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Floor Debate
April 08, 2014

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SENATOR GLOOR PRESIDING

SENATOR GLOOR: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the fifty-seventh day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor Jonathan Ripke of the Immanuel Lutheran Church in Hooper, Nebraska, Senator Brasch's district. Please rise.

PASTOR RIPKE: (Prayer offered.)

SENATOR GLOOR: Thank you, Pastor Ripke. I call to order the fifty-seventh day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections, Mr. President.

SENATOR GLOOR: Are there any messages, reports, or announcements?

CLERK: One item: Senator Schilz would like to print an amendment to LB1115. That's all that I have, Mr. President. (Legislative Journal pages 1449-1453.) [LB1115]

SENATOR GLOOR: Thank you, Mr. Clerk. Mr. Speaker, you are recognized.

SPEAKER ADAMS: Thank you, Mr. President. Members, it's not often that I am at a lack for words, but I am a bit this morning. We're all tired. We all can see the end and want it to get here. But we do still have work to do. This is a deliberative body with rules, free speech, and all that goes along with it. So at times our work will be cumbersome, it will be slow, and at other times we move at lightning pace and wonder if we should. We have rules to live by, and we do, and we will as we process bills today, tomorrow, and on down the road. I could be angry with the results of yesterday and last night, but that gets us nowhere. I'll internalize that. But I am concerned that we attempt to use our time as wisely as we can, recognize the work that we have to get done; and quite frankly, we probably are not going to get it all done. But we need to try to do it in a way that is respectful. And I know the hour was late and we're frustrated, but as much civility as we

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can bring to this. We're locked away in this room. We have a state watching us. They don't necessarily understand our rules, our process, our stresses, our pressures the way we do. We have to demonstrate respect and do our very best to maintain the credibility of this body. We have work to process today. And as I pointed out to you yesterday, somewhere in the early evening Bill Drafters will not be able to turn any more around to us to read across yet today. But we're going to work through this Select File agenda and probably do the same tomorrow, and we'll see where we're at. We also have a little bit of Final Reading today. Thank you, Mr. President.

SENATOR GLOOR: Thank you, Mr. Speaker. We move to the agenda. Mr. Clerk.

CLERK: Mr. President, LB907. Senator Murante, I have Enrollment and Review amendments, first of all. (ER228, Legislative Journal page 1274.) [LB907]

SENATOR GLOOR: Senator Murante for a motion. [LB907]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB907]

SENATOR GLOOR: Members, the question is the adoption of the E&R amendments to LB907. All those in favor say aye. Those opposed say nay. The amendments are adopted. [LB907]

CLERK: Mr. President, Senator Ashford would move to amend with AM2776. (Legislative Journal page 1414.) [LB907]

SENATOR GLOOR: Senator Ashford, you're recognized to open on your amendment. [LB907]

SENATOR ASHFORD: Thank you, Mr. President and members. I...just to bring the body back up to speed on where we are on this bill, LB907 provides for an enhancement of probation for front-end diversion of individuals who have been convicted of a felony to probation programming rather than incarceration. There are no amendments to that part of the bill. The appropriation for that portion of it is, I believe, \$8.9 million. The amendment deals with a couple of things. One has to do with the...on the back end part of LB907, a critical element to how we approach prison reform. We are investing \$5 million into reentry programming. We are creating a reentry position with the responsibility of coordinating reentry programming at the Department of Corrections and then a grant program that will provide, on an annual basis, \$3.5 million to community-based programs, community college and others, types of reentry programming. And those grants would be approved by both...and I think this is a very critical part of the bill, in my view, that there would be a coordinated effort between the Parole Board and the Department of Corrections to make certain that these grant programs that are made available to communities across the state would have the

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collaboration or the agreement of both Parole and Corrections. I think this part of the bill is critical because...and is new. The Parole Board and the Department of Corrections are separate entities. And this provision in the amendment would, as I said, bring these two groups together in an effort to make certain that the money that does go to the communities for reentry be coordinated with Parole. As we've said during the debate on LB907, the need for vocational training that connects an individual with a job is one of the critical aspects of prison reform. And LB907, with the Department of Corrections and Parole Board collaboration, will specifically focus on those kinds of programs in the communities that deal with vocational training. The other piece is the mental health, enhancement of mental health funding through SSAS. Again, the SSAS program is a program that is a probation program but will be utilized by parolees, as well as those on probation, throughout the state. Again, we're adding three new day reporting centers, and those reporting centers will be available both for people who are on diversion or probation and those on parole. I think that is a critical new element to this. The "ban the box" legislation, I know you've had some...probably many of you have had conversations with the schools regarding "ban the box." The idea of "ban the box" is that an application for employment would not have the question asked, have you been convicted of a felony. We have amended those provisions to exempt...well, to exempt law enforcement and also to provide that a school may ask about sexual abuse and child abuse convictions on the application. This language is brought to us by the schools. Apparently, there's been some discussion by the schools that they'd like to exempt the schools altogether. I don't think that's good policy. In this regard, I'd like to thank Mayor Stothert. She has been aggressively supportive of "ban the box" legislation and she supported that bill, which was Senator Avery's bill. And I do thank Senator Avery for his commitment to that issue. So "ban the box" is important. It deals only with public employers, not private employers. It does give...it's part and parcel of the reentry programming for convicted felons who are getting out of prison. The...in addition to "ban the box", we have added some language for a task force that will be working with CSG throughout the end of the year to develop a plan that will be submitted by the next legislative session for the next Legislature to refine LB907 and other statutes dealing with prisons and hopefully will focus on reinvestment of dollars that are saved as we reduce the prison population through these reforms. That task force is a triumvirate, really, of the judicial branch, the legislative branch, and the executive branch. In addition to that, the task force will include county officials or other local officials appointed by the three branches of state government. We started this discussion really last December in our retreat and when we were faced with what was a crisis in our system--1,700 more inmates than what the system could...should have in it in the Corrections Department. And that overcrowding has resulted in...and until it is corrected will result in a lack of programming for those who need it. And quite frankly, could necessitate the construction of a new prison. We are very hopeful with LB907 and LB999 and the CSG involvement that the building of a new prison in Nebraska will be not needed and that the addition in the appropriations bill of the money for the Lincoln Airpark facility and the additional appropriations will help us through that interim until these reinvestment

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initiatives are...kick in. I do want to thank...as we get in this discussion today, I do want to thank the Judiciary Committee, put in yeoman's work on LB907. I appreciate the efforts of the executive branch and the judicial branch as well for their involvement in bringing CSG to the state of Nebraska. It's I think a critical...the Council of State Governments will make a difference as we...this Legislature...the next Legislature develops meaningful reforms to our system in addition to those in LB907. With that, Mr. President, I would relinquish the rest of my time. [LB907 LB999]

SENATOR GLOOR: (Doctor of the day introduced.) Mr. Clerk for an amendment. [LB907]

CLERK: Mr. President, Senator Ashford would move to amend the Ashford amendment with AM2870. (Legislative Journal page 1436.) [LB907]

SENATOR GLOOR: Senator Ashford, you're recognized to open on your amendment. [LB907]

SENATOR ASHFORD: This amendment simply clarifies what the makeup of the task force and clarifies that each of the branches of state government will appoint four members of the task force, and the three branches will also select local government representatives for the task force to work with CSG as they develop their plan through the rest of the year. It's our hope that the...and it's our expectation that within the next few days that the letter to CSG officially inviting them to the state will be signed and that the Council of State Governments will begin their work as soon as possible within the next few weeks. That would be...that's AM2870. [LB907]

SENATOR GLOOR: Thank you, Senator Ashford. Members, you've heard the opening. We now go to floor debate. Senator McCoy, you're recognized. [LB907]

SENATOR McCOY: Thank you, Mr. President and members. Would Senator Ashford yield, please? [LB907]

SENATOR GLOOR: Senator Ashford, would you yield? [LB907]

SENATOR ASHFORD: Yes. [LB907]

SENATOR McCOY: Thank you, Senator. I've been trying to go through these two amendments as quick as I could, as quickly as I could this morning. I know you and your staff have been working on these diligently. And I wouldn't expect you to remember, but I asked a number of questions on General File, Senator Ashford, about kind of the mechanics of how this was put together. I brought up and I think you...it appears it's been alleviated anyway, the separation of powers issue we had with...or constitutional issue I should say, with us appointing members from the executive branch

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or the judiciary. It appears that that's been taken care of. A couple other questions I had, maybe you could point them out to make sure they've been addressed because apparently I'm not seeing them. I brought up the concern about when the report would be due. Is that addressed in AM2870? [LB907]

SENATOR ASHFORD: There is not a due date and we had discussions about that after your question, Senator McCoy, on General File. And the anticipation is the report will be done either at the beginning of the legislative session or soon thereafter. I think that the...certainly CSG is going to want to have that report done. The idea of the task force is to expedite that. There is no actual date of completion. But we didn't feel that was necessary, that we felt that they were going to efficiently and expeditiously get the report done so. [LB907]

SENATOR McCOY: And then what will happen to this task force working group beyond that? I don't see that either. [LB907]

SENATOR ASHFORD: Well, it will end. I mean it would be up to the next Legislature then. Great question. When we started this effort, we...I...well, I did and others proposed an ongoing task force, if you will, that would do...that would work on investment or reinvestment of savings from reducing the prison population. And we took that out because it might not be what is proposed by CSG in this next Legislature. So I did not want to burden the next Legislature with something that could possibly be changed. So the idea is this is a working group, not a task force; that it will prepare a plan for...that will sort of map the way for the next Legislature and the next Governor to implement changes and revisions. [LB907]

SENATOR McCOY: And while you were talking--and thank you, Senator Ashford--I did notice, I think it's on page 2, lines 3 and 4 of AM2870, it talks about the working group shall be dissolved and discharged of any further duties upon receipt of the report. I guess my only question is with no date at all on there for a final report, I mean, clearly we want it and I think it will be--a lot of confidence in the Justice Center and Council of State Governments--but without any sort of a date, are we somewhat creating a murky situation where if they say, you know what, we need some more time and then we're... [LB907]

SENATOR ASHFORD: Right. [LB907]

SENATOR McCOY: I mean, should we at least set a date out there into the future a little bit and say... [LB907]

SENATOR ASHFORD: Yeah. [LB907]

SENATOR McCOY: I don't know, I don't know if I'd say an arbitrary date, but August,

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September, October, beyond, I don't know, or further than that. I'm just...it concerns me that we're talking about a statutory framework... [LB907]

SENATOR GLOOR: One minute. [LB907]

SENATOR McCOY: ...for a report that we're not giving some sort of a date just in case they need it or whatnot. [LB907]

SENATOR ASHFORD: My understanding in talking to CSG and talking to the other two branches of government that the desire was not to put a date in but to leave it open. And then when the next Legislature convenes...clearly the intent is that any plan that is put together would be completed prior to the next legislative session. That's the intent. If we put October 1, that's not going to be...that's going to be too quick I think. So if we put January 1, we could do that. But I think every...those...the CSG people, the executive branch, and the judicial branch have all suggested that it remain somewhat flexible. The obvious point is that the plan has to be ready for the next Legislature and so I think... [LB907]

SENATOR GLOOR: Time, Senators. [LB907]

SENATOR ASHFORD: ...this conversation would support that. [LB907]

SENATOR GLOOR: Thank you, Senator Ashford and Senator McCoy. Senator Mello, you are recognized. [LB907]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. I'll be brief. I will support the underlying amendments be, while I have some hesitation, in part. I know Senator Ashford and the Speaker worked extensively with the executive branch and the judicial branch to fine-tune this language regarding the working group concept. I know in speaking with both Senator Ashford and the Speaker that I think there's some comfort in regards to having the Speaker be the legislative cochair of this working group of ensuring that there's equal representation from the legislative branch, the executive branch, and the judicial branch. I think the bigger issue, and maybe it will address maybe a little bit what I think Senator McCoy is asking questions. The Council of State Governments Justice Center said that this is not going to simply be a six-month process, they will issue a report, and wish Nebraska upon its way. I mean, it's going to be a multiyear process where they will no doubt provide us some preliminary recommendations by the end of this calendar year. And some of those preliminary recommendations will continue to go on through, I believe, the likelihood is that next legislative session we may have to create a more formal commission that starts to take these recommendations and starts to implement them. And I know I've spoken with Senator Ashford, Senator or Speaker Adams, Senator Seiler, amongst others, that there's a likelihood that this is going to take place next year where what we have in this

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bill now gets us through the remainder of this current calendar year. But the reality is with a new administration coming in, with 17 new legislators, as well as new committee leadership in the Legislature, we will likely have to take this up again come next legislative session. So while this amendment gets us through the remainder of the calendar year, the Council of State Governments will be here for a two- to three-year period. There will be components that they will likely recommend that will necessitate further legislation that will need to be spelled out at a later date. The most prevalent that every other state has gone through is a sentencing commission that they have created in other states that have done...that have gone through all aspects of state sentencing laws and then have made recommendations to the legislature afterwards. So I appreciate, I think, what Senator McCoy was asking, because I had some similar questions of whether or not you needed to have in statute some kind of preliminary report. But the reality is they're going to give recommendations, I would say arguably, throughout a two- to three-year period. And a bigger issue that we'll have to address as a Legislature is come next January when we have a new administration, we have new legislators, we will have obviously a new Judiciary Committee Chair at least, as well as a new Speaker, that we're going to have to take those issues up again come January in respects to creating a more formalized, I would say, justice reinvestment working group or justice reinvestment commission that most every other state has done after CSG has come in and made some preliminary recommendations. So with that, I appreciate my good friend and colleague, Senator Ashford, spending a significant amount of time trying to work through the changes and suggestions that have been made by the Governor's Office, as well as by others. I think what we have in front of us is an amendment that will allow, obviously, the three branches of government to move forward, to have CSG come in and start that process with the understanding that we're going to continue evaluating this process moving forward come next January. With that, I'd urge the body to adopt both the underlying amendments. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Mello. The Chair recognizes Senator Sullivan. [LB907]

SENATOR SULLIVAN: Thank you, Mr. President, and good morning, colleagues. First of all, I want to acknowledge the work of Senator Ashford in this regard and also Senator Avery in the amendment that's been added relative to "ban the box." You know, I think we all want to see how we can reduce the recidivism rate and also give these individuals who paid the restitution some opportunities. That being said, as Senator Ashford indicated in his opening on AM2776 that the amendment includes some opportunities for school districts to provide a little more flexibility in asking some questions regarding the background of people that are applying for jobs in their districts. But it does not provide an exemption that is provided for law enforcement. And there have been some questions. I received some concerns from superintendents in my district, as well as across the state, as to how this process is going to work because

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they won't be afforded this exemption. So to that end, I wondered if Senator Avery would afford me some opportunity to ask him some questions. [LB907]

SENATOR GLOOR: Senator Avery, would you yield? [LB907]

SENATOR AVERY: I will. [LB907]

SENATOR SULLIVAN: Thank you, Senator Avery. As I indicated, under the current amendment law enforcement is given the exemption. And one of the concerns that's been expressed to me, you know, certainly I think we can all agree that our children are some of our most precious resources and we want to protect them and provide the most safe environments that we can. So what was the rationale and the reason behind not affording the exemption to school districts? [LB907]

SENATOR AVERY: Well, first of all, in retrospect I think no exemptions should be afforded to anybody. And if I had to do it over, I would probably not exempt law enforcement. Because if you look at the original amendment, it says that this section does not prevent a public employer from conducting a criminal history record check...a criminal record history check after the public employer has determined that the applicant meets the minimum employment qualifications. That is the...that covers all the objections that I have heard from the education lobby. If you go to the new amendment, they have now been given the authority to make sure that any applicant for employment must disclose an applicant's criminal record or history related to sexual or physical abuse. And we then add another section, this section does not prevent a public employer from preparing and delivering an employment application that conspicuously states that a criminal history record information check is required by federal law, state law, or the employer's policy. [LB907]

