator Christensen, a series of amendments to LB485. Mr. President, I have a confirmation report with respect to a report from the Judiciary Committee. And I have a series of override motions, as reported by the Appropriations Committee, Mr. President, to LB130, LB906, and LB905. That's all that I have. Thank you. (Legislative Journal pages 1293-1296.) [LB1115A LB485 LB130 LB906 LB905]

SENATOR WATERMEIER: Thank you, Mr. Clerk. Next item on the agenda. [LB935]

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CLERK: Mr. President, LB943 by Senator Nordquist and others. (Read title.) Introduced on January 16 of this year, at that time referred to the Business and Labor Committee for public hearing. The bill was advanced to General File. There are committee amendments, Mr. President. (AM1922, Legislative Journal page 602.) [LB943]

SENATOR WATERMEIER: Thank you, Mr. Clerk. Senator Nordquist, you are recognized to open. [LB943]

SENATOR NORDQUIST: Thank you, Mr. President and members. LB943 would increase the minimum wage incrementally from \$7.25 an hour to \$9 per hour over the course of three years, from 2014 to 2017. It would be \$7.65 starting January 1, 2015; \$8.35 starting January 1, 2016; and \$9 an hour starting January 1, 2017. The purpose of this bill is to make sure hard work pays in Nebraska. In 2012, about 32,000 hourly workers in the Nebraska earned the minimum wage, which is the 2nd highest percentage of our work force in the region earning minimum wage and the 13th highest in the nation of hourly workers earning at or below minimum wage. And contrary to the argument you may hear, these numbers don't just reflect teenagers in the work force. Increasingly, it is educated adults that are working at minimum or below minimum wage jobs. Those are the statistics we know. Seventy-six percent of workers earning at or below minimum wage were at least 20 years and older, seventy-six percent were 20 or older, and sixty-seven percent were women. What's important, though, isn't the age, necessarily, of these low-wage workers. It's about how many of them are trying to support themselves or their families on that wage. At \$7.25 an hour, a worker working 40 hours a week, full-time, 40 hours a week, 52 weeks a year, makes only about \$15,000 a year, which for one adult and one child puts them below the poverty line. Our middle class is shrinking. The median household income in Nebraska has declined by 5 percent over the last decade. In 2012, nearly 18 percent of Nebraska children lived in poverty, even though we had one of the lowest unemployment rates in the country and we had one of the highest rates of working parents in the county. It is absolutely clear that Nebraskans work hard, and that hard work should pay. For a number of years, ever since I've been in office, I've requested a report from the Department of Health and Human Services that details Nebraska businesses that have a significant number of employees or their families receiving Medicaid and CHIP. In the 2012 report, one corporation, I won't name their name, had 839 Nebraska families on...receiving Medicaid or CHIP benefits. That same corporation reported to their shareholders that they made \$60 billion in profit and their CEO was taking home \$20 million a year; \$60 billion of profit for that corporation which is known to pay low wages, while you and I and the taxpayers that we come here and say we're fighting for are picking up the cost of health insurance for their employees because they're not paying a wage that those families can make it on. So thanks to the Nebraska taxpayers, that \$60 billion number probably had a couple million in thanks to the contributions of those of us here. I'm sure we'll hear arguments that this will hurt small businesses. Nationwide the number is two-thirds work for large corporations. And there are exemptions in the law, and we'll

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get to that on my amendment to the committee amendment. Businesses with four or less employees are exempt. Ag is exempt. There's, I believe, nine or ten exemptions already in the statute to the minimum age and we'll be adding, with my amendment, we would model the federal exemption of \$500,000 a year. But student learners, government employees, a number of exemptions are already in place. And the research shows that increasing minimum wage doesn't affect employment, and we can get into a debate on that. There's been study after study and "meta-studies," which are studies of studies, which show no impact, certainly no negative impact. And there's research that shows for every dollar we increase the minimum wage, those minimum wage workers take home, you know, roughly \$2,000 a year. But they also increase their purchasing power. They're more likely to take out credit and make purchases. And because of that dollar an hour, they're actually going to end up spending probably closer to \$2,800 a year in new consumer spending, which is what our economy needs now more than ever. We're running out of excuses not to support Nebraskans who want to work and provide for their families. By raising the minimum wage through this bill we can affirm the dignity in a hard day's work. We can rebuild the middle class and help families earn enough to meet their basic needs. There's a great report done for our state which looks at what does it take for a family to be sustainable, to support itself, to be sufficient in Nebraska. In metropolitan Nebraska, for one adult supporting two kids it's \$22 an hour. If there's two adults with two kids it's \$11.80 an hour. This is basic necessities of housing, childcare, food, transportation, and healthcare. In nonmetropolitan urban Nebraska, it's \$16 an hour for one adult and \$9 an hour, \$9.06 a hour for two adults earning that amount. And in rural Nebraska, it's \$15.65 an hour for one adult and \$8.70 an hour for two adults earning that wage. And that's in today's dollars. So getting to \$9 an hour in 2017 is barely enough. Maybe by the time inflation kicks in, it would be already eaten up, even for our smallest communities in Nebraska. Well, folks, we really have three options here when we talk about how do we support those families, more and more families that are falling below the self-sufficiency line. Option one: We can let families fend for themselves, work more jobs. Luckily in Nebraska we have a good number of jobs. Maybe they work one and a half, two jobs. But I often hear our problem with education isn't the schools; it's parents need to be involved more. So if we want those parents to work that second job then we should be acknowledging the fact that those parents aren't going to have time to spend with their kids. That's option one. Option two is we can let more families fall below that self-sufficiency line and we can have food stamps and childcare subsidy and the CHIP program all cobbled together to help try to support them. Maybe we expand the EITC, but that puts it on taxpayers. Or the option is we raise the minimum wage. We start paying people for what they're worth. Unfortunately, I heard a colleague on the radio, I'm not going to name names, say some people just aren't worth \$7.25 an hour. We know that it takes more than that for their family to sustain, to be sufficient, self-sufficient. So those are the options we have, unless somebody else has a fourth option that I haven't identified. But either we start to put the pressure on businesses to step up to the plate and help families make ends meet; we continue to expand government programs, we don't even have to expand

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eligibility, more families are just going to continue to fall into current eligibility; or we just, I guess, let them fend for themselves. But I haven't heard anyone stand up on this floor and say that's the direction we should take. Thank you, Mr. President. [LB943]

SENATOR WATERMEIER: Thank you, Senator Nordquist. As the Clerk stated, there are amendments to the committee (sic) bill. Senator Lathrop, you are recognized to open on your committee amendment. [LB943]

SENATOR LATHROP: Thank you, Mr. President. And, colleagues, good evening. AM1922 adds provisions from LB947. LB947 increases the tip-earner minimum wage until it reaches 70 percent of the regular minimum wage. Specifically, the wage rate will be increased from \$2.13 an hour to \$3 the first year, and each year thereafter the lesser of 95 cents or the amount necessary to equal 70 percent of the regular minimum wage. Neither the federal government nor the state of Nebraska has increased the tipped minimum wage rate since 1991. Both are currently at \$2.13 per hour. Let me say that again. The tip-earner wage is at \$2.13 an hour and has been since 1991. While the regular minimum wage has increased with inflation, the tip minimum wage has remained the same. More than 30 states have increased the tip minimum wage to a dollar amount above \$2.13. In Nebraska, employers are allowed to credit an employee's tips towards the employer's minimum wage obligations. Employers must pay tipped workers a cash wage of \$2.13 and can apply the worker's tips to make up the difference between \$2.13 and the regular minimum wage of \$7.25 an hour accordingly. If a worker's tips plus \$2.13 an hour total at least the regular minimum wage of \$7.25, the employer's wage obligation has been met. If tips plus \$2.13 an hour equal less than \$7.25 an hour, the employer must make up the difference. As long as a tipped worker makes at least \$5.12 an hour in tips, the employer's obligation is \$2.13 an hour. I ask for your support of AM1922 and LB943. Thank you. [LB943 LB947]

SENATOR WATERMEIER: Thank you, Senator Lathrop. Mr. Clerk, an amendment to the committee amendment? [LB943]

CLERK: Mr. President, Senator Nordquist would move to amend the committee amendments with AM2200. (Legislative Journal page 1126.) [LB943]

SENATOR WATERMEIER: Senator Nordquist, you are recognized to open on your amendment to the committee amendment. [LB943]

SENATOR NORDQUIST: Thank you, Mr. President and members. AM2200 adds an additional exemption which models what we have in federal law which would allow an employer to earn up to \$500,000 a year and be exempt from having to pay the minimum wage. Already in state law we have an exemption for four or fewer employees, so we're talking if you have four or fewer employees or you have a gross revenue, gross volume of sales of \$500,000 or less, you would be exempt from paying the minimum wage. So

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this is a carve out for the smallest businesses, but I'm going to take this opportunity to briefly read through the exemptions that are already in state law: "Any individual employed in agriculture" would be exempt from the minimum wage. "Any individual employed as a baby-sitter in or about a private home; Any individual employed in a bona fide executive, administrative, or professional capacity or as a superintendent or supervisor; Any individual employed by the United States or by the state or any political subdivision thereof; Any individual engaged in activities of an educational, charitable, religious, or nonprofit organization when the employer-employee relationship does not in fact exist or when the services rendered to such organization are on a voluntary basis; Apprentices and learners otherwise provided by law; Veterans in training under supervision of the United States Department of Veterans Affairs; A child in the employment of his or her parent; Any person who, directly or indirectly, is receiving any form of federal, state, county, or local aid or welfare and who is physically or mentally disabled and employed in a program of rehabilitation." Those are the specific exemptions that we already have carved out in state law. And I know we're going to probably hear a push tonight that this really will have a negative impact on employment and luckily we are in the laboratory, we as states are the laboratories of democracy and we can look at those states that have already moved forward with their minimum wage. Twenty-one states have increased their minimum wage. Earlier this month, I believe just a couple weeks ago, I have an article here from Bloomberg. In the 15...this talks about the state of Washington, who voted by referendum in 1998 to raise the state's minimum wage and include a cost-of-living adjustment to it. In the 15 years that followed, the minimum wage climbed to \$9.32 an hour, the highest in the country, while job growth continued at an average .08 percent annual pace, .3 of a percent above the national rate. Payrolls at Washington's restaurants and bars, portrayed as particularly vulnerable to higher wage costs, expanded by 21 percent. Poverty has trailed...and poverty in the state has trailed the U.S. level for at least seven years. And there are other studies. I want to highlight one other one, if I can find it. One second. So there was a study done that looked at cross-border counties in the United States. I believe they looked, yes, at 1,300 of the 3,000 counties in the United States and those 1,300 are the ones that share a border where on one side of the border there's a higher minimum wage than on the other side. And this was published in the Review of Economics and Statistics, which is a joint publication of Harvard and MIT. And their conclusion says: For cross-state continuous (sic) counties, we find strong earning effects and no employment effects of minimum wage increases. At the committee hearing, one of the think tanks that was opposed to this bill said that we don't have any control so it's tough to tell, but we think the basic laws of economics lead to reduced employment. Well, I think this is probably as good of a control as you can get, looking at 1,300 of the U.S.'s 3,000 counties and finding no hiring, no employment impacts of raising the minimum wage. Again, I think we are really running out of excuses and it's time to move the minimum wage, which has been set at \$7.25 an hour for four years. And again, we are not making a major adjustment today. We're not going to \$10.10 overnight, as some in Washington are proposing. We are making...this is...it would be somewhere between a 5 percent and a

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7 percent a year increase in the minimum wage over a three-year period. I think every business that has to absorb costs in one way or another, inputs for pretty much every business go up, so I think this is a reasonable increase. It is something that this summer, when I looked at this issue, I took to employers in my district and I heard from them saying, if you're going to do it, if you're going to raise the minimum wage, make it gradual so we can build it into our cost structure. And that's why we proposed \$9 an hour over three years rather than a much quicker ramp up. Thank you. [LB943]

SENATOR WATERMEIER: Thank you, Senator Nordquist. Members, you have heard the opening on the amendment to the committee amendment. Those in the queue wishing to speak: Senator Conrad, Senator Wallman, Senator Cook. Senator Conrad, you are recognized. [LB943]

SENATOR CONRAD: Thank you, Mr. President. Good evening, colleagues. I rise in strong support of AM2200, AM1922, and LB943. I apologize, I had to squint a little bit in the dim light to make sure I had all of my numbers right on the board. But to start out on a personal note and then to finish on a policy side, I ran on increasing the minimum wage in both of my campaigns back in 2006 and 2010 and I will never forget the pride when I had an opportunity to introduce my first bill as a freshman senator back in 2007. And I probably walked up to the desk and submitted LB31 which was an increase in the state minimum wage. Due to action on the federal level during...that coincided with our legislative session that year, that legislation was actually amended into LB265 and represents the last increase in the minimum wage that Nebraska looked at. It was a late add and it was hard fought, but we were able to seek compromise and consensus and it is important that we move the ball on the state level, even when the federal government acts, because there are different applications. So I definitely was proud to cosponsor Senator Nordquist's effort and am working as diligently as I can to help him bring this across the finish line. The reason I diligently support increasing the minimum wage and living wage policies is because these are women's issues, these are working families' issues. This is about rewarding work; this is about lessening reliance on public assistance. This is about increasing productivity and employee retention and putting more money into the local economy. Studies indicate for every one dollar increase in the minimum wage, you see an additional boost in consumer spending of over \$3,500. That's an incredible bang for your buck that pays economic dividends for everyone across the wage scale. This year, I also introduced an increase in the EITC paid sick leave policies and significant resources to improve our job training program. These are additional policies that support working families. I was proud to see Senator Dubas introduce innovative family leave proposal. And my good friend, Senator Cook, show a great deal of leadership on equal pay issues. Senator Bolz has demonstrated a great deal of leadership and standing up for working families and recognizing the important for targeted tax relief when it comes to paying for child care. These are commonsense working family issues that deserve our support and that deserve this body's time and attention. And it's not just those of us in the body that are fighting for these policies; in

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fact, in the work that Senator Nordquist has done to secure support for this effort, he conducted a public opinion poll which helped to demonstrate that Nebraskans widely support this measure. In fact, over 55 percent of Nebraskans support the modest and measured proposal that Senator Nordquist has put forward in LB943. And I think that that makes sense. This is just one of those issues where the public is way out in front of the Legislature because they recognize it is commonsense policy that deserves to be adopted. I think the other thing that's important to note is because this is such a hot topic at the national level and rippling through state governments, there's been a lot of updated research and information that we can look at to evaluate how to cast our vote. [LB943]

SENATOR WATERMEIER: One minute. [LB943]

SENATOR CONRAD: Thank you, Mr. President. Just in the most recent edition of the State Legislatures Magazine and otherwise, in the March editions of both of CSG, I think, and NCSL, they were wonderful articles that detail the economic impact and pros and con arguments on both sides of this and that demonstrated through the existing models in other states that the fears in terms of job loss or negative impact just haven't rung true. And in fact, that's been the experience in Nebraska; that's been the experience in my community, in Lincoln, which actually has a living wage ordinance for public employees and contractors to show that we never see negative effects when we move the ball forward on rewarding work. But we do see absolute positive impact when it comes to lessening reliance on public assistance. That saves us money; that's smart policy, and it's time that we move forward, again, on increasing the minimum wage in Nebraska. Thank you, Senator Nordquist. [LB943]

SENATOR WATERMEIER: Thank you, Senator Conrad. Senator Wallman, you are recognized. [LB943]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I, too, want to thank Jeremy. It doesn't seem like this is the right thing to force on the businesses, but when we hire on building projects, we pay way more than this...starting workers. And so my family has always thought that minimum wage was too low. And I started out at \$1.25 an hour. And if you figure today's inflation rates, I should be making way over \$12 an hour. So that's just to buy an automobile or something. And so the bottom line of the workers, the bottom workers have not kept up with inflation at all. And now the price of oil when I was...about 15...16 cents a gallon when I was growing up. Now look where it's at. So everything has went up for the bottom rung of society to try to keep up paying their bills. Our church has food pantry; we...us farmers in our area we donate a lot of food because people come from the city and come to the rural churches and they want food. And us farmers think with our prices we should be able to give out free food. Do I like that? No. I think they would be a lot better off buying it themselves, because self worth comes in there, self pride and once you lose that then it's tough to get a job. I