SENATOR SULLIVAN: Now, Senator... [LB907]

SENATOR AVERY: Now, we had done everything we can to satisfy them. [LB907]

SENATOR SULLIVAN: Now, can you tell me a little bit more about how that would play out, particularly that last part of the amendment. [LB907]

SENATOR AVERY: I'm worried about that last part of the amendment that I just read because it suggests that if the school districts do not want to abide by the intent of this language, the intent of this language, then they can say, oh, employer policy; our policy is to screen everybody at the very beginning. That is a violation of the intent of this legislation. "Ban the box" depends very heavily on the ability of the candidate for employment to get past that and show whether or not they are, in fact, qualified for the job. Then the criminal history can be discussed. [LB907]

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SENATOR GLOOR: One minute. [LB907]

SENATOR SULLIVAN: Thank you for that explanation. I still have to end by saying that school districts are still concerned they...particularly the larger school districts receive a huge volume of applications, and it perhaps will be a little bit of an additional challenge for them to go through a process and farther than they have previously been having to do. And so in some respects it's going to create an additional step that creates some inefficiencies in the districts. But I wanted those comments to be on the record as far as concerns expressed by the districts. And by the same token, I think they too share in the intent of giving people opportunities but again knowing that they have a great responsibility for the safety of the children in their school districts. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Sullivan. Senators in the queue: Karpisek, Kolowski, Pirsch, and Avery. Senator Karpisek, you're recognized. [LB907]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. My questions are the same as Senator Sullivan's, and I will ask Senator Avery something...would Senator Avery yield, please? [LB907]

SENATOR GLOOR: Senator Avery, would you yield? [LB907]

SENATOR AVERY: Yes, I will. [LB907]

SENATOR KARPISEK: Thank you, Senator Avery. And I appreciate what you're doing here. But my thoughts on this are, why would we let people get that far down the road and do a background check on them and then see that they're not qualified for the job in the first place? [LB907]

SENATOR AVERY: Well, with this amendment the school districts can put conspicuously--I presume that would be on the first page--that a criminal background history record information will be done; that the criminal background check will take place and that you must...in the previous language or the previous paragraph, you must answer these and you must answer them honestly. That's going to change and it will be a different kind of application. So, in a sense, this is a back-door prescreening for criminal activity. [LB907]

SENATOR KARPISEK: Okay. But so instead of running the background check and doing all the leg work and the cost, why wouldn't we just say...and I appreciate it relating to sexual or physical abuse; but what if this was a convicted drug dealer? [LB907]

SENATOR AVERY: What if it's someone who had an MIP and they're applying to be a bus driver, and the MIP is 20 years old? I think we... [LB907]

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SENATOR KARPISEK: Would that automatically throw them out of the running if they do check the box? [LB907]

SENATOR AVERY: I don't think...well, they're not supposed to check the box. Because if you go back one more page you will see that prior to that it says, "Except as otherwise provided in this section, a public employer shall not ask an applicant for employment to disclose, orally or in writing, information concerning the applicant's criminal record or history." And that is clear. That is the...that's banning the box right there. These qualifications that come later are what have me worried because what the school districts are trying to get is a total exemption. And this language that we accepted is now no longer acceptable to them. They're still trying to push for an exemption. If we exempt the school districts, we really don't have "ban the box" anymore, because they are such a larger employer in the public sector. [LB907]

SENATOR KARPISEK: Okay. Well, I think that this does exempt law enforcement, does it not? [LB907]

SENATOR AVERY: It does. [LB907]

SENATOR KARPISEK: And so what's the... [LB907]

SENATOR AVERY: That we took, Senator, from California. [LB907]

SENATOR KARPISEK: And so what's the difference between law enforcement and schools? [LB907]

SENATOR AVERY: Well, first of all, law enforcement has a unique obligation dealing with enforcement of law, and they really do have to be very careful about when they do the criminal background checks. I frankly, as I stated on the mike a while ago, I would like to see no exemptions to this. Because the ultimate exemption is for purposes of this section...I mean, is the language we had in there in the beginning where this does not prevent a public employer from conducting a criminal history check. It's just when do you do it? Are you going to do it up front and say, you check this box, you're out? That's what we're trying to get away from, and let the criminal background check come later in the process after they've had a chance to establish their credentials. [LB907]

SENATOR GLOOR: One minute. [LB907]

SENATOR KARPISEK: Okay. So would it...like you said, if you had an MIP, that would count. I guess...and I apologize, I wasn't on top of my game like I should have been on your amendment in the first place. But I would think if you would have said, if a felony rather than just relating to sexual or physical abuse, is that not...? [LB907]

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SENATOR AVERY: Well, we are putting this language in here now because that's what the schools are insisting on, because they have...obviously, they have a strong interest in keeping people out of their employment that have a history of molesting children, obviously. But there is nothing in this bill that prevents them from doing that criminal background check. [LB907]

SENATOR KARPISEK: Okay, thank you, Senator Avery. [LB907]

SENATOR AVERY: And what I'm trying to do is to keep them from doing it up front. [LB907]

SENATOR KARPISEK: Thank you, Senator Avery. I just...I think that a school would have every...want to keep these sort of people out just like law enforcement would. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Karpisek and Senator Avery. Senator Kolowski, you're recognized. [LB907]

SENATOR KOLOWSKI: Thank you, Mr. President. Good morning, colleagues. I have a concern. I want to thank Senator Avery for the law enforcement part of what he has added to this amendment, and having had a brother who was 20 years in the Illinois State Patrol, I know he was very concerned over the quality of the person either serving with him or backup people that they had for all the duties and the responsibilities they had. From the education side, I think there is something missing that we need to think about, and if I could share some numbers with you, I think this might be impressive in the sense of the task at hand if you're going through background checks on every candidate that you have for a job. I'm using the Millard Public Schools just as an example. They have 2,500 full-time employees. If you count the substitute teachers, that's 3,000 employees on a yearly basis. Every year they have approximately 18,000 applications for all job categories. This is not a large human resources department. The tasks that you'd be putting on them with the charge to remove the box would be immense and have great proportions upon their time and energies that is not there at the current time when they have some separations that do take place upon early application. I share that with you only as numbers. I am sure OPS, Lincoln Public Schools, and right down the line with any size of district where they don't have and will not add to their human resource department, that is a real challenge for them and the process would be extremely elongated. Thank you very much. [LB907]

SENATOR GLOOR: Thank you, Senator Kolowski. Senator Avery, you are being recognized. Senator Avery, you're recognized. [LB907]

SENATOR AVERY: Thank you, Mr. President. There's a lot of misinformation and

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confusion being spread about "ban the box." As I said on the mike just a moment ago, if I had my way there would be no exemptions. And then, in that case, we'd be smothered with demands from law enforcement and the schools. If we exempt the school districts from these provisions, then I am convinced that we will shrink the impact of this piece of the bill to the point where it is virtually meaningless. And I would also point out that at the hearing not a single person from the education lobby showed up--not one. If they were there in the audience, they did not speak. They had their opportunity to make their points. We didn't hear about this until this was already in the bill. So I kind of get the feeling that I'm being jerked around and I don't like it, and after last night, I like it even less. So I'm going to say one more time, there is nothing in this bill to prevent the school districts from doing their criminal background checks. The only thing we're trying to do is to prevent them from starting out with that. Let the applicant establish some minimum skills and job requirements before they start probing about criminal background. And I would point that if you go to page 5, starting with line 12, it reads, "This section does not prevent a public employer from preparing or delivering an employment application that conspicuously states that a criminal history record information check is required." All right. Now I suspect that will be on the front page of the application. And if you are in that category, you know right away you're not going to get very far. So I don't see what the problem is. In fact, I expect that there will be school districts that will use the language in lines 12-16 to circumvent the intent of this part of the bill. I don't like that, and if I had my way it wouldn't be there. But this is a process of compromise, accommodation, and that's what we're trying to do. But the educational lobby is not happy with that. Now they want to go back to the original position of exempting. I will vigorously resist that from...with all of my energy, despite the fact that I have picked up a cold and don't have a lot of energy left. Anyway, this is good legislation, folks. Don't be deterred. If you had been at the hearing you had heard the stories of people who came in and told us real life stories about what had happened to them and how their careers had been delayed because of their inability to get even into the interview process because they had to check the box first. That's what we're trying to do. We're trying to help with prisoners who have a criminal history to qualify for employment, to help them integrate into society and become productive citizens. This is a small step, and people who want to stop it from happening simply don't either understand what's in the bill or they deliberately choose to misconstrue it. The way the original language... [LB907]

SENATOR GLOOR: One minute. [LB907]

SENATOR AVERY: Excuse me, Mr. President? [LB907]

SENATOR GLOOR: One minute. [LB907]

SENATOR AVERY: Thank you. The way the original amendment read, if you can read English you didn't have a problem, because it's stated clearly that it does not prevent a public employer from conducting a criminal history record check. But what I just can't

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understand is how can people with advanced degrees pick up a document and read plain English and say, oh, I don't understand that, or it doesn't apply. But it did. It still does. And now they even have more generous treatment under the amendment we're now discussing and they're not happy with that either. So my message to them is, cool it; you've got a good amendment. This is a good bill, we need to pass it. Thank you. [LB907]

SENATOR GLOOR: Thank you, Senator Avery. Members, doughnuts are being provided this morning by Senators Johnson and Scheer. It was a short night so they stayed up even longer doing a little baking because they felt everyone could use a treat to start the day. Continuing with debate, Senator Pirsch, you are recognized. [LB907]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I wonder if...I am still trying to wrap my arms around the fundamental concept that's being put forward here on "ban the box", and so just a few questions if Senator Avery might yield. [LB907]

SENATOR GLOOR: Senator Avery, would you yield? [LB907]

SENATOR AVERY: Yes, I will. [LB907]

SENATOR PIRSCH: Thank you. And Senator Avery, just to...I have not spoken with anybody from the education lobby. I have...this was kind of a continuation of the questions that I had first presented on General File. And so with respect to the "ban the box", just the concept in general, I understand that it's in place in nine states. What...where are those states, do you know or have a list offhand? [LB907]

SENATOR AVERY: California has the most mature law. That's the one that we looked at. I have a list of the others if you want me to dig through the file and find them. [LB907]

SENATOR PIRSCH: Well, then...and I'm glad you said that: the most mature law. How long has that been in place in California? [LB907]

SENATOR AVERY: Hold on and I'll tell you. [LB907]

SENATOR PIRSCH: And if you know, just roughly. It is like a year or two or is it more like 20 or 30 years? [LB907]

SENATOR AVERY: Theirs actually was last year. [LB907]

SENATOR PIRSCH: Oh, I see. [LB907]

SENATOR AVERY: You know, it doesn't hurt Nebraska to be on the cutting edge of new law. [LB907]

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SENATOR PIRSCH: Yeah. Well, I guess what I was hoping to get a sense of is the empirical results of...I mean, the theory here behind your "ban the box" is that by...and tell me if this isn't true, that somehow by individuals making it through the first level of review would get so far down the line that there would be relationships with employers and they'd say, notwithstanding the fact that you have this criminal record we're going to go ahead and hire you anyway. Is that correct? [LB907]

SENATOR AVERY: That is the expectation. If you are able to at least get past the first page and start answering questions about your qualifications, the employer can look at that and say, well, you've got a master's degree in business management; maybe there's nothing wrong with having an MIP when you were a teenager and working in this office now as a 30-year-old. [LB907]

SENATOR PIRSCH: Right. So...but with respect to the actual results, do we have any state that has actually gone over and said, you know, this was the theory that there would be greater hiring. I would say there would have to be some greater administrative costs, right, because at later lengths you're free to look at the...at the next stages of reviews you're free to look at the record and in some cases, yeah, you're... [LB907]

SENATOR AVERY: Absolutely. Nothing in the bill now or before prevents a potential employer from doing a criminal background check. They just can't...that can't be the first thing that they do. [LB907]

SENATOR PIRSCH: Yeah. But with respect to that then, is there any kind of empirical study or evidence that suggests that, in fact, it is helping individuals who would otherwise be blocked at the first stage, actually at later stages advancing? [LB907]

SENATOR AVERY: Well, I'm not sure, but I do know that Hawaii passed their law in 1998, so they must have some record of achievement. Most of them are since 2012-2013. Connecticut was 2010; Colorado, 2012; Illinois, 2013; Massachusetts, 2010; so there are quite a number of them. There's more than nine, too, by the way. [LB907]

SENATOR PIRSCH: Sure. And so we're kind of on the cutting edge... [LB907]

SENATOR GLOOR: One minute. [LB907]

SENATOR PIRSCH: ...at the beginning of this kind of a movement in a few states is what it seems to me. And I think that that would be...and Mr. President, how much time did you say, a minute? [LB907]

SENATOR GLOOR: A minute, sir. Forty-five seconds now. [LB907]

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SENATOR PIRSCH: And I guess that's the concern is there's a theory posited that, in fact, individuals in significant amounts who are highly qualified yet disqualified at the initial round because of a... [LB907]

SENATOR AVERY: That came out in testimony in abundance, Senator, at the hearing. [LB907]

SENATOR PIRSCH: Okay. Well, and I don't have the benefit of having the testimony... [LB907]

SENATOR AVERY: And almost all of the people who testified were minorities. [LB907]

SENATOR PIRSCH: So I guess that is one of the questions I have. And what about...and I guess I'll have to ask this in later...at a later time. But with respect to--I'll put it out there--expedited situations where you may not have a long period of time to make a hire... [LB907]

SENATOR GLOOR: Time. Thank you, Senator Pirsch and Senator Avery. Senators in the queue: Larson, Lautenbaugh, Schilz, Karpisek, Cook, Scheer, and Pirsch. Senator Larson, you are recognized. [LB907]

SENATOR LARSON: Thank you, Mr. President. I rise with a concern. Last night, at the end of the night, we were bordering on meltdown, probably. And after the night ended there were obviously conversations that went on, and I thought that one of those conversations was unprofessional, and things happened on the floor that didn't need to happen. Things are said. And how they were said by officers of the institution that work for us to the Speaker about multiple members, I felt was unacceptable. If an officer...to speak to any senator regardless of what side they sit on in the manner that happened, as I said, I felt was unprofessional. Our officers work for us and I would stand up for any senator that got treated in a poor manner. If my staff who works for me said anything of that nature, I know they probably wouldn't work for me anymore; and I'm not suggesting that. I appreciate everything that our officers do for this institution, and I know they look out for the best of this institution, but at the same time they should be respectful to every member in the institution. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Larson. Senator Lautenbaugh, you're recognized. Senator Schilz, you're recognized. Senator Karpisek, you are recognized. [LB907]

SENATOR KARPISEK: Thank you, Mr. President. I wasn't quite ready to speak yet. I would like to get up. Tempers were short last night, and God knows I've had a short temper in here more than once. There were a lot of things that went on last night that weren't right and I've apologized to some people for others' actions. I've apologized