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talked to my good friend who hires people in Beatrice, a lot of people then are literally unemployable because they've lost their self worth whether it be truck driving, working in the elevator. We have to change our work ethic around and I think one of it would be upping the minimum wage somewhat so they can actually afford to do something with it. Thank you, Mr. President. [LB943]

SENATOR WATERMEIER: Thank you, Senator Wallman. Senator Cook, you are recognized. [LB943]

SENATOR COOK: Thank you, Mr. President, and good evening, colleagues. I rise in support of LB943 and am a proud cosponsor of the measure since it was introduced. And in my role on the Legislature's Planning Committee, I have the honor of serving as Vice Chair and as Chair of the subcommittee on children in poverty. So a lot of the work that I've engaged in this session, I almost said "semester", this session has been around identifying a wide range of ways to address the issue of children in poverty, which as I have mentioned on this floor before, has increased substantially between the time that the numbers were run in 2000, after that census, and after the time they were run in 2010. In Legislative District 13, which is the district I proudly represent, 25.7 percent of the children, that's more than 1 in 4 children living in my district, live in poverty. We've got to be able to offer them a future. And while I would love to stand up here and imagine that children are growing up in two-parent, intact, well-funded families with time for parental involvement in the schools and exploring children's interests, that is not the reality qualitatively and it certainly is not borne out in the statistics that we see, whether it's people accessing the food pantries that Senator Wallman made reference to, or accessing our system, those are our tax dollars, we're more or less kind of supplementing private industry, when you think about it, when we are not paying...the industry is permitted to not pay a minimum wage, whether that's through child care subsidy or TANF or any of the other safety nets that we chose to take advantage of here in the state of Nebraska on behalf of our citizens. So as I've said before, very interested in addressing to the extent that we can here in the Legislature the issue of children in poverty. As I mentioned before, these children are not always growing up in the kinds of families that we might have had an opportunity to grow up in. There are women...single women head of household typically with two children that she is supporting. I want to share with you some facts and figures that were made available through the National Women's Law Center about women...working women. Women represent nearly two-thirds of minimum wage workers in this country. Nearly 4 in 10 female minimum wage workers are women of color. A woman working full time year round at the federal minimum wage of \$7.25 earns only \$14,500; that is \$4,000 below the poverty line for that family of three. Another point I would like to mention, and Senator Conrad was kind enough to offer recognition for an equal pay bill that I introduced in the Business and Labor Committee; Senator McGill showed leadership over the fall, along with many other colleagues here in the body, in hosting town hall meetings where we heard stories of women who were not only minimum wage workers,

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but professional women who were not paid the same for the same job, the same time of day as their coworkers. And this is something that is deeply impactful to a family, as I mentioned earlier. Some more information about women minimum wage earners, women of color are disproportionately represented among... [LB943]

SENATOR KRIST PRESIDING

SENATOR KRIST: One minute. [LB943]

SENATOR COOK: ...female minimum wage workers, as I've said, only 4 in 10 federal minimum wage workers are women of color, compared to just over one-third of working women overall. There is an idea that this kind of measure would be disproportionately impactful to small business. And I certainly pay a lot of attention to small business, as in my Legislative District 13, there are many owner/operators who operate businesses with fewer than 50 employees, and certainly don't want to come here and pass anything that's going to disproportionately impact them. But here is what the statistics have to say about small business. What the statistics and the research bears out is that, typically, a larger business, perhaps the business with the CEO earning \$20 million per year, is the business that is more likely be impacted by a minimum wage measure. [LB943]

SENATOR KRIST: Time, Senator. [LB943]

SENATOR COOK: Thank you, Mr. President. [LB943]

SENATOR KRIST: Thank you, Senator. Senator Burke Harr, you're up. [LB943]

SENATOR HARR: Thank you, Mr. President, members of the body. I rise in support of this bill. It's very interesting. The arguments against this bill that I've heard, and I've gotten a lot of e-mails, are, well, it's going to help teenagers and they don't need this money; we need to have it more focused. If we're going to do this, maybe we should look at an earned-income credit. I don't think that's a correct argument. Eighty-eight percent of the people earning minimum wage...88 percent are 20 years of age or older. Over one-third of those people are raising a child. This last election, there was a famous quote by one of the candidates who said--47 percent of the population don't pay taxes and they never will, and they're called "takers." Well, that's true there are 47 percent don't pay taxes. But part of the reason is because of the earned-income credit program. It's a great program. It allows us...those in poverty to earn some money. But if we raised the minimum wage to a livable wage, closer...what this bill gets us closer to that, you would have more taxpayers. You would have more tax dollars coming in. Instead of earned-income credits being paid to low-wage earners, they would actually be paying into the tax system. We're subsidizing our poor. And that's not a bad thing, but the question is--why are...what is the cost and are we at that point...that tipping point where we need to raise our minimum wage so that those who make the minimum wage can

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make a living without having to rely on the government. You want to get people off the reliance of government, make sure they earn enough. I heard earlier Senator Nordquist talking about how one senator said there are some people that aren't worth \$7.25 an hour. Well I hope he wasn't referring to this body and what we make an hour. But I do think it's important that we realize...if someone isn't worth that money, you got to fire that person. Punishing a whole class of workers because there's a bad one doesn't make any sense. The Walmarts of the world are going to probably continue to pay minimum wage. And it's not necessarily a bad thing, but they have to do that to survive. It's just a fact of business. But if we raise that floor, they're going to go ahead with that raise and their workers are going to have more money. Henry Ford had a great quote where he talked about how he paid his workers \$5.00 a day, which was a huge amount back then, because he wanted his workers to be able to afford to buy one of his cars. Well the hope is that people who work at Walmart can afford to buy food without having to use food stamps. And I'm using Walmart just because they're the largest. There are many out there that are...employees of other business that are in similar situation including workers in the courthouses who actually receive food stamps. We have to raise our minimum wage. This isn't...this is about helping get people a step up; it's not a handout. We're not giving this wages to someone who is not working. This goes to the working people, the working class. You don't want to provide health insurance for them, I may disagree with you there, but you give them enough money and guess what, they start qualifying in the exchange so they can have health insurance. They start qualifying so that they aren't on Medicaid. They get off the government dole. And I know some people say, well, if the minimum wage is too low... [LB943]

SENATOR KRIST: One minute. [LB943]

SENATOR HARR: Thank you...you should just work more hours. Well, you can't work more hours. If you have two...three kids and you're the only parent, you can put them in day care during the day and that's government subsidized; you can put them in school, that's government subsidized, but at some point you have to spend time with your kids. At some point you have to make sure that you break that cycle of poverty; that you're there with them teaching the life lessons they need to learn so that they don't end up in the same spot. If you're working 60 hours a week and you're always tired, you're not being a very good parent and you're not treating that child very well. So I understand the arguments. But I do think we have...it's time in the interest of saving money to raise the minimum wage. Thank you. [LB943]

SENATOR KRIST: Thank you, Senator Harr. Those still wishing to speak: Senator Bolz, Crawford, Dubas, Cook, and Nordquist. Senator Bolz, you are recognized. [LB943]

SENATOR BOLZ: Thank you, Mr. President. I rise in support of this piece of legislation in part because I believe that it is in line with our American values. This is about life, liberty, and the pursuit of happiness. This is about personal responsibility when

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individuals who are working are afforded living wages, decent wages, they will take responsibility for ensuring that their bills are paid, that their families are taken care of. Nebraskans have an incredible work ethic. And I think that work ethic deserves to be valued. I also think that this piece of legislation can help to catalyze job training and on-the-job training. The economy of the future will be based on a skills and knowledge-based economy. And when employers feel like they have employees that need to earn a little bit higher wages, they'll be spurred to provide more job training and make sure that those valuable employees are helping to contribute to their businesses' productivity. And so I just end by saying and echoing that this does contribute to personal responsibility and does help to...help families move into self sufficiency. And in the long run, it helps us to move away from public assistance programs. SNAP benefits decline by 30 percent for every \$1 in wage increases. So this has a positive effect for families; it has a positive effect for self sufficiency; it has a positive effect for personal responsibility; it has a positive effect on our economics and our state budgets and our public benefits programs and I encourage a green vote. Thank you, Mr. President.
[LB943]

SENATOR KRIST: Thank you, Senator Bolz. Senator Crawford, you're recognized.
[LB943]

SENATOR CRAWFORD: Thank you, Mr. President. I rise in support of LB943 and the amendments. And I do want to especially thank Senator Nordquist for his attention to the smallest and starting new businesses with the exceptions that he's providing in AM2200. I want to speak just for a moment from a policy analysis perspective, since that's my other hat, that's what I...that's my day job, I think when you look over the years at the policy analyses of minimum wage, you'll find an interesting pattern that those people who...those analyses that argue against the minimum wage tend to use abstract, economic models. While those arguments for the minimum wage tend to use empirical evidence. And I think that's a striking distinction. And I believe that many in economics were a bit surprised in the 1990s, especially, when some of the changes were made to minimum wage and the results were not at all what their abstract models told them that they should be. And that caused...was one of the things that has really caused some rethinking in the field of economics. And now in economics we have a whole new subfield called behavioral economics which recognizes that people don't always behave the way those simple abstract models suggest they do and that we need to do a better job of being able to predict what happens in economics when we change policies. And so we really are rethinking many of those simple models and it's important to recognize that models are simplifications of reality. It assumes a lot of other factors are held constant, or a lot of other factors don't matter. And so what we have now, thankfully, is we have a whole wealth of actual empirical evidence of what happens when states increase their minimum wage. And we have all kinds of evidence of what happens...even when they've done it in a period of recession, that it has not harmed jobs and we've heard a lot of that evidence already. So I'm just going to throw one other

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piece of evidence out there that we haven't gotten on the record yet that I think is important. And this is not just from a economic model perspective, but I think just the average person on the street when I hear...when they've talked to me about this issue. I think one of the misconceptions that people have is that, well, if you raise the minimum wage, that will just raise the cost of everything and so you won't have gained anything, that people's lives will not be better off. And again, you've already heard quite a bit of evidence that that's not the case, that it actually does improve lives. But here's one telling piece of evidence from the Federal Reserve Bank in Chicago, so this is not a liberal think tank, this is the Federal Reserve Bank in Chicago, study in 2007. And what they found in the restaurant sector was a 10 percent increase in minimum wage only increased prices by .7 percent. So that, I think, is a very striking piece of empirical evidence that demonstrates that it is not the case that just if you increase wages, the price of everything goes up and so it doesn't matter. We can increase wages and improve the life for so many of our families and make work pay and it will not only allow them to afford more, but also, as has been discussed by so many here, we have empirical evidence that it also helps to grow those communities. So I urge your support for LB943. Thank you. [LB943]

SENATOR KRIST: Thank you, Senator Crawford. Senator Dubas, you're recognized. [LB943]

SENATOR DUBAS: Thank you, Mr. President and colleagues. I rise in support of LB943 and the underlying amendments. A lot of these comments have already been made, so I just will probably be reemphasizing them, but this money that is paid to these employees will go directly back into our economy. Very likely, it could go back directly back to the employer that's paying those wages. In the late '80s and '90s, I was afforded several opportunities to travel to Washington, D.C., to talk about farm policy and prices and fair market values and all of those other things, very educational opportunities for me. But one of the comments that I, along with the other members of the group that traveled with me to D.C., talked about is when you put a dollar in a farmer's pocket, they're likely to spend \$1.10 because they, as farmers, we get reinvesting in our business, reinvesting in our farm, that's just what we do. And I think a similar analogy can be made for people who are on minimum wage. If you're giving them extra dollars, these aren't dollars that they're going to hoard, these aren't dollars they're going to stuff in a mattress somewhere, these are dollars that are going to be invested, whether it's more groceries, an extra pair of shoes, or shoes for their kids, medical care, gas, perhaps a vehicle, insurance, all the things that go with just every day...day-to-day living. These are dollars that are going to go right back out into our economy which just will go on to stimulate that economy. I've had opportunities to visit with, especially, single mothers, working mothers who are working multiple jobs just to make ends meet, just to try to make sure that they're able to take care of their children and their basic needs. You know, an increase in the minimum wage might allow them to only have to work one job. I've talked with women who really know the importance of furthering their

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education, but because they're working multiple jobs that becomes more and more difficult for them all the time. A little boost in the minimum wage may give them that little extra bit of freedom to further their education which will, again, only go to further their job training skills and make them much more marketable in the job force. So, you know, these are just opportunities that we have, not only as a state and as employers to invest in individuals, but to see that investment come back to us multiple times over, whether it's just additional spending in the economy, improving quality of life, you know, being able to just...just obtain those basic necessities that many of us take for granted. So I appreciate Senator Nordquist and the work that he's done on LB943. I know Senator Conrad mentioned earlier a bill that I introduced about a paid family medical leave. And that kind of fits in with what we're talking about here tonight with what do we need to do to support our families so they in turn can turn around and support the employers who have given them jobs so that they can participate in our economy to a fuller extent than they are right now. So again I support LB943 and the underlying amendments and thank Senator Nordquist for his work. [LB943]

SENATOR KRIST: Thank you, Senator Dubas. Senator Cook, you're recognized. [LB943]

SENATOR COOK: Thank you, Mr. President, and good evening again, colleagues. I wanted to continue offering some information about the impact of a potential increase in the minimum wage on businesses. As I mentioned earlier, the idea that it would be disproportionately impactful on small business is not one that is borne out through the research. Any change to the minimum wage primarily affects the larger employers. And they're consistently, typically able to maintain profit; obviously, that is the end game of any business endeavor is to make money. And there are some benefits that businesses realize when they increase the minimum wage within their organizations. I'll give you an example. These are, once again, national statistics, but each of these employers is here in the great state of Nebraska. Whether large or small, they can all...the businesses can see a reduced need to have additional recruitment for workers that have stopped. Maybe they've stopped because they went off some cliff with public assistance. Less money in training because if you've got the same person, you don't need to start from ground zero with an employee; and staffing costs in general. Successful business leaders recognize the benefit of the higher minimum wage. Costco nationally pays starting wages of \$11 to \$11.50 per hour and has a 17 percent turnover rate compared to Walmart which has a 44 percent turnover rate with the wages that they are offering which are not in line with what Costco has decided to offer. So I wanted to offer that. And I also wanted to offer each of us an opportunity to reflect on the...our work this session as it related to the issue of taxes overall, and in particular the work that was done in the Revenue Committee and the Tax Modernization Committee on the issue of income taxes. I had a couple of meetings...one-on-one meetings over the interim with people, business leaders who are interested in the issue. Obviously, the Governor's office was very interested in the issue. And something that I'd like us to reflect upon is

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that we took an action as a body, as I'm recalling, to shift the income tax "categories" is the word that my brain is coming up with tonight, but the ranges in which people fall and the levels at which they are taxed, their income levels. We took an action to change those in part to reflect changes in cost of living here in the state of Nebraska that the people receiving income would be impacted by. So we took that action to reflect cost of living. We have not taken a proportionate or a similar action in terms of people who are working at minimum wage. And this bill, LB943, with AM2200 and AM1922, offers us an opportunity to honor the hard work of people, as I said earlier. Many, many women, and many women who are supporting their families working at hourly rates of pay and not at professional salaries with insurance, etcetera, or retirement plans, we have an opportunity to, in a very measured way and a gradual way, not up to what the national...the federal government has recommended to its legislative bodies, but in a way that could be absorbed and planned for by local employers. So I'd ask you to consider... [LB943]

SENATOR KRIST: One minute. [LB943]

SENATOR COOK: ...advancing this measure and thank you very much, Mr. President. [LB943]

SENATOR KRIST: Thank you, Senator Cook. Senator Nordquist, you're next in the queue and there's no one following you. Will you choose to use this for closing or your five minutes? [LB943]

SENATOR NORDQUIST: Make it my closing on the amendment to the committee amendment. [LB943]