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about mine many times. Back to the bill. I do have a problem and I know I'm coming in at 11:58 to talk about this amendment, and I know that things were worked out. And I don't mean to derail that and I don't mean to be holding up time here. But I'm really having an issue where schools could only ask about sexual or physical abuse, and to say that, well, they can do a background check. I guess I don't understand that. If these people are not going to get the job in the very first place, why not ask it right away and be up-front and not waste their time and the school's time? I guess I'm confused on that. I would think that the school board or whoever does the hiring, if they look back and it was an MIP when the bus driver was 15, they could overlook it, or a teacher or anyone. But if this person was convicted of selling drugs five years ago, do you really want them driving the bus? Well, the issue...I know the answer: Well, you'll find that in their background check. Well, why...(laugh), why wait for that? The background checks, I'm not sure, I assume cost some money. And if nothing else, it costs staff to run them. We're talking about kids again. I guess I don't understand what the big issue is with schools. I understand the bill. I understand Senator Avery's bill and I support the idea, especially if it's someone going to work at a factory or, heck, I don't know, a gazillion other places. I understand why the exemption is in for law enforcement, because they have to uphold the laws. But don't people who are going to be working in schools have to almost even be above that? I guess...again, I don't want to come in last minute here. Things got moving a little fast maybe in putting some of this on, and I know that there was an agreement, but I would sure like to see that we would do the box or have them check it for schools. And again, I came in last minute and I would yield my time to Senator Ashford if he would want to tell us a little more background on it or what you think about that, Senator Ashford. Thank you. [LB907]

SENATOR GLOOR: Fifty-five seconds, Senator. [LB907]

SENATOR ASHFORD: Thanks, Senator Karpisek. Obviously there are...you're right, I mean, there are...schools do not want to be involved in hiring somebody that is going to be a problem, and I totally get that. The idea behind "ban the box", however, and the reason we excluded private industry--I mean, most other states have included private industry in this as well--is that we wanted to set a standard for the state that said, you don't have to ask on the application phase; it can be brought out in the second phase of the employment process. And the idea...and you're right, and I agree with you when you say you agree with the idea. But the point...we believe that those checks are going to be made anyway. Someone could lie on the box and not check the box and still have a conviction. So the background check has to happen anyway, and... [LB907]

SENATOR GLOOR: Time, Senator. Thank you, Senator Ashford and Senator Karpisek. Senator Cook, you're recognized. [LB907]

SENATOR COOK: Thank you, Mr. President, and good morning, colleagues. I rise in support of LB907 and in support of the agreement that we have on the table related to

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the "ban the box" provision for this bill. I won't go into the idea of Johnnies and Jills come lately to the conversation; although, I do recognize that it is time for lobbyists to start earning their keep and activate folks at the last minute about the bill. So that's what they do. Good for them. God bless America. They're earning money and paying taxes. But we talk about all these fearful images, and certainly we don't anything to happen to our children who are under our care. That is going to be taken care of, colleagues, in more than one way. The concept of "ban the box" is that you permit the person to complete the application and not take them out of consideration before they get an opportunity to explain the reasons why or explain what the circumstances were, and also explain their qualifications for the job. People have to work in order to support themselves, and since we're concerned about the children, to support their children, because we've talked about many times on this floor that it is the responsibility of parents to earn money and to support their children. It is very difficult to reenter the work force under the best conditions. And with "ban the box", we wanted to maximize the opportunity for people to get a chance to get in the door and get an interview for a role. No school system that has a system of analysis in place as it relates to their candidates, especially for people who are going to have any contact with students, is not going to put that person, if they make it through the initial application process, through a background check. And I really feel, this morning, I realize people are tired and they're, once again, getting information at the last minute from the lobbyists, but...and they've not done any research necessarily or read the bill or the amendments or the committee statement, I understand that, but I hear people jumping up and clouding the issue that if we don't have this box on the initial application, Ted Bundy is going to come back to life and drive a school bus and kidnap young women and do all the things that he's recorded to have done. That is not what the purpose of this proposal was or is in the amendment or in the amendment to the amendment. The unemployment rate within my district is more than 11 percent. For a myriad of reasons it relates to education, access to education; believe it not, access to healthcare; access to transportation to get a job and keep a job. Please vote for this amendment in its current form and offer an opportunity for a parent to support his or her own child. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Cook. The Chair recognizes Senator Scheer. [LB907]

SENATOR SCHEER: Thank you, Mr. President. I rise to support LB907 and the amendments therein. I just wanted to give a little historical background for those that are concerned about the "ban the box" agreement or amendment that was provided. The school board association and administrators had originally approached Senator Ashford, and I'm speaking perhaps on a hearsay basis, and any of those can certainly speak to the issue. But they provided an amendment that is essentially what is in the amendment as we see coming forward. That is what they wanted to begin with. I was approached individually by a superintendent that was concerned and wasn't sure that

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anything had been done yet; so I had my Katie work on an amendment that essentially was a total exclusion, and sent it to her to see if that was something that she could, the superintendent, could agree with. I brought that amendment forward when this bill was on General File. And if you recall, I talked about the need to have something in the bill to protect school districts. I didn't place that amendment on file at that time because Senator Ashford was going to have other things that he needed to correct in the bill; so I simply gave it to him to review, that being the total exclusion. Over that period of time, discussions between Senator Ashford and Senator Avery and myself came to an agreement, and I want to thank Senator Avery and Senator Ashford for their responsible actions in trying to come up with something that tries to protect school districts and children in the state of Nebraska. So what we have in front of us now is essentially what the school board association and administrators had asked for in the beginning. Did another amendment appear that gave them a broader exclusion? Yes, indeed it did. It came out of my office. It was never placed on file. It was simply provided to Senator Ashford's office for them to look at and try to work with them on a solution. Senator Avery, Senator Ashford, and myself all worked together on several occasions. Both of their staffs I'd like to thank for working on that as well. And we worked and came up with something that does protect school districts. This is not something new to the school boards or the administrators. It was something that they themselves had asked for. They got what they wanted. Did they change their minds? Yes. Very rarely on this floor do any of us get everything that we want. There is no perfect bills that come off of this floor. This bill is not perfect either. Perhaps this amendment is not, but it does go a long ways in protecting the interests of school districts and children in the state of Nebraska. And I'd like to thank both Senator Ashford and Senator Avery for their commitment in trying to provide a compromise that at least gets us somewhere down the path. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Scheer. Senator Pirsch, you're recognized. [LB907]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I wonder if Senator Avery would yield to a few more questions. [LB907]

SENATOR GLOOR: Senator Avery, would you yield? Senator Avery, would you yield? [LB907]

SENATOR AVERY: Yes, I will. [LB907]

SENATOR PIRSCH: Thank you, Senator Avery. And with the amendment, and that's AM2870 to AM2776, that contains new language, right, for the "ban the box" provision? [LB907]

SENATOR AVERY: AM2776 does, yes, but not AM2870. [LB907]

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SENATOR PIRSCH: Okay. And with respect to that, you had...are there...could you describe the exclusions with respect to...I understood with respect to either physical or sexual, some sexual or some physical types of convictions, they are not going to be covered under "ban the box", is that right? [LB907]

SENATOR AVERY: Well, the school districts are not permitted to hire people who have been convicted or have a history of sexual or physical abuse. There are laws about hiring felons. But what I'm trying to do here is allow those people who may have a criminal history that does not include felonies, does not include sexual assault, to give them an opportunity to establish themselves as viable candidates before the background check is conducted. That's a simple concept that seems to have gotten lost in this whole discussion. [LB907]

SENATOR PIRSCH: But there is specific language in here dealing with those types of exceptions: sexual assault and physical assault, or...? [LB907]

SENATOR AVERY: Yes. It's on page 5, lines 8-11. [LB907]

SENATOR PIRSCH: Okay. [LB907]

SENATOR AVERY: And that's the language that they brought to us and we put it in the bill. And they basically said, never mind, we want total exemption. [LB907]

SENATOR PIRSCH: Are the...it refers to... [LB907]

SENATOR AVERY: It's time for this Legislature to stand up and say this is what we want and you can live with what you gave us in that first round of discussions. [LB907]

SENATOR PIRSCH: Yeah. And in line 11 on page 5, you do mention...it does refer to sexual or physical abuse. Are there terms defined in this amendment or somewhere else in the underlying LB907? [LB907]

SENATOR AVERY: Well, I think that common interpretation of the language would make that unnecessary. [LB907]

SENATOR PIRSCH: Okay. Well, there may be. So with the type of crime like enticing a child into a vehicle or enticing a child into a place of seclusion, would that particular crime be one that would...? [LB907]

SENATOR AVERY: If it rises to the level of a conviction. [LB907]

SENATOR PIRSCH: That would be categorically a type of sexual abuse then. [LB907]

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SENATOR AVERY: Yeah, right. See, we didn't see the need to get into listing all of the crimes that might be covered. Sexual crimes, physical abuse, the courts know what those mean, and if they are convicted of that, then it's on their record. [LB907]

SENATOR PIRSCH: Sure. I was just...there's some types of crimes that are worrisome in the sense that enticing a child into a place of seclusion may be... [LB907]

SENATOR GLOOR: One minute. [LB907]

SENATOR PIRSCH: ...kind of the first step in the worrisome process but may not...I guess I'm a little bit worried...be interpreted by a court to be sexual abuse. And so that...if true, if that's not definitionally part of sexual abuse, I guess then those individuals would advance to the second stage of the process. Let me ask about this... [LB907]

SENATOR AVERY: If they have a...but if they have a criminal record involving those activities, the courts have considered the evidence and they've determined whether or not the definition of sexual assault has occurred. [LB907]

SENATOR PIRSCH: Right. But there are some...and I won't belabor the point, but I guess my concern, are there some crimes in which an actual sexual assault have not occurred and yet...and I would just point to the crimes of, say, enticing a child into a vehicle, which is a crime and which is a worrisome, I guess, crime... [LB907]

SENATOR GLOOR: Time. Thank you, Senator Pirsch and Senator Avery. Senator Lautenbaugh, you are recognized. Senator Lautenbaugh waives. Senator Bloomfield, you are recognized. [LB907]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, for the last two sessions we've been all about protecting children. Are we moving away from that with this amendment? I fear we might be a little bit. It would appear at first blush on this that we are possibly, in an urge to be more fair to people who have made bad life decisions, not calling out people who could do harm to our children at the earliest opportunity. I understand there was an agreement made, and kind of like with scope of practice, the people are back wanting more. I'm not sure but what in this case maybe we should give them a little more. It's our kids that are at stake here, or grandkids, those we've heard described as the most vulnerable among us. Let's be very careful what we do here, and I'd yield the remainder of my time to Senator Mello. [LB907]

SENATOR GLOOR: Senator Mello, 3 minutes 40 seconds. [LB907]

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

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thank you, Senator Bloomfield, for the time. Colleagues, let me be very clear just so our friends in the lobby and the school lobby can hear and understand, every school district still has to do a background check on every employee they hire. I will repeat that: Every school district still has to do a background check on every employee they hire. What you have in front of you is that on the first round of filling out an application, the "ban the box" concept says that you don't have to list that you are convicted of a felony or a criminal charge, at first. It doesn't go away. It's not that people won't find out. Of course, they will. It doesn't endanger children. The reality is this: It's giving people the ability to apply for a job based on merit and whether or not they meet the qualifications and they have the abilities to do the job. If they have been convicted of a serious crime, that will come up in the background check, and the school will make the decision likely not to hire them. So when people get nervous on the floor saying we're endangering children or this is a step backwards, please, colleagues, this is hyperbole. This is not what will happen. For one reason or another, the education lobby who did not oppose this bill in the hearing, did not must have read the bill in the hearing and/or afterwards, now is coming at the eleventh hour trying to ask for a full exemption. They have a job to do; make them do it. Their personnel process can weed people out when they apply. Make them do that. If they're not doing background checks on every employee who is applying for a job, shame on them then. The reality is, they're supposed to be. This bill doesn't require anyone to be hired; it doesn't require anyone to be interviewed; it simply allows the ability for someone who, yes, has tried to reform their life and serve their time in Corrections an opportunity to be able to apply for a job with a public employer. That's what this does. We've got a big agenda to deal with today, colleagues, and we don't need to be wasting our time trying to resurrect something that an agreement was made and apparently now at the eleventh hour they want to come in and try to take it away. Let's adopt this amendment. Let's move forward and get LB907 to Final Reading. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Mello and Senator Bloomfield. Senator Ashford, you're recognized. [LB907]

SENATOR ASHFORD: How many more... [LB907]

SENATOR GLOOR: Three senators remain in the queue. [LB907]

SENATOR ASHFORD: I'll just waive then, that's fine. [LB907]

SENATOR GLOOR: Senator Pirsch, you're recognized. [LB907]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I wonder and I appreciate the comments Senator Mello made. I wonder if he'd yield to a question or two. [LB907]

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SENATOR GLOOR: Senator Mello, would you yield? [LB907]

SENATOR MELLO: Of course. [LB907]

SENATOR PIRSCH: Thank you. Senator Mello, with respect to...I'm trying to figure out how this process would work. Now in terms of the terms used in the amendment, I think generally conceptually it's being described as during the first stage, or during the first process, or during the initial response by applicants, how is that actually...what's the exact verbiage that describes when this "ban the box" can be applied? [LB907]

SENATOR MELLO: You know, I don't have the amendment in front of me right now, Senator Pirsch. You may...it may be best to read the amendment and then maybe ask Senator Ashford. [LB907]

SENATOR PIRSCH: Well, I do have the amendment in front of me. I wonder if Senator Ashford then would yield to a question. [LB907]

SENATOR GLOOR: Senator Ashford, would you yield? [LB907]

SENATOR ASHFORD: Yes. Thank you, Senator Mello. [LB907]

SENATOR PIRSCH: With respect to the verbiage...and if you don't have the exact language in front of you, that's fine. [LB907]

SENATOR ASHFORD: No, I... [LB907]

SENATOR PIRSCH: I mean, generally, conceptually the thought is during the first round or during the initial round or the initial gathering of applications or...what...is that... [LB907]

SENATOR ASHFORD: Here's the point. The point is in all of this is that we're trying to create a pathway to a job for people who have a conviction of a felony. That's what we're trying to do. So, generally, when we're dealing with public employers, the reason we stayed with public employers and didn't go into the private sector is that, generally, probation officers and/or parole officers know or have connections with these public employers. It's possible, Senator Pirsch, your point that someone would not check the box...if somebody would lie and not check a box. But what we're trying to do is expedite that process. So all we're doing is in the very initial stage when something goes online for a job, for example, and as a custodian at a school or working for the county or whatever it is, there would not be a box at all; except for schools, there would be the sexual abuse or child abuse box. But there would not be a box at all...that application would go into the process and if it came out that the person had a conviction...it's a public employer, so the idea would be that that public employer would call up the

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probation officer and say--what's going on with this guy? That's, essentially, what we're trying to achieve here. [LB907]

SENATOR PIRSCH: Yeah, thank you. And I think I've found...and tell me if I'm wrong, on page 4 and 5 of AM2776, line 23, on page 4 it starts...I think is the applicable language--except as otherwise provided in this section, a public employer shall not ask an applicant for employment to disclose, orally or in writing, information concerning the applicant's criminal record or history, including any... [LB907]

SENATOR ASHFORD: Right. [LB907]

SENATOR PIRSCH: ...inquiry on any employment application until the public employer has determined the applicant meets the minimum employment qualifications. And so the question I'm really bringing about here is, how does that work that the...how do you know that you've reached that point where the applicant...where the employer has determined the applicant meets the minimum employment qualifications? [LB907]

SENATOR ASHFORD: They fill out the application. The application would have high school, GED, whatever it is. And if they don't have that, then they would not get to the next stage. So there are other checks other than the box. If they don't have a high school diploma, the application would be thrown out. [LB907]

SENATOR GLOOR: One minute. [LB907]

SENATOR PIRSCH: And is there a...some sort of method then to prevent employers, under this paradigm, from just saying--we've determined in the first hour that everyone meets the minimum employment qualifications and now we're moving on after the, you know, after...essentially saying, everyone who's submitted an application meets that minimum employment qualifications and then proceed on to the screening right away? [LB907]

SENATOR ASHFORD: I would guess that not everybody that fills out an app would qualify under the various qualification criteria. So there are lots of others other than the box felony thing. So I don't think they would all go in the bundle. It would probably be some subset of those who have applied. [LB907]

SENATOR PIRSCH: Okay. Thank you for your time. [LB907]