SENATOR KRIST: Okay, proceed. [LB943]

SENATOR NORDQUIST: Just a reminder on the amendment to the committee amendment, we are adding an additional exemption to the bill. Right now we have four or less employees; this would add an additional \$500,000 exemption to the 9 or 10 exemptions that we already have in place, including agriculture and very small businesses. A couple points I want to make here as I close on the amendment to the committee amendment, there was a long list, 600 economists recently signed the letter in support of the minimum wage, including four economists from our own University of Nebraska-Lincoln saying that they thought it was a...would be a net positive to our economy and that the minimum wage had little or no impact on the employment of these individuals even during weak times...of the weak economic times. I want to highlight one business in my district...actually, it's in Senator Mello's district, but in south Omaha, it was in a World-Herald article not that long ago, Skinner Baking, they've been around since 1911, and these are the types of small businesses that are doing things the right way for our communities. The owner says his goal is to employ a thousand

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families, and he phrases it that way because he sees Skinner as an old fashioned employer that pays a living wage and supports local families. And these are the type of businesses that are up against other businesses in the marketplace that don't have that perspective on our local communities, on our families, and, you know, I mentioned earlier the colleague that I heard on the radio saying some people just aren't worth \$7.25 an hour. And the fact of the matter is that that's true in this sense in that if you look at productivity...since 1968, when the minimum wage hit its peak level of buying power, it has since fallen, if you indexed it to inflation at that time and said from 1968 forward we're going to keep minimum wage with inflation it would be \$10.75 an hour. If we indexed it to how much those workers were producing, it would be \$17.10 an hour. That's right that worker isn't worth \$7.25 an hour, they're worth a lot more because their productivity has skyrocketed while their wages have been stagnant. And that is what we're trying to address here. And I just want to read testimony briefly...Mr. Chair, how much time do I have? [LB943]

SENATOR KRIST: Two minutes. [LB943]

SENATOR NORDQUIST: Thank you...of a waitress that came before the Business and Labor Committee of her own accord and testified about her experience. Sonia Bentley is her name. She said--I'm a waitress and I've been all my life. Some might consider that menial labor, but I'm not ashamed of the hard work that I do every day to try to make ends meet and to take care of my family. Sometimes that means working two full-time jobs; other times 7 days a week. We're not complaining about hard work, but when a person works two full-time jobs and can still not even manage to squeak by, then there's some...there's an injustice being committed. We are the working poor; we are the "working" poor. We are not lazy; we are not asking for handouts. We are working as hard as we possibly can just to keep our heads above water, but we are starting to drown out here. It's your job to protect the working people of the state and to stop huge corporations from taking advantage of decent, hardworking Nebraskans. [LB943]

SENATOR KRIST: One minute. [LB943]

SENATOR NORDQUIST: If the Legislature wants to subsidize big business, please do it in another way and not by forcing us to live on starvation wages. I've always told my son there's no shame in doing an honest job in order to pay your own way. It's not to depend on anyone, that every person...every person that works hard, pays their taxes, does their part is a valuable part of this community, but our wages do not reflect that. I think those words certainly are appropriate for this debate. Thank you, Mr. President. [LB943]

SENATOR KRIST: Thank you, Senator Nordquist. You've heard the closing on AM2200 to the committee amendments. Question is: Shall AM2200 be adopted? All those in favor vote aye; opposed, nay. Senator Nordquist. [LB943]

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SENATOR NORDQUIST: Could I get a call of the house? [LB943]

SENATOR KRIST: 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. Please record, Mr. Clerk. [LB943]

CLERK: 34 ayes, 0 nays on the motion to place the house under call. [LB943]

SENATOR KRIST: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Wightman, Gloor, Murante, and Chambers, please return to the Chamber, the house is under call. Senators Wightman, Murante, and Chambers, please return to the Chamber, the house is under call. Senator Wightman, please return to the Chamber. Senator Nordquist, everyone is accounted for; how would you like to proceed? [LB943]

SENATOR NORDQUIST: Roll call vote in regular order. [LB943]

SENATOR KRIST: There's been a request for a roll call vote, regular order. Mr. Clerk, please proceed. [LB943]

CLERK: (Roll call vote taken, Legislative Journal page 1297.) 21 ayes, 16 nays, Mr. President, on the amendment. [LB943]

SENATOR KRIST: The amendment is not adopted. Raise the call. Senator Lathrop, you're recognized. [LB943]

SENATOR LATHROP: Mr. President and colleagues, good evening once again. I speak in support of LB943 and the remaining amendment, AM1922, which would...and maybe I should clarify this--AM1922 will raise the minimum wage for waitresses that are at \$2.13 an hour and have been since 1991...1991, that's how long it's been since the minimum wage was increased for waitresses. That said, I watched the last vote and I've watched the session, my last session, and maybe the politics of the country right now...you know, I think we're dealing with minimum wage in this Legislature, as they have in other legislatures, because there is gridlock in Washington, D.C. We're not doing anything there, we're just...I suppose voting 48 times to repeal the Affordable Care Act, but other than that not much else is getting done. And so it's fallen to the states to try to move the ball forward. And I look at the last vote...I look at the last vote as sort of a forecast of how this bill is going to go, perhaps; maybe it won't, maybe I'll be surprised, maybe there were some of you that found something objectionable with that last amendment. But I suspect that this is how the vote is going to go tonight. And I

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guess I'd ask this question of the people that oppose this: first of all, we do this because nothing is happening in Washington, D.C., to help working people...nothing. And I look at our legislative session, a couple of weeks ago we had an opportunity to provide healthcare for the poor. And now today we're going to vote to leave them there. And then...and then I guarantee you that we'll hear from the talking heads on TV and some of the far right talk about the people who want to use the safety net as a hammock to lay around in. We're talking about people that want to work, that are working; but I want you to do some math today, because I'm going to visit a little bit about the minimum wage and the Medicaid expansion that we passed on. Do the math. You can't afford a health plan on the minimum wage. There are people, you may not know them, there are people trying to raise families on a minimum wage and there are people working two jobs, making minimum wage, and still can't afford health insurance. And when we ask to provide Medicaid expansion for the people who cannot afford it, you said no. Fifty-four thousand Nebraskans will go without health insurance; and when we ask you to give them a wage that might permit them to go into the market and buy health coverage and take care of their families, the answer is no. And so my question tonight is--what's the end game? What is the end game with these votes? We do not want to cover you. We know you can't get insurance, but we're not going to cover you, and when you need more money to take care of your family and maybe buy the insurance, we won't allow you, the answer is no. What's the end game? Are we looking to develop two classes of people in this country? The working poor who have no insurance, no insurance, they're not driving new cars, they're driving beaters, they're taking the bus to two minimum wage jobs and they can't make it. [LB943]

SENATOR KRIST: One minute. [LB943]

SENATOR LATHROP: They don't have health coverage. They can't sleep at night because they're worried--what if my kid gets sick? What if I get sick? What do I do? No health coverage, no increase in the minimum wage, we can't wait for Washington to do this, colleagues. We cannot wait for Washington to do this because they are paralyzed out there. This should be done in Washington; it should be done nationally and it isn't happening. And it's not going to, it is up to us and unless we want two classes, the class of the working poor who have no insurance, who have no coverage, who can't take care of their families; and those of us who are privileged to have a job and coverage, we have to do something. That is the policy we were brought here to debate and the policy we're brought here to make. Let us help these people. They are Nebraskans and they are the working...working poor that we're trying to help tonight. I would encourage your vote for the amendment and the bill. Thank you. [LB943]

SENATOR KRIST: Thank you, Senator Lathrop. Senator Nordquist, you're recognized. [LB943]