SENATOR GLOOR: Thank you, Senator Pirsch and Senator Ashford. Senator Pirsch, that was your third time. Senator Chambers, you are recognized. [LB907]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I listened to the discussion and a senator mentioned that an agreement had been

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reached and I believe that senator was Senator Mello. I would like to ask him a question or two if he would respond. [LB907]

SENATOR COASH PRESIDING

SENATOR COASH: Senator Mello, will you yield? [LB907]

SENATOR MELLO: Yes. [LB907]

SENATOR CHAMBERS: Senator Mello, did you mention that an agreement had been reached with reference to this amendment that is before us now? [LB907]

SENATOR MELLO: Yes. [LB907]

SENATOR CHAMBERS: Who were the parties to that agreement, if you recall? [LB907]

SENATOR MELLO: Senator Scheer, Senator Ashford, Senator Avery, and in general, the school lobby that consisted of the school boards and the administrators. [LB907]

SENATOR CHAMBERS: And who is now trying to change this amendment? [LB907]

SENATOR MELLO: The school boards and the administrators. [LB907]

SENATOR CHAMBERS: And they were part of that agreement? [LB907]

SENATOR MELLO: Correct. [LB907]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, you all are seeing what I was talking about with reference to my bill. Now this that we're talking about was B-C...before cougars. But it goes around and it bites the rest of you, doesn't it? And now it's not something that you just toss off and say--well, people change their mind. Now the schools spend all of their time...or a big proportion of it trying to instruct our children with reference to how you should think, how you should weigh, evaluate, analyze, and form judgments about what the best course you should follow in order to reach your goal. And your goal in obtaining an education should be to produce a well-rounded human being. And as a thumbnail guy, it should be the Greek model of a sound mind and a sound body. So, with reference to having a sound mind, honesty is very important. Not only is honesty the best policy, honesty should be the only policy. So what we as educators want you to do is pay attention to being honest. And that includes telling the truth, not misleading anybody. And a lie is a statement made with the intent to mislead or deceive. So even though the words you utter may be factually correct, your intent is to utter them in a context so the person hearing these words will be misled, will be tricked, will be deceived. And you shouldn't do that. In dealing with

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honesty, there is what is known by philosophers as a mental reservation. Certain words come out of your mouth, but in your mind there is a denial of those words. The intent is not to express words that you intend to comply with. Because of that, in certain oaths are required the words "without mental reservation" will be included so that if a person is found or charged with having violated that oath and the violation of that oath carries consequences, sometimes even of a criminal nature, the individual who held that mental reservation cannot say--well I had my fingers crossed, I had my ankles crossed, and I really didn't mean what I was saying. That won't get it. So when those whose job it is to teach and inculcate honesty are not themselves honest, they are... [LB907]

SENATOR COASH: One minute. [LB907]

SENATOR CHAMBERS: ...the worst offenders of all. In the beginning, you know that they understand these principles because they are teaching and advocating them. Once they show themselves to be unreliable, I think it may have been Ralph Waldo Emerson, somebody can Google it, who said--a man who is false in some particulars may be deemed to be false in all. So when these school people come in here and want to violate an agreement that they made, those who are on the other side should say...Mr. President, I will stop now and turn on my light. [LB907]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Thank you, Senator Chambers. Senator Brasch, you're recognized. [LB907]

SENATOR BRASCH: Thank you, Mr. President, and good morning, colleagues. I do stand in support of AM2776 and LB907 with the amendments. And to address concerns that Senator Bloomfield had raised earlier, specifically in the amendment it does clearly outline that it does not prevent any public employer from requesting this information. And it says that it does not prevent a public employer that is a school district or an educational service unit from requiring an applicant for employer to disclose to an applicant's criminal record or history relating to sexual or physical abuse. It goes on to say the section does not prevent the employer from preventing or delivering employment. And so there are safety checks in here that the schools have e-mailed me, the superintendents, and our satisfied with...and they can do the check. What I'm concerned about today is the fact that when we met as a legislative council before session, all of the committee chairs and everyone in our think-tank conversations, and Senator Ashford then stood and talked about the problem that we have with recidivism, with criminals going to jail, coming out, not able to make a life or a living, returning to jail; that there are obstacles there that we must address. We need to learn how we can better, as a state, help someone who made a mistake in the past prepare to make a good future, to contribute, to not be the state that just builds bigger jails, just builds more prisons. That we build people, we help them return to the workforce. We help them

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return to their families. That we look at accountability through the parole offices, through medication offices, through the juvenile justice system. We need to build people; we need to help these individuals who did make a mistake that want to do the right thing moving forward. That's what this bill does is, they can go with their qualifications and they can start with a clean slate. But there are checks and balances, there's many steps. There's job training; there's layers and tiers that are outlined that every individual must pass a safety check. It is not just taking that individual out into society without any oversight, without any instruction and any opportunities. I think the lack of opportunities can be a detriment to any individual. We need to work on continuing building individuals and not building jails. And that's why I support this and I do understand. We want protections for those most vulnerable, for our children and others. But at the same time, when one person has made a mistake, has done everything within their power to get on the right path, to reenter society, the work place, that they deserve that...that... [LB907]

SENATOR GLOOR: One minute. [LB907]

SENATOR BRASCH: ...start; that's something that we can do, because it's expensive to keep individuals incarcerated. It's expensive for the families, as we've talked about the phone bills, there's all sorts of associated problems with one individual incarcerated and the extreme expense it cost to house an individual in jail. I would rather have them building, paying taxes, and contributing to their communities and returning to, you know, the life that everyone else, you know, wants for their families moving forward. Thank you, Mr. President, and thank you, colleagues. [LB907]

SENATOR GLOOR: Thank you, Senator Brasch. (Visitors introduced.) Returning to debate, Senator Karpisek, you're recognized. This is your third time, Senator. [LB907]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I'm going to drop the whole talk about exempting the schools. I don't think it's the right move. If this was a month ago, I would not drop it. But it's not a month ago. We're short on time. I'll guarantee you that someone else will waste a lot of time today on something else, but I guess this won't...Senator Chambers is nodding his head...and it wasn't even, maybe, directed only at him, but I'm sure someone will. But we do want to get going. There was an agreement. I understand that. So I will not push on this anymore. But I do want to say that I do not like to just let this go. I don't know why you would let someone over one hurdle and then have to do a background check. Those things aren't instantaneous, they take some time. They take time for people in the school to run them. Again, I'm not sure if it costs money, but I assume it does. So if someone is going to put their name in only to be tossed out later, I don't understand that. I do understand the whole idea of "ban the box." Senator Mello and I were just talking; he said usually if you check that box, your application is probably just discarded right away and it could have been something from 20 years in the past. I get that. I think that we should still say that if it was a felony and leave that at least to the schools we are exempting the law

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enforcement, which only makes sense, to me the schools would make sense too. And, yes, they do do a background check on everybody they hire, but they wouldn't have to do as many. They get thousands of applications across the state and they could probably cut quite a few of them out. Again, it's not worth the fight right now, I guess. The schools, I guess, will work with it. I just think it's a bad idea, but I do support the underlying bill and I don't want to harm that. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Karpisek. Senator Chambers, you're recognized. [LB907]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, as they say--one person's god is another person's devil; one person's waste of time is another person's wise utilization of time. I would like to ask Senator Mello a question if he is still in the house. [LB907]

SENATOR GLOOR: Senator Mello, would you yield? [LB907]

SENATOR CHAMBERS: He is rapidly winding his way to the microphone. [LB907]

SENATOR MELLO: Of course. [LB907]

SENATOR CHAMBERS: Senator Mello, if I'm going to make what you would deem to be the correct vote to make sure that that agreement that all of these people entered into, and we may assume that they were clothed in their right mind, that they were conscious, that they freely made this agreement, that they were not under any coercion, duress or pressure, if all that is to be presumed, what is the vote that I should cast on this proposition that is before us right now? Should it be green or should it be red? [LB907]

SENATOR MELLO: That would be green on both the underlying...both amendments and the underlying bill. [LB907]

SENATOR CHAMBERS: So this that we're talking about now deserves a green vote. [LB907]

SENATOR MELLO: That is correct. [LB907]

SENATOR CHAMBERS: And then the bill, which I do support anyway, would get a green vote also. [LB907]

SENATOR MELLO: Absolutely. [LB907]

SENATOR CHAMBERS: Now here is what I have to ask. Why has there been so much

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discussion about whether or not these school people are going to comply with that agreement into which they entered? [LB907]

SENATOR MELLO: I think, Senator Chambers, the school lobby, for one reason or another, after they came to an agreement with Senator Scheer, Avery, and Ashford has decided that they instead would rather have us try to talk it on the floor of trying to exempt them instead of staying with the original agreement that was made. [LB907]

SENATOR CHAMBERS: Thank you. I would like to ask Senator Scheer a question or two if he would respond. [LB907]

SENATOR GLOOR: Senator Scheer, would you yield? [LB907]

SENATOR SCHEER: Yes, I will. [LB907]

SENATOR CHAMBERS: Senator Scheer, how do you feel about the hunting of mountain lions? [LB907]

SENATOR SCHEER: I'm not a hunter so I really don't have an opinion on it. [LB907]

SENATOR CHAMBERS: That's an adequate answer, thank you, Senator Scheer. Members of the Legislature, as this session comes to an end, I'm going to talk about the necessity of sticking with agreements if they're made. And if a person has a reason for no longer holding to that agreement, we have to realize that minds can change. That changed circumstances can alter cases. But the one who entered that agreement should feel a moral, at least, obligation to notify those with whom he or she agreed that a change has occurred. Then you no longer place reliance on that individual and everything is all right. These organizations that hire lobbyists are going to have to learn how to keep them in tow and not let the lobbyist run the organization because if they run the organization and "i" might be inserted between the "u" and the "n" in the word "run," and it becomes "ruin." And when the "I" is the personal pronoun that is employed by the lobbyists, and the lobbyist is saying--I run this show; what the lobbyist is saying--I ruin this show. And for me, as long as this session is going, I will talk about whatever I feel led to talk about and I will take as much time under the rules as I have for doing that. [LB907]

SENATOR GLOOR: One minute. [LB907]

SENATOR CHAMBERS: Some people have entered agreements and made arrangements so it doesn't take long for them to present that and get through with it. And I don't blame them for trying to do that. But sometimes there are speed bumps along the highway of life. And sometimes people run into detours. Sometimes you go from a well-paved interstate to a somewhat well-paved concrete road to a gravel road to

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a dirt road to a wagon wheel rutted path, but that's what you have to traverse if you want to get from point A to point B. We have been on the interstate up to now. I think we are on the rutted wheel track at this point. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Chambers. Seeing no senators in the queue, Senator Ashford, you're recognized to close on your amendment. [LB907]

SENATOR ASHFORD: Thank you, Mr. President. AM2870 is a relatively small slice of the overall LB907. It makes some technical corrections that were needed to conform the sections. And it deals with delineating the task force that will be created to work with Council of State Governments and I urge its adoption. [LB907]

SENATOR GLOOR: Thank you, Senator Ashford. Question is: Shall the amendment to the LB907 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB907]

CLERK: 38 ayes, 0 nays, Mr. President, on the amendment to the amendment. [LB907]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk. [LB907]

CLERK: Senator McCoy would move to amend the amendment with AM2886. (Legislative Journal page 1453.) [LB907]

SENATOR GLOOR: Senator McCoy, you're recognized to open on your amendment. [LB907]

SENATOR McCOY: Thank you, Mr. President and members. This amendment follows up on a line of questions that I had with Senator Ashford a little bit earlier this morning on this bill. And it would very simply insert into AM2870 on page 3, line 11, you would add that the report...final report would be due from the Council of State Governments Justice Center, the final report would be due September 1 of next year, September 1, 2015. And if you go back to the end of page 1 and beginning of page 2 where it talks about that the working group would be dissolved at the...upon receipt of the final report. I think this is important. As we have a lot of new things around this building, not just in our branch, but in other branches of government, that we provide as much guidance as we can for the next Legislature and new members in the executive branch and otherwise to give a sense of what was intended, what the legislative intent was and is with this legislation. I think that's important. I believe also that it's important to the taxpayers too so that we aren't putting groups and task force in a place without some sense of how long they're going to last, how long they're going to be there. I know the idea is not for this group to continue into perpetuity, even with the worthwhile good that they are going to do, but nonetheless, if a final report was never given and a partial report or a preliminary report, in essence, without a date here this working group would

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continue on and it would actually take action by our body to end it...additional action. This, of course, also provides us the ability next session for the Legislature, if the date needs to be changed, that could also be done fairly simply, of course, through statute. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator McCoy. Members, you've heard the opening on the amendment. We now turn to floor debate. Senator Ashford, you're recognized. [LB907]

SENATOR ASHFORD: Thank you, Mr. President. I don't have any objection to this amendment. The only caveat I would give you is, it is likely..whether the report is in by then or not, it's likely that CSG will need additional time, not so much to write a report, so Senator McCoy's point is well taken, but to implement some of the action steps. And that will, of course, take work by the next Legislature, the next Governor, and so with that I have no objection to this amendment. And you have all come so far with prison reform in such a short period of time. I'm just flabbergasted by the progress. So with that I would urge the adoption of this amendment. [LB907]

SENATOR GLOOR: Thank you, Senator Ashford. No senators remaining in the queue. Senator McCoy, you're recognized. Senator McCoy waives. The question is: Shall the amendment to LB907 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB907]

CLERK: 37 ayes, 0 nays, Mr. President, on the amendment to the amendment. [LB907]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk. [LB907]

CLERK: I have nothing further pending to AM2776, Mr. President. [LB907]

SENATOR GLOOR: Seeing no senators wishing to speak, the question is...Senator Ashford, you're recognized to close on your amendment to LB907. [LB907]

SENATOR ASHFORD: Again very briefly, Mr. President and members. Thanks to the body, to the executive branch and to the judicial branch for coming together on this bill. We've made significant strides, the next Legislature will have a big job ahead of it to...the next Governor to make sure that these reforms continue. Senator Brasch made a, I thought, a very important comment in her speech; she really captured it in my view. When we balance the ledger between keeping someone incarcerated when they could be out in the community we not only...is there a cost to the state of having that incarceration, but there is a human cost. And Senator Brasch, I think, characterized that absolutely correctly. We started in December thinking about ways of addressing prison reform. We, obviously, have a significant problem with prison overcrowding. But, you know, I am...I am...as we always do in this state, or hopefully always do, and we do

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often times, is when we tackle a problem as difficult as this one, we do come together and move forward and I'm confident that with the platform that we've created here in LB907 that we can make significant strides over the next probably three to five years. It's not going to be overnight, but it's going to happen because this body...because of what this body has done so far and has said in the comments on the floor in the debate on these issues has been extremely positive and important discussion all the way from juvenile justice from years ago through prison reform. You should be very proud of yourselves and, hopefully, and I know this whole entire state is as well. Thank you. [LB907]

SENATOR GLOOR: Thank you, Senator Ashford. Members, the question is: Shall the amendment to LB907 be adopted? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB907]

CLERK: 38 ayes, 0 nays on the adoption of the amendment, Mr. President. [LB907]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk for an amendment. [LB907]

CLERK: Mr. President, Senator Kintner, would move to amend, AM2882. (Legislative Journal page 1454.) [LB907]

SENATOR GLOOR: Senator Kintner, you're recognized to open on your amendment to LB907. [LB907]

SENATOR KINTNER: Well, thank you, Mr. President. This is a very simple amendment. This is my gun bill, LB1030. What this does is, this amendment will protect law-abiding Nebraskans from becoming entangled in a potentially large web of antigun measures passed by localities here in Nebraska. This is done by making it illegal for local governments to enact ordinances, resolutions, or performing any other official act restricting the use of firearms to a greater extent than state law. Second part of it has to do with federal laws as you've probably have noticed, the Obama administration has been stripping law-abiding gun...citizens of their gun rights by use of unconstitutional, in my opinion, executive orders. It's the duty of the state to interpose itself between the rights of the people and the constitutional actions of the federal government. What this bill would do, it would make it so we would not cooperate with the federal government in enforcing these, what we deem to be, what this body deems to be, unconstitutional federal laws. So it's two parts. One, preemption, and the second is, we're making a statement saying, we're not going to help the federal government with any of these laws that we deem to be unconstitutional. I would encourage my fellow citizens to...or my fellow legislators to support the citizens of the state and vote for this. And I want to give everyone an opportunity to take a stand for the Second Amendment and here's your opportunity. Thank you, Mr. President. [LB907 LB1030]

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SENATOR GLOOR: Thank you, Senator Kintner. Members, you've heard the opening on the amendment to LB907. Senator Lathrop, you're recognized. [LB907]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I do want to speak on this amendment in opposition. And I want to begin by saying this did not get out of Judiciary Committee, and it's not NRA sanctioned, if that matters to you. This bill was heard in the Judiciary Committee, and the troubling parts of the bill were evident during the hearing. Let me tell you what it would do. It would allow for the arrest of a federal agent trying to enforce federal gun law in Nebraska. And you may say, well, how could that be a problem? Let me give you some examples of what this bill would require. You know how you get on the...you go to the airport up in Omaha or in Lincoln or wherever you generally board a plane, and the TSA agent is there to make sure no guns are taken on the plane. Senator Kintner's bill would have the TSA agents arrested for trying to enforce a federal gun law. He would expect the city police to come to the airport to have the TSA agent arrested for trying to enforce federal gun law. Same is true on Offutt Air Force Base. They have restrictions on taking a gun on the Air Force Base for reasons that relate to federal policy. Senator Kintner's bill would have the Bellevue police down arresting those who try to stop people from bringing a gun on to the Air Force Base. Federal courthouse, where we have federal judges and federal employees, also has federal laws that prohibit carrying guns into the courthouse. Senator Kintner would have the Omaha police arrest security down at the federal building who are enforcing federal law. This is an idea...it is not about the Second Amendment. This is about whether or not states can override federal policy. We cannot arrest federal agents enforcing federal law. It just doesn't work that way. It just doesn't work that way. This is an idea that shouldn't pass, it shouldn't. It didn't come out Judiciary for a good reason and the hearing made it clear, you cannot have local law enforcement arresting federal agents doing their job because of preemption and the Supremacy Clause of the United States Constitution. Thank you. [LB907]

SENATOR GLOOR: Thank you, Senator Lathrop. Senator Chambers, you're recognized. [LB907]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Kintner a question or two. [LB907]

SENATOR GLOOR: Senator Kintner, would you yield? [LB907]

SENATOR KINTNER: Certainly. I can't believe you have any more questions after that hearing we went through. [LB907]

SENATOR CHAMBERS: Senator Kintner, sometimes people go through a change of mind and heart. Does Nebraska have a National Guard? For the record. [LB907]

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SENATOR KINTNER: Well, for the record, yeah. You don't have to ask that. We all know that. [LB907]

SENATOR CHAMBERS: Is there a Nebraska Navy which people periodically are given entry to by way of the Governor as an honorary presentation? [LB907]

SENATOR KINTNER: Well, not that I'm aware of, no. [LB907]

SENATOR CHAMBERS: You never heard of the Nebraska Navy? [LB907]

SENATOR KINTNER: Well, not a real Navy, no. [LB907]

SENATOR CHAMBERS: But you've heard of the Nebraska Navy, have you or have you not? [LB907]

SENATOR KINTNER: Well, I've seen honorary certificates, yes. [LB907]

SENATOR CHAMBERS: Say it again, please. [LB907]

SENATOR KINTNER: I've seen honorary certificates as an Admiral in the Navy. [LB907]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I'm for this amendment. I'm tired of this federal government trampling over the Constitution of the United States of America, specifically the Second Amendment. Here stands Senator Kintner, a man willing to stand up and speak for the right of every law-abiding, red-blooded, patriotic, anticommunist, American citizen, to carry a gun, use that gun in compliance with the law, I'm sure, and any of these federal interlopers who come within the borders of the state of Nebraska should understand that this is not a state which is going to take it lying down. Why what about these federal marshals? We know that they've gone beyond what they should do on occasion. Nobody has stood up to them. FBI, spying on people. You know you can't trust them. They should be arrested by somebody and Senator Kintner is our savior, the knight in shining armor, riding to the rescue. I like his amendment. This Homeland Security, there didn't always used to even be a Homeland Security, but they wanted to find another way to infringe on the rights and the privacy of law-abiding, red-blooded, anticommunist, patriotic, American citizens. And Senator Kintner is right in saying that if they come here and try to interfere with the gun rights of Nebraska citizens, they should be arrested. And any sheriff out there in western Nebraska, any local police officer, Senator Lathrop, who violates this law, should himself be punished and prosecuted to the limit of the law. Now, how are we going to work our way up to this? As everybody knows, Senator Kintner says, everybody knows that there's a National Guard. The National Guard is a state-run operation. "Colonel" Garret knows that and the Governor is the head of the National Guard. He appoints the Adjutant General. The Governor should call out the National

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Guard and he should post National Guard's people around the perimeter of this state, even if there can only be one guardsman every hundred miles or so. We know that would leave gaps in the protective cordon, but we can take care of that. And along the Missouri River because these sneaky American government agents might think that we've got the National Guard posted, we've got sheriffs, we've got their deputies, we've got police officers... [LB907]

SENATOR GLOOR: One minute. [LB907]

SENATOR CHAMBERS: ...standing at the ready, so they might try to come by water because, Senator Garrett, we're looking for them to come by land. So we're going to invoke the Nebraska Navy and have them patrol the Missouri River and if any of these wily, would-be interlopers from that dastardly federal government would try to invade this state by way of water, a flotilla. I don't know if they'll bring aircraft carriers. I don't know if they'll bring destroyers. I don't know if they even have PT boats, but I'm sure they would find some way to sneak into this state so we need to protect the border along the Missouri River. Thank you, Mr. President, and I will have more to say. [LB907]

SENATOR GLOOR: Thank you, Senator Chambers. (Visitors introduced.) Returning to debate, Senator Hansen, you're recognized. [LB907]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I rise with a concern about this amendment. I'm a...certainly a pro-gun person. My family for the most part are. My district for certain is with all the miles of rivers and streams that we have in this state. There's thousands and thousands of hunters. We would probably, you know, if had to come to it, we'd probably outgun the National Guard, but I don't think we're going to come to that in this state. I would rise though to ask the Chair for a germaneness rule. [LB907]

SENATOR GLOOR: Thank you, Senator Hansen. There's been a request, a question of germaneness. Senator Hansen, would you explain to the Chair your feelings on why you feel this amendment is not germane? [LB907]

SENATOR HANSEN: Certainly. Mr. President, we've talked for a couple of hours now on probation, the need for the expansion of probation. I have some questions on the A bill, like to get to them. But we've been talking about prison reform and we've not been talking about gun laws or anything related to that other than the folks that are incarcerated for the abuse of gun laws. The people in the state of Nebraska have every right in the world to go through training and to have a concealed carry permit. I have one. A lot of my friends have them. We know when to carry, when not to carry. We also have had a problem in my district of off-duty policeman coming to a school to pick up a child. Well that off-duty policeman, they're never off-duty. So they're always armed. They have a concealed gun on them, but still if that sign on the door is there, they're

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supposed to leave that gun in the car. I would advise them to ignore that sign. If there's a problem in the school, I want those police in there, those off-duty policemen, and certainly not teachers carrying guns. I think that that was a bad idea. I have supported every amendment that has been brought here to legalize the conceal carry, to make sure that we can carry them on the workplace, but left in your car. There's a lot of things we've done the last several years on guns, but this is not a germane amendment to the bill. I think that it has gone just a little too far unless we want to go with Senator Chambers idea and prevent the flotilla coming down the North Platte River. [LB907]

SENATOR GLOOR: Thank you, Senator Hansen. Senator Kintner, would you explain to the body why you feel your amendment is germane? [LB907]

SENATOR KINTNER: Well, thank you, Mr. President. I'd say my friend, Senator Hansen, my good friend, Senator Hansen, is all over the place. Talking about concealed carry, talking about teachers carrying guns. We're not talking about that. We're talking about crime and punishment. This is about a crime and about punishment. We're talking about criminal justice reform, same thing. That's why it's germane. [LB907]

SENATOR GLOOR: The Chair is ruling that the amendment is not germane. Senator Kintner, for what purpose do you rise? [LB907]

SENATOR KINTNER: I waive that challenge, the ruling of the Chair. [LB907]

SENATOR GLOOR: The Chair's ruling has been challenged. Senator Kintner, you have five minutes to open on your challenge to the Chair's ruling. [LB907]

SENATOR KINTNER: Well, you know, we don't have a lot of opportunities to make a statement, to make a statement on behalf of the right of our state to set laws when it comes to Second Amendment, and the right of our citizens to have those laws without executive orders coming in without an elected body doing anything and trampling on those rights. This is absolutely an opportunity to make those statements. Now I would also respond to what Senator Lathrop said. No, we're not going to be arresting agents at the airport. It's only when this body says that they've gone too far. We're the determining factor on that, so when this body says they've gone too far, then we say, we will not help them enforce these laws. So it's not with...you know, about Homeland Security or anything like that. This body can say that that federal agency is wrong, they overstepped their boundaries, and we can step in and do something about it. But the reason that I put it on this, this is Judiciary, this is crime and punishment. Yes, it is germane and it is your opportunity as a senator to say, enough of this, we're not going to stand for it any longer, we're going to protect the Second Amendment rights of our citizens. And probably more...maybe even more explicitly, the rights in our Constitution to protect yourself to carry a firearm to hunt and do all those things. So I'd encourage my fellow senators to overrule the Chair. Thank you. [LB907]

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SENATOR GLOOR: Members, you've heard the opening on the motion to overrule the Chair. Every member may speak once if they choose and you may not yield your time. Senator Chambers, you're recognized. [LB907]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'd like a bit of clarification if I can receive it by asking Senator Lathrop to yield to a question. [LB907]

SENATOR GLOOR: Senator Lathrop, would you yield? [LB907]

SENATOR LATHROP: Yes. [LB907]

SENATOR CHAMBERS: Senator Lathrop, did you say this proposal is not sanctioned by the NRA, the National Rifle Association? [LB907]

SENATOR LATHROP: You know, I'm looking at it now. It was introduced in a way that made me think it was the...nope, we're not going to enforce federal law and I'm looking at it. I'm not going to answer that, or I'm not going to be able to speak definitively on that. [LB907]

SENATOR CHAMBERS: Fair enough. That's all I have. Thank you. I could be going beyond the NRA to protect the rights of these American citizens on the Second...under the Second Amendment to the Constitution, but I have somewhat of a problem. The Supremacy Clause is also a part of that Constitution. And that Supremacy Clause, if you take it literally, would prohibit Nebraska from doing what our colleague, Senator Kintner, is asking us to do by adding this amendment to the bill and then enacting it into law. But as happened in days of yore, during periods of interposition, nullification, there were patriots who stood up to this United States government and I think it's time to do that again. This is 2014. Why, in 1814, you all may not think back that far, but that's when the Battle of New Orleans occurred. Why, in 1814, they took a little trip down the Mississippi and so forth. And we have an opportunity to update history and do what Senator Kintner is asking us to do. I'll admit that Senator Hansen made me not quite so sure of my position, but that's what happens when you're dealing with deep and complicated matters. So you have to listen to what other people say, and based on their input, you may alter your position. But right now, I'm sticking with my colleague, Senator Kintner, to speak for the rights of Nebraskans under the Second Amendment to the Constitution as interpreted...excuse me, as interpreted, by the United States Supreme Court with which Senator Kintner and I don't often agree. But we're in agreement this time. And if necessary, because I was reminded that that sneaky American government doesn't only come by land and water, but sometimes by air. And I think the Nebraska National Guard does have some aircraft, and we have authorized the Governor or the state to purchase an airplane. And Senator Kintner and I...well not I--I don't like to use

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guns--could get some others to ride shotgun in that airplane and bring down these American interlopers if they're going to try to infringe the rights of the citizens of this state. And there could be people on the ground with high-powered rifles, Senator Bloomfield, and they could shoot down these airplanes. They could try anyway. We might be able to bring NATO on our side. Maybe even a UN peacekeeping force. They go everywhere else, everywhere else. And we're entitled to that. But what is before us today is whether or not this conflict between the state and the federal government is what we ought to do, or if we should uphold the integrity of the Legislature as a body of thoughtful, deliberative, intelligent people... [LB907]

SENATOR GLOOR: One minute. [LB907]

SENATOR CHAMBERS: You said one minute? Intelligent people trying to set an example for how things ought to be done. And I'm going to acknowledge that what Senator Hansen said, although he can't sway me from my basic agreement...Senator Kintner isn't even here, but anyway in his absence, I'm going to vote to uphold the Legislature as an institution and will uphold with my vote the ruling of the Chair. But I wanted to go with the warning to that U.S. government, don't tread on us because Nebraska knows how to deal with you. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Chambers. Senator Avery, you're recognized. [LB907]

SENATOR AVERY: Thank you, Mr. President. I object to this amendment on a number of grounds, but one of them, of course, is germaneness. I'm going to support this...the overrule. No, I'm not supporting overruling the Chair. I just want to say that germaneness is when you have amendments that relate only to the details of the specific subject of the bill, and must be in a natural and logical sequence to the subject matter of the original proposal. This is nongermane. A nongermane amendment includes one that relates to a substantially different subject. This is a substantially different subject. So I am going to oppose the overrule of the Chair and vote to uphold it. There are another reasons for this. The bill didn't get out of committee, folks. That's a major violation of the norms of this body. When bills are considered and deliberated on in committee, and testimony is taken in public session, and the committee in its executive sessions decide that this bill does not merit a reporting out, then to bring back, or try to bring back that bill that's been rejected by a bona fide committee of this body entrusted with the responsibility of filtering out bad ideas, bad ideas like this one, then that bill is not a candidate for being pulled out and put on to another bill, particularly when it is not germane. So you have two, it seems to me, very valid arguments for not overruling the Chair on this. There's another problem with this amendment that bothers me and that is, resurrecting the arguments of nullification, for God's sakes. Nullification. That goes back to John C. Calhoun when he was trying to defend slavery by nullifying...trying to nullify federal laws. Do we want to be associated with that in this

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body? Come on, folks. This is a frivolous attempt to do something that is not honorable for this body. Thank you. [LB907]

SENATOR GLOOR: Thank you, Senator Avery. Senator Bloomfield, you're recognized. [LB907]

SENATOR BLOOMFIELD: Thank you, Mr. President. Senator Chambers, I'd like to say, welcome home, brother. [LB907]

SENATOR CHAMBERS: Right on. (Laughter) [LB907]

SENATOR BLOOMFIELD: I'm glad you finally saw the light. And on a little more serious note, I'd like to ask Senator Coash a question or two. [LB907]

SENATOR GLOOR: Senator Coash, would you yield? [LB907]

SENATOR COASH: Yes, I will. [LB907]

SENATOR BLOOMFIELD: Senator Coash, did you hear this bill in committee? [LB907]

SENATOR COASH: Yes, we did. [LB907]

SENATOR BLOOMFIELD: Did the NRA come in and testify? [LB907]

SENATOR COASH: The NRA did not testify. [LB907]

SENATOR BLOOMFIELD: Do you know if the NRA has a position on this bill? [LB907]

SENATOR COASH: The NRA has not taken any position on the underlying bill that has become AM2882. [LB907]