SENATOR NORDQUIST: Thank you, Mr. President and members. I think that last vote

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was the perfect demonstration of what we're seeing on this bill. For the colleagues that I've talked to and I've heard them say it in the press, we're concerned about this bill because it will affect small businesses. Well, we just had an amendment up there which carved out more small businesses so they wouldn't be hit and you voted it down. It is a red herring, folks. If you're listening tonight, be aware, it is a red herring. They had the opportunity to address it. We can run other amendments to this to address it. But they decided to vote it down. They're not concerned with addressing this problem. Maybe more people in this body, unfortunately, have the mentality of that senator I heard on the radio who said--some people are not worth \$7.25 an hour. Some human beings are not worth \$7.25 an hour. Maybe that mentality is spread through here a little thicker than I thought it was. Folks, I laid out the options before. We're not moving forward with this bill, the other two options are we have the parents working two jobs, not spending time with their children so we address those problems in the school, that's option one; or we continue to pick up the slack through government programs. You want to know why our SNAP program has expanded so much nationally, is because more and more people are falling below the line. And when we can come together here today and debate a policy approach and craft a policy approach that exempts small businesses that are impacted, that actually helps those low-income workers who are working for those corporations, the thousand or so Nebraska families that are working for the \$60 billion profit corporation. I hope you look your constituents in the eye and say, yes, I'm voting to send your tax dollars to their corporate bottom line. That's what we're doing here. Thank you, Mr. President. [LB943]

SENATOR KRIST: Thank you, Senator Nordquist. Senator Wallman, you're recognized. [LB943]

SENATOR WALLMAN: Thank you, Mr. President. I, too, am ashamed of that last vote. I have a sticker on my car, I belong to a church that has hope, not hate. Folks, give these young people some hope, not just young people. I'm disappointed how it went on Medicaid expansion, because somebody said--it's Obamacare. Affordable Health Care, I watch members in this body who are against Affordable Health Care. Well, I'm going to wonder how they're going to be when farmers want water legislation. I don't think we got to ask the government to help pay for that, they ought to pay for it themselves. If they want to feel this way, that's the way it should go. We are not Washington, D.C., the party of "no"; the party of "no", the party of "no." In other words, no guts. Folks, pay attention how you're voting here, please. Thank you, Mr. President. [LB943]

SENATOR KRIST: Thank you, Senator Wallman. Mr. Clerk, you have a motion on your desk. [LB943]

CLERK: Mr. President, Senator Schumacher would move to amend the committee amendments. (FA312, Legislative Journal page 1297.) [LB943]

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SENATOR KRIST: Senator Schumacher you're recognized. [LB943]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. We are the Nebraska Unicameral, a unique experiment in the politics of this country. And we face the same tensions that the folks in Washington face. Very valid sides of an argument on both sides of the issue. And one side can say "no" and one side can say "yes" and they can filibuster and they can amount to nothing. And I know what the arguments are against this minimum wage and they're really valid. There are a lot of small employers who aren't really making a lot of money in the state of Nebraska. And when you say let's force them to give their employees more wage, you may very well be creating disincentive for them to operate. You may very well be forcing them to lay off other workers in order to make ends meet. You may very well be causing hardship to their productivity and their income and their families. At the same time, we do live in an incredibly corporate America in which we have seen in the last few years huge corporate profits. Some from companies who choose simply to take advantage of the situation that there's cheap labor available. I think we should have given Senator Nordquist at least the privilege of amending his proposal and not voting down his amendment. I understand it's late at night and we want to get out of here so just dispose of this. But this amendment that I put in is reasonably simple, and it should be a reasonably good test. It restricts the application of this law to a company that makes...has gross income of more than \$10 million a year, that's big. And to employees who have had 24 consecutive months of employment with the employer. So if you want to train somebody, if you want to give them a probationary period, so if you want to have time to decide whether they are worth more than the \$7.25 an hour you have plenty of time to do that. And in doing so, most employers probably won't be affected because they will either be below the \$10 million; or if they are above that, they will realize that you need to pay your help a living wage. And certainly you look at what the \$7.25 brings you. It's not a living wage and that causes us to have repercussions of people not being able to care for their kids and having to look for alternative ways to find baby sitters, that has implications in our preschool and trying to figure out how we bring kids up to speed to be competitive in school. It has implications in so many different things. So this is a wide exemption. It doesn't...you don't have to worry about it unless you're making...grossing \$10 million a year and you don't have to apply it to employees who have been working for you for less than 24 months. It's an attempt to see if it works, if it's...to try to balance the interest...small business and the working poor. The working poor who are really working are exactly what we want when we complain about too much welfare. But at the same time, we don't want to kill the economy. So I offer this as an attempt to see if we are any more creative than the boys in Washington and I encourage your support. Thank you. [LB943]

SENATOR KRIST: Thank you, Senator Schumacher. You've heard the opening on FA312. Those wishing to speak: Senator Chambers and Senator Nordquist. Senator Chambers, you're recognized. [LB943]

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SENATOR CHAMBERS: Mr. President, members of the Legislature, this is one of those times when the rest of you get a chance to see how worthless it is...what a waste of time it is to try to appeal to some of these people who have nothing to which you can appeal. Let's say that I'd been in the military long enough to retire; I got a pension, a big pension. I've got healthcare at the public's expense. But my heart, if I had one, cold and hard as frozen stone. People talk when they're running for office about being a born-again Christian. Jesus told that person, the laborer is worthy of his hire. But that's just talk and it means nothing. You see in their cruel heartless conduct where they really are. They say they're opposed to abortion. Why? I even read where one guy said that even in the case of rape there should be no abortion because that poor child should have a right to be born into a family that cannot afford food, cannot afford medical care. But that hypocrite's religion puts him up there saying--I'm a born-again Christian. And what does it mean? Nothing, nothing. I'd be ashamed to say I'm a Christian and carry on the way they do in this Chamber. There was a time when I did believe all that when I was younger and I practiced it. I really did. And I developed a very keen, sensitive conscience and I felt other people's pain, which I would never feel and experience myself. But I didn't like to see anybody hurting. I didn't like to see any living thing hurting and I would do what I could to alleviate that. But these people get so used to making all these pat statements, praying in the Legislature every morning. I tell them, they pray to God in the morning and do the devil's work all the rest of the day. And that's what they are. And they cannot say that I'm not telling the truth because their hypocrisy screams--I am a hypocrite. Their Jesus told them--let your light so shine before men that they might see your good works, not hear your big mouth. You know a tree by the fruit it bears, not by how much noise is made when the wind blows through the branches and the leaves. That's not what their master said. Look at the fruit; what is being produced, then you know what it is you're dealing with. I would have been ashamed...actually I would have been afraid to carry on the way some of these so-called Christians do and then say that I'm a Christian. When I did believe that way, my keen awareness was that Jesus is watching me all the time. Jesus is right there, sees everything I do, hears all the words that I say. And I wouldn't dream for a minute to turn my back on what Jesus said to do to try to impress some people to get a vote, or to get something, or to make them think I'm something that I know good and well that I'm not. So I wouldn't waste my time trying to appeal to these hardhearted people. Let them give up their pensions. Everybody who's got a military pension should give it up and stop mooching and sponging because they're well paid when they're in the military. But that means nothing. So I applaud those of you who are still trying and I'm going to vote with you. But those hypocrites need to know...and we all know who they are. [LB943]

SENATOR KRIST: One minute. [LB943]

SENATOR CHAMBERS: Jesus said, don't be standing on the street corners or praying in the open that you might be seen of men, God knows what you have need of, so go to

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your closet and right there between you and him...you all don't believe that here, you're up here doing what Jesus told you not to do. He said, don't do that and you do it. Do good works and you say, Jesus, go to Hades. They killed him about 2,000 years ago in the honest straightforward way that killers do. But these hypocrites kill him every day. They squeeze his life out drop by drop. And their life is raggedy and it can't stand up to examination. We're speaking for those who cannot speak for themselves. But as the song said, it's like blowing in the wind. Thank you, Mr. President. [LB943]

SENATOR KRIST: Thank you, Senator Chambers. Senator Nordquist, you're recognized. [LB943]

SENATOR NORDQUIST: Thank you, Mr. President and members. I appreciate Senator Schumacher's willingness to engage in a thoughtful dialogue and for his understanding of the challenges that these families are going through. He understands that these families are struggling to make ends meet; that they are working hard, they're working...many of them are working multiple jobs. And, unfortunately, still not able to provide for their families. His amendment, I think, directly addresses two of the most fundamental arguments on the opposition that I've heard to raising the minimum wage. And I can't imagine how it doesn't address them, so with the adoption of this amendment, I would think that this should be a very easy vote for the body to take. So, I'm going to support Senator Schumacher's amendment...floor amendment to the committee amendment. Thank you. [LB943]