SENATOR BLOOMFIELD: Okay. Thank you. Colleagues, I think we're trying to have a little fun at Senator Kintner's expense here and I don't know that that's necessarily a good idea. The committee in question here has done a good job on a lot of things. There's some other things where I think they have been very inappropriate. I remind you again of a bill that I had with 35 cosigners, six of who sat on that committee, and it couldn't come out of that committee. There's something amiss there. I can't support Senator Kintner on this as much as I'd like to, but I'm glad he shined a little light on that again. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Bloomfield. Seeing no senators remaining in the queue, Senator Kintner, you're recognized to close on your motion to overrule. [LB907]

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SENATOR KINTNER: Well, thank you, Mr. President. You know, I heard Senator Avery, "Professor" Avery, I enjoy talking history with him. He has a deep, deep knowledge of our Constitution and history, but I would remind him of the Fugitive Slave Act when Ohio and Wisconsin and Michigan and Vermont said to the federal government, no, you don't. You're not going to come grab slaves, free slaves, or free...black men out of our territory and take them back across the border. So yes, states from time to time have said, no, federal government, you're going too far. So no, this is not just John C. Calhoun, there is some precedent for what we're talking about here, and yes, the NRA took no position on this and that's fine by me. But I think, you know, from time to time you need to make a statement and you need to say to the federal government, you've gone too far. And that's what I'm giving the opportunity to do right here. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Kintner. 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. Record, Mr. Clerk. [LB907]

CLERK: 27 ayes, 2 nays to place the house under call, Mr. President. [LB907]

SENATOR GLOOR: The house is under call. Senators, please record your presence. Those unexcused senators not in the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators McGill, Conrad, Mello, Janssen, McCoy, Larson, Lautenbaugh, please return to the Chamber and record your presence. Senators McGill and Lautenbaugh. Members, this motion takes a majority of those present, that means it will take 25 votes to be adopted. Senator Kintner, you said roll call vote, regular order. The question is the adoption of the motion to overrule the Chair. Mr. Clerk. [LB907]

CLERK: (Roll call vote taken, Legislative Journal page 1455.) 1 aye, 30 nays, Mr. President, on the motion to overrule the Chair. [LB907]

SENATOR GLOOR: The motion to overrule the Chair is not adopted. Mr. Clerk. Raise the call. [LB907]

CLERK: Mr. President, I have nothing further pending to the bill at this time. [LB907]

SENATOR GLOOR: Senator Hadley, you're recognized. [LB907]

SENATOR HADLEY: I just to take a...Mr. President and members of the body, I just want to take about two minutes and we had a lot of discussion last night about germaneness. We just had a question about germaneness. Why do we really care about germaneness? Well, I think there's a very good reason we should care about it. If

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we look at our own Rule 7, Section 3, part (d), it basically says that any amendment must relate to the bill and the title. That's our rule. Now why do we have that rule? Because you go to our constitution. This isn't a rule that we just kind of think is good for good legislation. This is a rule the people of Nebraska want. They want to be able to understand that a bill has one subject. That if they're interested in looking at that bill, they can tell what the bill is about and what's in the bill. If you go to Article III, Section 14, it clearly states, no bill shall contain more than one subject, and the subject shall clearly be expressed in the title. I think at times we play pretty fast and loose with the germaneness rule as far as our constitution. So if you want a bill that somebody is going to challenge on our constitution, start putting things on that we admit are not germane. Thank you, Mr. President. [LB907]

SENATOR GLOOR: Thank you, Senator Hadley. Mr. Clerk. [LB907]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB907]

SENATOR GLOOR: Senator Murante for a motion. [LB907]

SENATOR MURANTE: Mr. President, I move to advance LB907 to E&R for engrossing. [LB907]

SENATOR GLOOR: You've heard the motion. Those in favor say aye. Those opposed say nay. LB907 is advanced. Mr. Clerk. [LB907]

CLERK: Mr. President, LB907A: Senator I do have E&R amendments first of all. (ER230, Legislative Journal page 1282.) [LB907A]

SENATOR GLOOR: Senator Murante for a motion. [LB907A]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB907A]

SENATOR GLOOR: The question is the adoption of the E&R amendments to LB907A. Those in favor say aye. Those opposed say nay. The amendment is adopted. [LB907A]

CLERK: Mr. President, Senator Ashford, I have AM2842, but I have a note you wish to withdraw that. [LB907A]

SENATOR GLOOR: So ordered. [LB907A]

CLERK: Mr. President, Senator Ashford would move to amend with AM2879. (Legislative Journal page 1455-1456.) [LB907A]

SENATOR GLOOR: Senator Ashford, you're recognized to open on your amendment.

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[LB907A]

SENATOR ASHFORD: Thank you, Mr. President. As you recall in LB907 initially, the grant program for reentry programming was placed in the crime commission and the \$5 million appropriation for that program was in the Crime Commission. This amendment will transfer that money to the Department of Corrections per LB907 as advanced to E&R. Thank you. [LB907A]

SENATOR GLOOR: Thank you, Senator Ashford. Members, you've heard the opening on the amendment to LB907A. Senator Hansen, you are recognized. [LB907A]

SENATOR HANSEN: Thank you much, Mr. President, members of the Legislature. I have a question about the A bill and I've talked to Senator Ashford about it, I don't know, it's a couple of weeks ago now I suppose. Last year we passed LB561, the Juvenile Justice Bill. And I think this is pertinent to this discussion, too, in the fact that many counties came back; we had several meetings with surrounding counties in our big area out there, other than Lincoln County. Lincoln County ended up paying over \$200,000 in funds that were not, I guess, realized when we passed LB561. Lancaster County...a Lancaster County commissioner said they were somewhere between a million and two million dollars short for implementing LB561. The reason I bring this up is because in Revenue we talked about property taxes, we talked about unfunded mandates to counties, and this was certainly the unfunded mandate of the year last year. And my question, if Senator Ashford would yield, I'd ask a question. [LB561 LB907A]

SENATOR GLOOR: Senator Ashford, would you yield? [LB907A]

SENATOR ASHFORD: Sure. [LB907A]

SENATOR HANSEN: Senator Ashford, you and I talked about this a couple of weeks ago, is there anything in this A bill that would make those counties whole, just going back to the implementation of LB561? [LB561 LB907A]

SENATOR ASHFORD: Thank you, Senator Hansen. The amendments to LB561 are in LB464 and I believe that bill is on Final Reading. It does make, per your comments earlier, it does make changes in LB464 for juveniles that will address the concerns...or some of the concerns or most of the concerns, hopefully, of the counties. This particular A bill is for...is a grant program. And these are monies that will go to the communities to help connect individuals who are on probation or parole to a job. So it would not...there would not be any obligations to the county. In fact, what it could though to your point, is if a county has...and I think...I think Lincoln County does, have a reentry program. I know Douglas County does and Lancaster County has a very effective one, Sarpy. It would provide a grant program for those reentry programs to apply for those dollars. But it would not...it doesn't add to its obligation. [LB561 LB464 LB907A]

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SENATOR HANSEN: And no bill that's coming before us on Final Reading, or this bill, is going to make any of those counties whole, is that correct, (inaudible)? [LB907A]

SENATOR ASHFORD: LB464, Senator Hansen, and Senator Krist is the expert on this, but LB464 does...well, it doesn't go backwards, but... [LB464 LB907A]

SENATOR HANSEN: That was my question, does it go backwards? [LB907A]

SENATOR ASHFORD: And that was your question a couple of weeks ago. [LB907A]

SENATOR HANSEN: Yes. [LB907A]

SENATOR ASHFORD: And the answer is, I don't think it goes backwards. But what it does do is the county aid money does escalate each year for the next...till it gets to \$10 million a year and that will help; but it also makes substantive changes in the application of LB561 and it delineates what the county's responsibility is and what the state's responsibility is. And that was done at the request of the county, so I... [LB561 LB907A]

SENATOR HANSEN: Yeah, I think I understand that part of going forward; but, you know, my hindsight is just pretty darn good. And I know that Lincoln County lost \$200,000 and they picked it up; didn't buy another road grader, so we're still driving in those wagon ruts. And it's a big deal. When we come to the counties that we're doing...we keep passing unfunded mandates. Hopefully, there's going to be an interim study this year and just list those. And this, certainly, was the big one last year that LB561 did not... [LB561 LB907A]

SENATOR GLOOR: One minute. [LB907A]

SENATOR HANSEN: ...adequately fund the bill that we passed. And I don't know whose fault it is. I'll take responsibility. I took responsibility at the county meetings that I went to. I thought it was covered. We called Senator Ashford's office and they said, no, it's going to be covered. Well, it never was covered. So, part of the reason we have excessive high property taxes in the state is because of these unfunded mandates. Hopefully, we can get some of that taken care of this summer. Thank you, Mr. President. [LB907A]

SENATOR GLOOR: Thank you, Senator Hansen. Senator Krist, you're recognized. [LB907A]

SENATOR KRIST: Thank you, Mr. President. I won't spend a lot of time. Senator Hansen, would you yield for a return question and dialog, please? [LB907A]

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SENATOR GLOOR: Senator Hansen, would you yield? [LB907A]

SENATOR HANSEN: Yes. [LB907A]

SENATOR KRIST: If you'll put your county in touch with my office, I'll walk them through recouping what we can out of the \$200,000-plus either from county aid or from the additional money that we're giving to the counties or the LB561 cleanup bill, that's what that was designed to do. [LB561 LB907A]

SENATOR HANSEN: Can I ask you a question? [LB907A]

SENATOR KRIST: Yes, sir. [LB907A]

SENATOR HANSEN: Do you know the total amount that LB561...that the counties incurred with the total across the state might be? [LB561 LB907A]

SENATOR KRIST: The \$200,000 for Lincoln County... [LB907A]

SENATOR HANSEN: Just our county. [LB907A]

SENATOR KRIST: Just your county, is relatively indicative of per capita size of county in terms of what they took out of their pocket. That's why NACO came back in the negotiation for the LB464, which was LB561 and LB464 cleanup, that's why NACO was so heavily recruited, listened to, took their inputs over the last nine months. We wanted to make sure...and I understand hindsight is 20/20, foresight requires a little more information. I think we have the data so that it will never happen again. And I think there's a vehicle...I know that there's a vehicle in place with the funds that were made available through Appropriations to try to make them as whole as possible at this point. [LB464 LB561 LB907A]

SENATOR HANSEN: Okay. [LB907A]

SENATOR KRIST: Thank you. [LB907A]

SENATOR HANSEN: I'll buy that. I'll buy that. Thank you. [LB907A]

SENATOR KRIST: And again, if you'll put them in touch... [LB907A]

SENATOR HANSEN: I'm not going to pay for it. I'll buy your idea. [LB907A]

SENATOR KRIST: If you'll put them in touch directly with me, I'll answer to you whether you're here or not. [LB907A]

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SENATOR HANSEN: Okay. [LB907A]

SENATOR GLOOR: Thank you, Senator Krist and Senator Hansen. Are there other senators wishing to be recognized? Seeing none, Senator Ashford, you're recognized to close. Senator Ashford waives. The question is: Shall the amendment to LB907A be adopted. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB907A]

CLERK: 37 ayes, 0 nays, on adoption of the amendment. [LB907A]

SENATOR GLOOR: The amendment is adopted. [LB907A]

CLERK: I have nothing further on the bill, Mr. President. [LB907A]

SENATOR GLOOR: Senator Murante for a motion. [LB907A]

SENATOR MURANTE: Mr. President, I move to advance LB907A to E&R for engrossing. [LB907A]

SENATOR GLOOR: Members, you've heard the motion. Those in favor say aye. Those opposed say nay. LB907A is advanced. Items for the record, Mr. Clerk. [LB907A]

CLERK: Mr. President, very quickly, two confirmation reports from the Transportation Committee both signed by Senator Dubas. And an amendment, Senator Krist, to LB665 to be printed. That's all that I have. (AM2868, Legislative Journal pages 1456-1457.) [LB665]

SENATOR GLOOR: Thank you, Mr. Clerk. We return to the agenda, LB999. [LB999]

CLERK: Senator, I have E&R amendments first of all. (ER225, Legislative Journal page 1274.) [LB999]

SENATOR GLOOR: Senator Murante for a motion. [LB999]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB999]

SENATOR GLOOR: Members, the question is the adoption of the E&R amendments to LB999. All those in favor say aye. All those opposed say nay. The amendments are adopted. [LB999]

CLERK: Senator Chambers would move to amend AM2854. (Legislative Journal page 1457.) [LB999]

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SENATOR GLOOR: Senator Chambers, you're recognized to open on your amendment. [LB999]

SENATOR CHAMBERS: Thank you. Mr. President, I'm withdrawing that amendment. [LB999]

SENATOR GLOOR: With no objection, so ordered. [LB999]

CLERK: Mr. President, Senator Coash would move to amend. Senator Coash would offer AM2887. Mr. President, Senator Coash pursuant to that offer would move to suspend Rule 7, Section 3(d) to permit consideration of AM2887 to the bill. (Legislative Journal page 1458-1461.) [LB999]

SENATOR GLOOR: Senator Coash, you're recognized to open on your motion to suspend. [LB999]

SENATOR COASH: Thank you, Mr. President. Good morning, colleagues. I will make this quick. AM2887 is an amendment that combines the three amendments that we adopted onto LB799 last night, the amendment with regard to autism; removing a sunset on cancer drugs, and the compromised worked out with Senator Conrad's bill on amino acids. I would ask that you allow for this rule suspension and adoption of this amendment so that we can be done with this and send it on to Final Reading with this bill. Thank you, Mr. President. [LB799 LB999]

SENATOR GLOOR: Thank you, Senator Coash. Members, you've heard the motion to suspend the rules. Senator Chambers, you are recognized. [LB999]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, for the record, the amendment that I had filed on this bill would have dealt with my original bill to take away the authority from the Game and Parks Commission to set up a season for hunting mountain lions. I know that that amendment is not germane to this bill. But in order that some of my colleagues will understand what I've repeated again and again, we're here in the morning and maybe minds are clearer and more receptive. I have placed that amendment on practically every bill, maybe every bill. And on some of those bills, I'm going to do as I did here today, just now, I will pull it. On others I will discuss it a bit. On others I may take it to a vote. But that is for me to determine later. Senator Hadley had made some comments, and I'm sure others will make them, but as far as the discussion of this amendment that Senator Coash is offering, I'm only going to say this: when that bad insurance bill to which three amendments were added first came before us I argued as strenuously as I could against it; made it clear I did not support that bill. Yesterday, I talked for what I considered a good little bit of time to some parents about the autistic amendment, the insurance. And I explained my attitude toward that bill, and it didn't come as a surprise to them, maybe somebody told them.