SENATOR KRIST: Thank you, Senator Nordquist. Senator Kolowski, and I apologize, you were dropped out of the queue earlier, that was my mistake. [LB943]

SENATOR KOLOWSKI: No problem, thank you very much, Mr. President. Fellow colleagues, I stand before you in support of all we have on the board. I want to thank Senator Wallman; you touched on something called "hope", and I hope we remember we have a major corporation in our state called Gallup that deals with this, along with engagement and well-being in a heavily researched segment of their work that has proven the difference it makes in the lives of children, especially students as were impact on the educational systems. Senator Lathrop, the divisions already exist, hugely, in this country. If you don't believe that, we haven't been reading the papers very well for the last couple of decades. One of the issues...my wife blames me for a number things sometimes, but one thing I certainly am is a clipper. I cut things out of papers. And when I do that, I use it, think about it, use it with different materials I produce and put together in one...I meant to cut out and it got away from me before the papers were recycled, but I hope you might remember this from just a few weeks back. It was a picture on a main page on a front page of one of the sections that had at the top of the paper, top of the page, the CEO of Comcast who was on the job for 6 weeks, 42 days, sold the corporation and personally made over \$42 million. On the same page was a young black man trying to live, trying to work at minimum wage and trying to keep

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himself and his family together. If you want a sharp contrast to what's going on in our world today, that's it. A person who fell into an opportunity to make \$42 million plus in six weeks' work because he was in the right place, right time, sold the corporation--Comcast gone; and a young man trying to put his life together at a minimum wage on the same sheet in the same newspaper. If you don't think that's what America is doing today, you've had your head in the sand. I hope these things do move. I hope they do pass. We've got to do better as a state and as a group here in this Legislature. I give my full support to this and any remaining time I give back to Senator Nordquist if he's here...still here. [LB943]

SENATOR KRIST: Senator Nordquist, you're yielded 1:45. [LB943]

SENATOR NORDQUIST: Thank you, Senator Kolowski, for so rightfully laying out what is going on in our country. And as we see our national debt climb and climb and climb, you know, we cannot ignore the fact that our safety net programs are really what's driving a lot of that; and our discretionary budget, our food stamps on the national level, food stamp expenditures. Locally our child care subsidy, our children's health insurance program, and we haven't...it's not that eligibility has expanded greatly, it's that more and more families are falling below the poverty, or 200 percent of poverty line thresholds... [LB943]

SENATOR KRIST: One minute. [LB943]

SENATOR NORDQUIST: ...because wages are not keeping pace. And if that's the direction we're going to go as a nation, as a state, it doesn't paint a very bright picture for us. And this is an opportunity for us to take leadership to say, look, we have one of the lowest unemployment rates in the country; we know Nebraskans are working their tails off. And they should, with that hard work, be able to support their family. And that's what these votes tonight are about. Thank you, Mr. President. [LB943]

SENATOR KRIST: Thank you, Senator Nordquist. Senator Chambers, you are recognized. [LB943]

SENATOR CHAMBERS: Mr. President, members of the Legislature, it is hypocritical also to talk about being concerned about small business people. When you look at the kind of tax giveaways that the state makes available, they're available to the big companies. So, are the small companies who are going to have to compete against the big companies going to be forgiven their taxes or are they going to be made to pay taxes to subsidize the competition that is running them out of business? Then you have people sitting in this Legislature when they want to oppose something like the minimum wage pretending to be concerned about small business people. This is an exercise in futility. Senator Schumacher's amendment, if it's adopted, will still leave many, many people without the ability to earn an honest living. And it might make a point. But what

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good is the point when the people who are to be helped are, in fact, not helped. They're long ping-pong or tennis balls, hit back and forth over the net in a game played by the people who are entertained and amused by the misfortune of those who don't have what they came into, not necessarily through great ability or understanding. Their family might have started a business, then they got their lazy donkeys up and joined a business and here they are having it made for them and given to them on a plate. There are a lot of people who used to think they were middle class and they were just like the people on this floor who looked down their nose at the people who were poor, never thinking they would be in that plight themselves. And now they're saying the very thing that they heard said when they themselves were better off, and now they who are in that sub and underclass are seeing the same cold hearted rejection. Let the farmers suffer some setbacks. Oh, and they'll be begging. They'll be asking, give me something, give me something, give me something for not planting; guarantee me this or that. Let me squander the water, then put the cost of it on somebody else. And then they're as hard hearted as Scrooge. Somebody was up here talking about the amount that waitresses get from their employers. And the amount given was something like two dollars and something. How much? Two dollars and 13 cents. Some of the employers said, \$2.00, we need to cut them a dollar. That's too much. And that's the attitude here, because they've got. And I still say, it's contemptible for anybody on this floor to go over there and sponge and mooch that food off the lobbyists. But it doesn't bother you. That that you eat ought to turn into ashes in your mouth. I wish you believed in saying a blessing or grace, whatever you call it, before you go back there and eat and it might make you think about what it is you're doing. There was a parable. There was a rich man, he fared sumptuously every day. [LB943]

SENATOR KRIST: One minute. [LB943]

SENATOR CHAMBERS: And there was a poor man named Lazarus. They didn't want him in the room because he embarrassed them and he said, let me eat the crumbs that fall off the table. And then it said, moreover, the dogs licked his sores. Now Christians don't believe this, but the rich man died and went to the place that was hot, and Lazarus died and went to the other place. And the rich man said, just let him dip the tip of his finger into some water and touch my parched tongue; and if you can't do that, let him go back and tell my brothers, don't come where I am. Those are fairy tales. Those are children's stories meant to amuse...they don't mean anything. It's piffle; it's rubbish, and the ones who say it know it. [LB943]

SENATOR KRIST: Time, Senator. Senator Chambers, you're on your next five minutes. [LB943]

SENATOR CHAMBERS: Thank you. You know what they used to always like to say in the church I attended? Suppose you died right now, where would you go? Do you think that means anything to these people in here? Does it? They might even say it? Tell their

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little children--love Jesus; do what Jesus tells you to do. But the children, if they're obedient like I was, would be saying in their child's mind, why don't you do what Jesus tells you to do. These children are not stupid. They know their parents are hypocrites. You say you're against abortion. You don't want to help these children when they come into the world. You forget as soon as they leave the birth canal. The Pope is too good to be a Catholic and he's too good to be a Christian because he tries to do what Jesus talked about. He goes among the poor people. He doesn't want to live in the palatial rooms where the other Popes spent their time. And people in the real world connect with him. But the difference is, the colonialists provided the Popes up until him. He comes from those who are colonized and he saw what colonialism does to people. He experienced in his own life what poverty is and walked among the people who were impoverished. And so there are people who say while he's a great guy, actually it's nothing extraordinary about that, that's what we're all supposed to do. That's what we're all supposed to be, our brothers and our sisters keeper. But here's where I would say you're not a hypocrite. When you fall on hard times, don't look for anything. The farmers in here ought to kill that water bill themselves. Then I'd say, well, at least you're not a hypocrite. But what difference does it make to them what I say? It shouldn't make any difference. But it should make them some difference what that Jesus they claim to worship thinks about them. What kind of standard did he set? I'm not setting the bar, their Jesus did. Everything I say is based on what they tell me their Jesus that they worship said. They don't believe Jesus. And he told them they don't. Why call me Lord, Lord, and you don't do the things I say? That's what Jesus said. Ignore me; but old Paul the imposter wrote something, and when I was little I didn't really get the full drift of it, but after I got older and was in high school, my later years in high school, I said, oh for the innocent days of youth, the carefree days of youth. But what Paul the imposter wrote that impressed me mightily was--when I was a child I thought as a child, I behaved as a child, I understood as a child; when I became a man, I put away childish things. But these so-called Christians running around here still telling these fairy stories and then telling it to the news media, because they know there are a lot of other Christians out there, hypocrites just like them, who will vote for them because they talk a good game and their life is dirty and raggedy. Now if I can see through them, you know that Jesus can. Jesus got better x-ray vision than Superman. He sees not just through walls, he sees through the hypocrisy. And I'm going to watch the vote on "Professor" Schumacher's amendment; he's in the role of the professor this evening. He's like Jesus where the young rich guy came to him and said, what do I have to do to follow you. He said, keep the commandments. Well, I did that all my life. Then sell everything you got and give it to the poor and follow me. [LB943]