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And I said that Senator Coash is trying to find a way to move that bill, but I think he picked a very bad bill to do it and made it clear how strongly I felt against that bill. I don't think they were pleased, but I think they understood my position. Three amendments that are now the subject of this offering by Senator Coash were added to that bad bill by considerable votes on behalf of each one of them. And I voted for each one of them. I take a very liberal view of germaneness. I made it clear throughout that no matter what happened I was going to try to remove from that bill the original language Senator Carlson put into it that would hide the salaries of these high-paid insurance executives. I offered an amendment to do that, the body chose to prevent that from happening, the bill did not advance, and it shouldn't have surprised anybody because I had stated throughout how I felt about the bill. Senator Coash is trying...I'll let him explain what he's trying to do, but I wanted it clear that the amendment that I withdrew related to the mountain lions. Thank you, Mr. President. [LB999]

SENATOR GLOOR: Thank you, Senator Chambers. Senator Ashford, you're recognized. [LB999]

SENATOR ASHFORD: Thank you, Mr. President. LB999, as you recall, probably, is the bill dealing with the Hastings mental health facility for inmates with mental illness. And this body has supported that bill, certainly, on General File. It's an important bill and I, certainly, urge that we continue to support it. Senator Coash has done the right thing on...with the autism bill and I appreciate Senator Chambers' remarks. This is an extremely important bill. It's an issue that has been before us as long as I've been in the Legislature in some form. And I, again, I applaud Senator Coash, as I do often, for all the work he does for people who need the help of their state government. And so with that I would strongly urge the adoption of AM2887 and the advancement of LB999 as amended. Thank you. [LB999]

SENATOR GLOOR: Thank you, Senator Ashford. Senator Seiler, you're recognized. [LB999]

SENATOR SEILER: Mr. President, members of the Unicameral, I don't speak very often on a bill, but again I don't have a...usually a priority, and this is my priority bill. And I think it's very important and a good utilization of this state's assets that they currently have. I was asked by Senator Coash if he could amend. I have no problem with his amendment and his motion to suspend the germaneness rule. Thank you. [LB999]

SENATOR GLOOR: Thank you, Senator Seiler. Senator Bloomfield, you are recognized. [LB999]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I support everything that Senator Coash is attempting to do here. But I think we've crossed a bridge too far. Even if we suspend the rules here, I fear we may be approaching, if not crossing the

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line of constitutionality. There are two people in this body that I usually ask those sort of questions to. Senator Avery wasn't available. I had a brief conversation with Senator Schumacher and I would like to ask him a question if he would yield. [LB999]

SENATOR GLOOR: Would you yield, Senator? [LB999]

SENATOR SCHUMACHER: Yes. [LB999]

SENATOR BLOOMFIELD: Senator Schumacher, we had a very brief conversation off the mike. Do you concur with my thought that we are probably crossing a bridge into unconstitutionality with this? [LB999]

SENATOR SCHUMACHER: Well, you know, I...one thing a lawyer never does is try to guess what a judge will do because they're a lot higher pay grade, but the constitution says one subject per bill. And it's real hard to see the connection between autism and the criminal system. [LB999]

SENATOR BLOOMFIELD: Thank you, Senator Schumacher. Colleagues, what Senator Coash is attempting to do is laudable. I don't believe this is the place to do it, as much as I would like to see it done, I cannot support it here for fear of what a good lawyer might do to us down the road. Again, I'm...throw out a little caution flag; let's be careful what we do here. Thank you. [LB999]

SENATOR GLOOR: Thank you, Senator Bloomfield. Senator Hadley, you're recognized. [LB999]

SENATOR HADLEY: Mr. President, members of the body, I'd like to follow up on that. I'm certainly going to support the suspension of the rules and the amendment. But I think we're absolutely raising a red flag when we sit and suspend the germaneness rule, because what we're saying to the people in the courts, we've suspended the rule. You can't suspend the constitution. So I would hope, as time goes on and we have more of this type of thing, we might look at severability clauses in the bill that could deal with this kind of situation so you don't lose the whole bill if a constitutionality issue is raised. It's too late right now, but my understanding is we cannot suspend the constitution. That's there. And by suspending the germaneness rule, we're waving that red flag and saying, we have done this differently than the constitution says we should do it. With that, I will support it, but I think as time goes on and we have other questions about germaneness, we have to understand that you risk the entire bill on a constitutional issue when you raise the red flag that we know this isn't germane. So I will support the bill. I will support the germaneness rule override, but I think as time goes on we need to take long, hard looks at suspending the germaneness rule. Thank you, Mr. President. [LB999]

SENATOR GLOOR: Thank you, Senator Hadley. Senator Wallman, you're recognized.

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[LB999]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Would Senator Seiler be open to a question? [LB999]

SENATOR GLOOR: Senator Seiler, would you yield? [LB999]

SENATOR SEILER: I will. [LB999]

SENATOR WALLMAN: Thank you, Senator. Wouldn't you agree that there are some autistic people in prison? [LB999]

SENATOR SEILER: I'm sorry, I didn't hear you. [LB999]

SENATOR WALLMAN: Would you agree that there are some people with autism in prison? [LB999]

SENATOR SEILER: Well, I'm sure there is... [LB999]

SENATOR WALLMAN: Okay. Thank... [LB999]

SENATOR SEILER: ...and I'm sure that the autism is mental health issue. [LB999]

SENATOR WALLMAN: Thank you. Thank you, Mr. President. [LB999]

SENATOR GLOOR: Thank you, Senator Wallman and Senator Seiler. Senator Krist, you're recognized. [LB999]

SENATOR KRIST: Thank you, Mr. President. Good morning again, colleagues. Good morning, Nebraska. I'll be brief. I was in the Chair last night for the debate and I think you have already spoken. If I pull up the voting record, I would see that those of you who may be objectionable today had no problem with the germaneness yesterday because the rule was not challenged. Now the one thing that that Chair cannot do is not respond or respond without the challenge. Had the challenge been issued while I was in the Chair on these three bills, I would not have considered them germane. But, folks, I said it last night and I'm going to say it again, we have spoken on this. As a body, we feel that these three items...let me not say that. Those that voted in "aye" have spoken. Within on my vote, I have said that these three individual topics are important enough at this time during the session to suspend the rules and send it forward. I hear what Senator Hadley is saying. I understand his caution. But I have to tell you, you've already said this last night. Let's just go ahead and put it on today. But my caution is this: Be ready, if there is a challenge, to justify it with a veto override, if necessary, and be ready to stand behind what you are doing today. Is it important enough to send forward?

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Absolutely. Absolutely. Remember how you voted last night. Vote green on AM2887 and, of course, on LB999. [LB999]

SENATOR GLOOR: Thank you, Senator Krist. Senator Chambers, you're recognized. [LB999]

SENATOR CHAMBERS: Mr. President, members of the Legislature, so that it's clear, I said I wouldn't speak on Senator Coash's amendment, but we're on suspension of the rules now. This amendment and the part I meant, the worthiness of it, is beyond debate. But we're not talking about that now. The suspension of this rule by the Legislature means nothing whatsoever. And because I have to come back here next year, I'll tell you all what I propose to do. If you...I don't care if you suspend the rules or not. If you adopt this amendment, I'm going to offer my mountain lion bill as an amendment. It is no more ungermane than this amendment. And if you adopt this amendment and not mine, I will file an action to have this bill declared unconstitutional because it contains two subjects. You all know that. Autism is not what I'm talking about. I'm talking about our process now. And I don't care what happened last night. I told Senator Coash--I'm going to repeat it again--Friday that I didn't like that insurance bill that he was adding his amendment to. And to rectify and correct it I had an amendment drafted so that after he got the Legislature to adopt his amendment--because I knew the Legislature would--my amendment would strike everything from that bill, everything, but also contain the reinsertion of his amendment. And the only thing that bill would have carried was his amendment. You all don't pay attention. You don't listen to me, but the record shows it. That's what I offered and it made no difference. You went ahead and did it anyway. You added all three of them. So I tried to use a different methodology to clean up the situation that had been created by you all acting emotionally. I offered an amendment to strike from that bill everything pertaining to concealing the salaries of those insurance executives, and I explained why I wanted to do it, but you didn't pay attention. Senator Lautenbaugh, who's led you all, didn't pay attention. So what did you do? The amendment that would have saved your three amendments you voted down. You voted it down and you doomed that bill and everything with it. Who can say that they did not know what my attitude toward that bill was? Not one of you. But I tried to clean up the mess that you made, and you didn't want to do that. You went headlong, and I did what should have surprised nobody. I used the Rules of the Legislature to kill a bad bill. As you added those amendments, I said you're in the process of trying to bring a clean thing out of an unclean thing; you're trying to dilute the pollution. But with all the diluting, you did not remove it. That's what I said, words to that effect. Get the transcript. And now what you did is coming back to bite you. So I'm not going to go along with everything that happens today. [LB999]

SENATOR GLOOR: One minute. [LB999]

SENATOR CHAMBERS: I will not say that what Senator Coash is trying to do is not

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worthy. It is worthy, but so is my attempt to save a species. But I knew that that bill, that amendment I had was not germane. And if for any reason it seemed like it would have been adopted, I would have been the one to stand and withdraw it, because I think this bill is so important. And I'm shocked at Senator Seiler. I'm going to turn on my light because I can't say it all right now. Thank you, Mr. President. [LB999]

SENATOR GLOOR: Thank you, Senator Chambers. Senator Scheer, you're recognized. [LB999]

SENATOR SCHEER: Thank you, Mr. President. We're getting to the end of a session and we are running out of time. But I do not believe that we should lower ourselves to put people at risk selfishly. We all have had bills, we have all had our own defeats, we have all moved on. My bills were just as important to me as they were to Senator Kolowski, as they were to Senator Davis, or they are to Senator Chambers. We have all tasted defeat. We should not put this body and the other bills at risk for a vengeful manner. And I do consider this a vengeful manner. We have rules. Senator Chambers is within his rights to do whatever he would like to do or choose to do in relationship to challenging bills. But you should not be using your bills as threats against this body or its members in how we choose to vote. You continue to say we do not listen. We do listen. We may not vote in the manner that you would like us to vote. We vote using our own opinions. That's what we are sent here to do. I think we all need to step back and take a breath and move forward and try to do it in a realistic approach, looking at bills and looking at them at what they are and voting them up or down, not basing our decisions--what if we do this, what consequences will come from another individual? That is bad policy being put together. We need to start using the decorum that this body demands. And looking at the future, we will all have things that we would like to have over. Senator Chambers has had his opportunity several times, and from what I've looked at, he probably will have perhaps that opportunity again, but its passage should not be contingent upon a threat to another bill but on the merits of his own bill. It should stand and support itself, and he should not be leveraging the support of that bill against someone else. That's just my opinion. I don't have skin left in the game. If Senator Chambers wants to provide a wrath in the future, I'm certainly here for another couple years and he can have his fair game at that. But we are at the end. He can use the rules to which he would like, but it should not be in an intimidating manner and that's what I have been noticing over the last couple days. Bills should stand on their own. Thank you, Mr. President. [LB999]

SENATOR GLOOR: Thank you, Senator Scheer. Mr. Clerk for a priority motion. [LB999]

CLERK: Mr. President, Speaker Adams would move to recess the body until 1:30.

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

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RECESS

SENATOR WATERMEIER PRESIDING

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

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

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

CLERK: I have nothing at this time, Mr. President.

SENATOR WATERMEIER: (Visitors introduced.) Mr. Clerk, the first item on the agenda.

CLERK: Mr. President, returning to LB999, pending is an amendment by Senator Coash, AM2887, and a motion to suspend the germaneness rule to permit consideration of that amendment. [LB999]

SENATOR WATERMEIER: Thank you. Senator Coash, would you like to refresh us on your amendment to suspend the germaneness rule? [LB999]

SENATOR COASH: Thank you, Mr. President. This is what it is. I told the body that I would do whatever I could to get this to the finish line. This was a bill...here's what I would tell you. This is a stretch and I'm not going to try to pretend that it isn't. People with autism who don't get this treatment can end up in places that are purported in LB999. There's your connection. It's an insurance bill hooked onto a Corrections bill. Our prisons are full of people with disabilities that went untreated. Our prisons have become the dumping ground for people with mental illness who have been untreated. There is a young man with autism, currently doing time. He started out in the prisons, but they realized quickly that the prison could not manage his mental health or his behavior; so he ended up at the Lincoln Regional Center. Senator Avery will tell you, he's talked with the individual's mother several times, and she would tell you that but for the support that her son needed, he would not be in prison. And it is likely that when he is done with his sentence he won't get out either. When we talk about providing mental healthcare, treatment for people with mental illness, and people with disabilities, and we think that's all that we're talking about, it's not. We're talking about down the road what happens when we don't provide that. We spent a year...two years in Judiciary talking about how do we get to where we are with the prison population that makes LB999 necessary. So there's your connection. I'm challenged to figure out where this body is

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going. I heard none of these arguments about germaneness when we put e-cigarettes and cemeteries together. Didn't hear a peep. But now we've got concern that we can't do this. It is constitutional until found otherwise. And you have to ask yourself, looking down the road, why would somebody see the combination of LB999 and AM2887 and say, well, I don't like either one of those, so I'm going to challenge it on the basis of constitutionality. Senator Schumacher made a point on another bill, when will we see a challenge? We'll see a challenge when somebody is going to be put in prison because of a bill that was ungermane and hung onto another bill. It's not going to happen with this unless someone decides to make it happen. Colleagues, this was not my first choice. It wasn't my second choice. It wasn't my third choice. It is my last choice until I find another mechanism; but I won't give up on this. And we have to pay attention to what's going to happen over the next three days and how are we going to find the priorities to get them to the finish line. Because, right now, I'm baffled at the priorities that we have spent time on. It's amazing to me. But just because they weren't my priorities doesn't mean they weren't someone's. So I've sat back and I've watched how we've progressed for the last 57 days. Last night, at 11:30, we had...and you got the e-mails too. We had parents of people who needed this treatment in the balcony, baffled at what was going on. And I was at a loss for words as to what to tell them. All I could tell them was I'll keep trying; I won't give up. This suspension and this amendment is my effort, and I will continue to find, if this is unsuccessful, if I can find a better way, I'll use it. Thank you, Mr. President. [LB999]

SENATOR WATERMEIER: Thank you, Senator. The floor is now open for debate on the motion to suspend the rules of germaneness. Those in the queue wishing to speak: Senator Bloomfield, Senator Chambers, Senator Burke Harr, and Senator Ken Haar. Senator Bloomfield, you are recognized. [LB999]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good afternoon, colleagues. Senator Coash is right, we have mystified the people of the state of Nebraska. We are continuing to do that now. But as they're sitting out there or standing out there, those that are watching us are wondering is the constitution relevant anymore? Each one of us, some of you two years ago, some of us four, some six, some coming up on eight year ago, took a vow to uphold the constitution. As much as I'd like to see these amendments pass somewhere, if we do so we will be violating our pledge to uphold the constitution, because there's no doubt I don't think in anybody's mind where this leads us. If there's a better way, I hope we can get it done; but I don't think doing it here is proper. This is a process. There is a way to do things. Colleagues, this isn't it. Thank you, Mr. President. [LB999]

SENATOR WATERMEIER: Thank you, Senator Bloomfield. Senator Chambers, you are recognized. [LB999]

SENATOR CHAMBERS: Mr. President and members of the Legislature, no ifs, ands,

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but about it, the institution's integrity is what we are talking about. If you are going to be swayed...and I don't know what Senator Scheer said when he was mentioning my name and taking it in vain, obviously, because I was in another conversation. But if they are trying to tell you that because I say if you don't do this, then I'm going to do that, that's irrelevant. What is relevant is that it would be totally irresponsible, and worse than that, to know that a piece of legislation is unconstitutional, and you say, well, because Ernie said this, I'm going to go for it anyway; this means so much to me I'm going to do it anyway. Do it. If you've got 25 votes, you can do anything you want to; in some situations, 30. Do it. And that's why they have a court. So you did it but you violated the constitution and they throw it back to you. Now you all saw what happened last night when you followed people out of the wilderness into the swamp, and you haven't learned yet. I'm going to stop looking at Senator Bloomfield on this because he's, for a change, he's correct. But Senator Hadley is the one who surprises me. He knows that this will be unconstitutional, but he'll vote for the amendment...he'll vote for the suspension and vote for the amendment. If Senator Hadley is in the house, I'd like to ask him a question or two so I won't misrepresent his position. [LB999]

SENATOR WATERMEIER: Senator Hadley, would you yield? [LB999]

SENATOR HADLEY: Yes. [LB999]

SENATOR CHAMBERS: Senator Hadley, you were totally correct in your analysis of the constitutional provision prohibiting more than one subject in a bill. Is it your opinion that this amendment of Senator Coash would make more than one subject be in LB999? [LB999]