SENATOR KRIST: One minute. [LB943]

SENATOR CHAMBERS: And he went away very sad because he had great possessions. That's the test that's put on you. Did you say time, Mr. President? [LB943]

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SENATOR KRIST: I said one minute. There's 50 seconds left. [LB943]

SENATOR CHAMBERS: Thank you. And if a day with the Lord is as a thousand years, a minute with me can be at least as 60 seconds. Thank you, Mr. President. [LB943]

SENATOR KRIST: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Schumacher, you're recognized to close. [LB943]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. We live in an interesting world. We live in a world on one hand where we hear that major corporations are dripping in cash. They're debating whether to buy back their shares; debating whether to pay their executives more money; debating whether to declare dividends; they're dripping in cash. We hear on the floor of this Legislature, today I think the number was thrown out...I can't remember if it was \$20 million or \$40 million for some CEO's salary. We hear about other executives making millions of dollars a year who want to hide their salaries from the public. And at the same time we hear those things, we hear of people who can't make a living even though they go to work every day with maybe even two jobs trying to keep their families off welfare; how their kids are not properly schooled and come deficient to grade school so that we have to figure out how to pay for preschool. We hear about the aid that's needed for baby-sitting and in childcare because they don't make enough money. And we've got a job of trying to reconcile those particular things. What we're talking about here is applying this law, which already excludes all kinds of people like agricultural employees and other individuals that are listed in the law, applying this law only to a business that makes \$10 million in sales or gross income a year. That's...I think if I did the math right, \$27,000 a day in sales, day in and day out. That's not a little business. That's one of the businesses that has access to capital. And who also, after employee works for them for two years does not want to pay them \$9 an hour. The employee wasn't worth it, they'd be gone. In fact, I think this will apply to very, very few businesses because most people know that if they got an employee that will stick with them and show up for work every day for a two-year period is worth \$9 an hour. And so what we're doing here is trying to do a small modicum of social justice which will affect very few Nebraska businesses. But it will articulate a consciousness that we have of the problems that we're dealing with. And those problems are not going to get easier; they're going to get tougher. But for all the bellyaching we do about people on welfare and how we should cut welfare and just make them get to work, then in this small, small way maybe we can say--we've got a better way than welfare. And maybe we can at least say that, folks, we understand the problem. Not sure how to solve it; not sure if it is solvable, but we think it's necessary if we're going to eliminate, or at least work toward decreasing the welfare state and we're going to do something that amounts to a tad bit of social justice, along with the very legitimate needs and efforts to make a profit in business. This strikes a bit of a balance. It will be interesting to see where the conscience of the body is. And I would ask for a call of the house and a roll call vote in ordinary order. Thank you.

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[LB943]

SENATOR KRIST: Thank you, Senator Schumacher. There's been a request to place the house under call. The question is: Shall the house go under call? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB943]

CLERK: 33 ayes, 0 nays to place the house under call. [LB943]

SENATOR KRIST: The house is under call. Senators, please record your presence. Those unexcused senators please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. All members are accounted for. Senator Schumacher's request is a roll call vote, regular order. Mr. Clerk, please proceed. [LB943]

CLERK: (Roll call vote taken, Legislative Journal pages 1297-1298.) 24 ayes, 8 nays, Mr. President, on the amendment. [LB943]

SENATOR KRIST: The amendment is not adopted. Seeing no one in the queue, Senator Lathrop, you're recognized to close on your committee amendment. [LB943]

SENATOR LATHROP: Thank you, Mr. President. That last vote was an opportunity to limit the effect LB943 has on business. It was designed to exclude those businesses that don't have \$10 million in sales and employees that haven't been working for the same employer for 24 months. And the objection to LB943 seems to be, or I thought was, that it would be difficult on small business. And Senator Schumacher had a thoughtful way of carving them out, and that vote failed. So now we're left to close...I'm left to close on AM1922, And I'll just say, this is for the waitstaff, those people making \$2.13 an hour. Let me say it again: the people making \$2.13 an hour who have not seen the minimum wage go up since 1991. Please, you have to recognize, at some level, somebody making \$2.13 an hour and stuck there since 1991 should get some relief from this body. I would encourage your support of AM1922. Thank you. [LB943]

SENATOR KRIST: Thank you, Senator Lathrop. You've heard the closing on the Business and Labor Committee amendment, AM1922. The question is the advancement of AM1922...I'm sorry...the amendment, AM1922. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Senator Lathrop, for what reason do you rise? [LB943]

SENATOR LATHROP: I'd like a roll call vote in regular order, please. [LB943]

SENATOR KRIST: There has been a request for a roll call vote, regular order, Mr. Clerk. [LB943]

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CLERK: (Roll call vote taken, Legislative Journal pages 1298-99.) 24 ayes, 11 nays, Mr. President, on the adoption of committee amendments. [LB943]

SENATOR KRIST: The committee amendments are not adopted. Seeing no one in the queue, Senator Nordquist, you are recognized to close on your bill. [LB943]

SENATOR NORDQUIST: Thank you, Mr. President and members. You know, we have addressed or attempted to address the challenges raised to this legislation by the opponents, by those who I've talked to who have concerns about it. First we tried to exempt small, small businesses; then we tried to exempt pretty much every business except behemoth (laugh) businesses, and that wasn't sufficient enough. The fact of the matter is, folks, more and more Nebraskans are struggling to make ends meet. And the longer we let wages deteriorate, the longer the more reliance on our social safety net we're going to see. And you can sit here and deny that all day long, but that's the facts. More and more families...as our median household income in Nebraska has declined over the last decade by 5 percent, that means less and less families are above the poverty line, less and less families are above 200 percent of the poverty line, and more and more are having to rely on the safety net of taxpayers. And if we vote down this bill tonight, LB943, we are going to take away an opportunity for us to try to rectify that, to try to help families make ends meet, to try to put a few more dollars in their pocket to pay for housing, for transportation, for food, for healthcare. Heck, maybe mom won't have to work two full-time jobs. Maybe she can work a job and a half and can spend time with her kids. We had a bill in Appropriations Committee this year dealing with behavioral challenges for young kids coming into kindergarten. And the program, Senator Bolz's bill, that appropriated money to organizations to help those children that have behavioral health challenges at a young age address them so we don't have to address them in our school system. And you know what the number-one challenge was that those providers said: Parents aren't home as much as they used to be; parents are working more than they used to be. That's what's going on in our society as wages deteriorate, as parents have less take-home money. We're going to pay for this one way or another. We're either going to pay for it in our school system, we're going to pay for it through our social safety net. And if we don't advance this bill, those are the only two outlets for us. Thank you, Mr. President. [LB943]

SENATOR KRIST: Thank you, Senator Nordquist. You've heard the closing on LB943. The question is the advancement to E&R Initial. [LB943]

SENATOR NORDQUIST: Mr. President, could I get a roll call in reverse order? [LB943]

SENATOR KRIST: Absolutely. There has been a request for a roll call vote in reverse order, Mr. Clerk. [LB943]

CLERK: (Roll call vote taken, Legislative Journal page 1299.) 20 ayes, 20 nays, Mr.

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President, on the motion to advance the bill. [LB943]

SENATOR KRIST: The bill does not advance. Raise the call. Items for the record, Mr. Clerk? [LB943]

CLERK: Mr. President, your Committee on Judiciary reports LB485 to General File with amendments. I have amendments to be printed: Senator Schumacher to LB810; Senator Janssen to LB383; Senator Davis to LB390. I have name adds: Senator Howard to LR482; and Senator Nordquist to LB485. (Legislative Journal page 1299-1305.) [LB485 LB383 LB810 LB390 LR482]

And, Mr. President, a priority motion. Senator Coash would move to adjourn the body until Tuesday, April 1, at 9:00 a.m.

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. Ayes have it. We are adjourned until 9:00 tomorrow morning.