SENATOR HADLEY: Yes. [LB999]

SENATOR CHAMBERS: Did you say that despite that you will vote for the suspension motion? [LB999]

SENATOR HADLEY: Yes. [LB999]

SENATOR CHAMBERS: And that you will vote for the amendment? [LB999]

SENATOR HADLEY: Yes. [LB999]

SENATOR CHAMBERS: And you know that that would make...and when I say--you know, based on your analysis, that that will make the bill unconstitutional? [LB999]

SENATOR HADLEY: Yes. [LB999]

SENATOR CHAMBERS: But you're going to do it anyway? [LB999]

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SENATOR HADLEY: Yes. [LB999]

SENATOR CHAMBERS: Saints preserve us. Thank you, Senator Hadley. The only thing that I can say about him is that he's honest. But he's honestly wrong. What have we come to, members of the Legislature, when we can answer yes to all those questions, knowing what it is? You all think that I'm making a mockery of your process? You know why I have to deal with you like I do? Because you won't follow your own mind. You will ignore what your own intelligence tells you, you ought to do. You know the difference between you and a cougar? I like to talk about that because it makes people so angry. I own them. Animals supposedly belong to a lower order. They are part of the lower kingdom. What separates human animals from the lower kingdom animals is your mind. You are a rational animal. But rather than it being the indefinite article "a," then the word "rational" and then attach that to "animal," it should be irrational, i-r-r-a-t-i-o-n...a-i-o-n-a-l. We're talking about the meaning of words and the power of words. Words mean something. And when our mind tells us that a course we're pursuing is not the correct one... [LB999]

SENATOR WATERMEIER: One minute. [LB999]

SENATOR CHAMBERS: ...to continue to pursue that course constitutes irrationality. A philosopher would say that kind of conduct is unintelligible. There is no basis in reason for something like that to be done. And for a creature who is rational to do such a thing is dealing in that which is unintelligible. There is no way you can cut it, slice it, or dice it, and make sense out of it. It's that irrational. And I like Senator Hadley and I wrote the rhyme about all these different body parts he had to get so I would call him the bionic man. I didn't think I'd be writing one about the need for a brain transplant. That's a professor. That's one who taught other people how to use their brains. And I'm going to try to encourage him and others to use theirs. Thank you, Mr. President. [LB999]

SENATOR WATERMEIER: Thank you, Senator. Senator Burke Harr, you are recognized. [LB999]

SENATOR HARR: Thank you, Mr. President and members of the body. If the Legislature were Twitter, the trending word would be "germaneness." This is very interesting because I, like others, really like Senator Coash's bill. I may not like the personal attacks that were sent my way, talking about I don't know what we did last night. Well, I can tell you what we were doing last night. Just this: germaneness, whether something was germane or not. That's what the...at the end of day, that's what last night was about. We had three amendments--questionable germaneness. I came along, but because I wasn't one of the cool kids, as often happens in my life, I wasn't allowed to play. So here we come back today on a different bill and we have germaneness. Now we're going to suspend the rules--and we can do that, it's a rule;

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nothing wrong with that--but what we can't do is suspend the constitution. So you have to ask yourself, how important is this to you? Because there's a right way and a wrong way to do things. Here's what we're doing--we're gambling. We are making a gamble, it may be uneducated but a gamble nonetheless, that no one will question the constitution...constitutionality; no one will challenge this. It's something to think about because I don't really think you can draw a direct link. Last night I heard Senator Coash talk about when he put this amendment on the other bill. Insurance/insurance, it's germaneness. And he was right, they both had to do with insurance. I tried that same argument. By the way, he didn't vote for me. He said, nope, it's not insurance/insurance; you, Senator Harr, are nongermane. That's fine; I accepted it. But this isn't even insurance/insurance. He has a good ends, but I'm not sure if the means here justified the ends. Senator Scheer, right before lunch, got up and said we all have scars; we've won some, we've lost some; we moved on. I'll tell you what, when he started that, I thought that comment was being aimed at Senator Coash. It turns out it wasn't. It was aimed at Senator Chambers. I don't know. We've got a cookie here, folks. How are we going to split this cookie? You know, here's what could happen: We try to split the cookie the wrong way and the courts are going to come in, and you know what they're going to do? They're going to eat the whole cookie. It's something to think about. Something...we're taking a gamble here. I think anyone will concede that. When someone wants my vote, though, let me just say, to insult what I did and my manners of how I did that, for those of you who want to know in the future, probably not the best way to do it. We're having a professional...we are professionals, we're having a debate here. That's what we are--debating. How is the best way to pass a bill? What is good policy? And when you win, great; when you lose, you know what, you've got to be gracious in defeat as you are in victory. This is nothing personal, guys. I understand someone is going to say, yeah, this is personal; this is about the healthcare of these individuals. And I agree with that. But the way that we pass this, the procedures, that's what I'm talking about. That's what we have to preserve here. Because guess what? If we don't follow the rules, we're setting a dangerous precedent and we become a mockery. [LB999]

SENATOR WATERMEIER: One minute. [LB999]

SENATOR HARR: Thank you, Mr. President. These rules have been put in place because we know if we follow these rules, for the most part, our laws will be constitutional, and we know that we can function as a body. We're towards the end. Some of you are getting tired. Some of are getting a little frustrated. I understand that. But again, does the ends justify the means? Is it worth the gamble? Do we want the courts to come in and eat our cookie? Thank you. [LB999]

SENATOR WATERMEIER: Thank you, Senator. Senator Ken Haar, you are recognized. [LB999]

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SENATOR HAAR: Mr. President and members of the body, Senator Harr, I think the Haar/Harr boys are cool. (Laugh) I'm not so sure where I am on germaneness, whether I'm going to vote for this or not. I understand this is an important health issue, but we have tried to deal with some important health issues so far in the legislative session. For example, 54...expanded Medicaid for 54,000 Nebraskans. And here we're talking about...well, I'm not sure. I'd like to ask Senator Coash a question if I could. Is he...? [LB999]

SENATOR WATERMEIER: Senator Coash? [LB999]

SENATOR HAAR: I guess he's not here right now. I'm sure this is an important health issue. But again, we've passed up other important health issues that we're dealing with in the right manner. The bills were there, and so and so forth. And now we're being asked to suspend the rule, jeopardize the whole bill. So I'm having some real problems with this. Thank you very much. [LB999]

SENATOR WATERMEIER: Thank you, Senator. (Visitors introduced.) Senator Hansen, you are recognized. [LB999]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. My wife is about to retire after almost 40 years of working with children. About 12 years ago she started working with autistic children, and there were very, very few of them and there wasn't a thing called the autism spectrum. She helped develop that in the North Platte Public Schools. She doesn't have the degree. She just has a bachelor's degree in speech pathology back when you didn't have to get a master's. But she has experience, and that experience has really worked, especially these last 12 years with autistic children. She goes out into a house and does an assessment of the child. If she suspects autism as young as six months or a year, she tells the autism team. The autism team gets together and goes out and interviews the parents and the child. I don't know what to say to Senator Coash. I know how important this is to him. It's important to me. A few years ago when I was on the Appropriations Committee, Gail Werner-Robertson came in, and said I'll put some money up if the Legislature will put some money up, and we'll start to do something with autism. I was 100 percent behind that bill. We put some money in it, and then things just kind of fell apart, and I don't know what the rest of the story was on that. But autism is something that if caught quickly, caught soon in life, they claim that most of these children can go to kindergarten and be normal, natural; just a healthy little kid with an autism problem that's been solved at a very, very early age. So I know where Senator Coash is coming from. We talked about this bill last night. Unfortunately, it was timed out and the bill went away. We have to take our lumps in here, and celebrate our wins and take our lumps. And I will not vote to suspend this germaneness rule. I read the constitution where it says that a bill has to have one subject. It's pretty plain, even I can read that. I agree with Senator Bloomfield and Senator Chambers that we should not suspend the germaneness rule to attach this

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to a bill that has nothing to do with autism. And I wish Senator Coash the best of luck next year in getting his bill passed. But that's what needs to happen at this time. Thank you, Mr. President. [LB999]

SENATOR WATERMEIER: Thank you, Senator. Senator Chambers, you are recognized and this is your third time on this motion. [LB999]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, you're observing the consuming of a lot of time, aren't you? And you're not upset with it, are you? Are you? And it's being consumed by somebody who didn't get what he wanted. Is that true or is that false? And you're not upset. You get upset with me. But I don't quit and I'm going to do what I think I ought to do. But I know that my mountain lion bill is not going to be added to a bill this session, but I'm still going to talk about it. And when we come to these issues, even last night when I had that amendment up there, I'm the one who raised the germaneness issue. I told you. But you don't pay attention. You're what is called, if you're dealing with children, hardheaded. Look at all the time that's being taken. You don't like me and you don't like my bill, so that's why you vote against it. But you've got people voting for this bill when they tell you it's unconstitutional and they know it. Do you all have no respect for this institution? You talk about democracy and you make a mockery of the democratic process of lawmaking, and then you're going to be examples of anything? Who doesn't feel sorry for somebody who is in pain? But that's not what we're talking about. We're talking about a system, we're talking about a process, and we're talking about a constitution. And the constitution that I've tried to defend while I was in this Legislature has been polluted by you all, such as putting in a provision to protect hunting, fishing, and trapping. And if I remember it, I'm going to bring you some information where this same idea was presented when they were adopting the U.S. Constitution, and it was ridiculed and laughed at. Made to be...it was shown how silly it is. And that's what you all went for. And because I try to protect your constitution, you say I'm against hunting. Sheer stupidity. Even the gods--I think it was Schopenhauer (sic--von Schiller) who said even the gods labor in vain against stupidity. And that's what I'm confronted with down here a lot of times. You all know better and you won't do better. You go along to get along. Then because I'm your conscience, because I'm going to practice what I preach, and I'll preach it, I'll say it, and I'll continue and I'll continue. And I'm not criticizing Senator Coash for what he's doing. I tell people around here, whatever your mind and your conscience tell you to do, do it. But if I disagree with it, I'm going to oppose it and I'll tell you why. And this should be opposed because it's unconstitutional. There is no doubt about it. And if you do it anyway, then I'm going to have it declared unconstitutional because I'll take it to court to teach you all a lesson so that the next five years I have down here I won't have to deal with this kind of foolishness all that time. And I'll let you know if you won't assume your responsibility here, I'll assume mine and go to the other branch of this government and tell them: correct what my colleagues deliberately, knowingly, intentionally do in violation of the constitution. That's what you're doing. Feeling sorry for somebody is

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what we can all indulge in. But that's why those of you who have a heart, have a heart. It can lead you everywhere. But when your heart goes AWOL, your brain comes in and your brain tells you, this is what you ought to be doing. The heart is like a herd of cattle. The brain is the cowhand who knows how to manage those cattle. Don't let them stampede in the first place. Keep control. Keep your mind operational. And you don't have to if you don't want to, but at least I'm on record as being sane. Thank you, Mr. President. [LB999]

SENATOR WATERMEIER: Thank you, Senator. Senator Karpisek, you're up next. [LB999]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I want to...I've heard a lot of people complain that this isn't germane. If you read the board, it says to suspend the germaneness rule. But I don't know how many people have stood up and said it's not germane. We know that. That's why we're trying to suspend the rules. We suspend the germaneness rules in here fairly often, and it's been more often here lately. My LB998, I just looked, I think had three motions to suspend the rules on it, two by Senator McGill and one by Senator Seiler. We didn't hear all this on that. I don't understand that. We know it's not germane. We're just trying to get these bills passed. And Senator Chambers talks about you feel sorry for someone. I don't so much feel sorry for Senator Coash; I feel sorry for the kids that are stuck in this, and the parents, that won't get autism treatment, won't get the formula, and Senator Nordquist's oral chemo, if that...we'll probably have time for that. That's who I feel sorry for. Would Senator Chambers yield, please? [LB999 LB998]

SENATOR WATERMEIER: Senator Chambers? [LB999]

SENATOR CHAMBERS: Yes. And I never said I was sorry for Senator Coash. I said everybody is sorry when they see children hurting. At least that was the context in which I made my comment... [LB999]

SENATOR KARPISEK: Okay, well, thank you for... [LB999]

SENATOR CHAMBERS: ...but I will yield. [LB999]

SENATOR KARPISEK: I probably heard that wrong, Senator Chambers. [LB999]

SENATOR CHAMBERS: Yes. Okay, but I yield. [LB999]

SENATOR KARPISEK: Okay. But here's my thought, Senator Chambers. You feel very sorry for the people that did not...because LB887 did not pass, correct? [LB999 LB887]

SENATOR CHAMBERS: What was LB887? Oh, the... [LB999]

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SENATOR KARPISEK: The Medicaid expansion. [LB999]

SENATOR CHAMBERS: Yeah, I was more than sorry. I was very irritated. [LB999]

SENATOR KARPISEK: And I was too. But now we have a little bit of chance here to make up for some people that need help. Is that a different...? [LB999]

SENATOR CHAMBERS: You're trying to pour water in a bucket that's got a hole in it. You can pour all the water in it you want to, but the bucket is not going to hold it. Nobody will benefit from this. The bill will become unconstitutional. That will fall. The facility in Hastings will be wiped out also. [LB999]

SENATOR KARPISEK: But, Senator Chambers, don't we often suspend germaneness rules? Maybe not often...some. [LB999]

SENATOR CHAMBERS: Answering the question as you asked it: certainly. [LB999]

SENATOR KARPISEK: So what makes this different? [LB999]

SENATOR CHAMBERS: The suspension itself is no different from any other suspension. You just get 30 votes to suspend the rule so that you can talk about something. What makes the amendment different is that if it's adopted, it will cause the bill to have two subjects, and the constitution says that a bill can have only one subject and it must be clearly expressed in the title. [LB999]

SENATOR KARPISEK: And so any bill that we suspend the germaneness rule is unconstitutional. [LB999]

SENATOR CHAMBERS: No, it becomes unconstitutional only if it makes two subjects. And that's why I said my view of what the germaneness rule should be here is the same as the constitutional provision. If it does not result in two subjects, then it should be considered germane, meaning that it can be considered as an ordinary amendment because it's not going to bring about two subjects in the same bill. [LB999]

SENATOR WATERMEIER: One minute. [LB999]

SENATOR CHAMBERS: That's always been my position. [LB999]

SENATOR KARPISEK: And I understand that, Senator Chambers. I guess when I look at if we are suspending the germaneness rule on any bill, and that other bill gets adopted, then obviously we have two separate bills and two separate subjects or we wouldn't need to suspend the germaneness rule because it would be germane. [LB999]

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SENATOR CHAMBERS: What I feel is that you all have gone on the wrong course by requiring the suspension of the germaneness rule just to offer an amendment. That's where you went astray, and you all were doing that when I came down here; so maybe under the absence of leadership when I was gone, you adopted some of these silly things that now are biting you. A lot of these amendments do not require a suspension even of the Nebraska Legislature's germaneness rule. [LB999]

SENATOR KARPISEK: Okay, we'll... [LB999]

SENATOR WATERMEIER: Time, Senators. [LB999]

SENATOR KARPISEK: Thank you, Mr. President. Thank you, Senator Chambers. [LB999]

SENATOR WATERMEIER: Thank you, Senator Karpisek and Senator Chambers. Senator Brasch, you are next in the queue. [LB999]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. I will not vote in favor of suspending the germaneness rule. It's very difficult because we have two very worthy bills and amendment before us. Each one is contributing to the greater good, the greater good of helping make a wrong, right; and each one has great passion and purpose within it. But when I took my oath four years ago and when I became a member of the Rules Committee and when I stepped up as Vice Chair of the Rules Committee, several members of the past graduating class, the ten others that had been subject to eight years of sound experience and more, they stressed with me the importance, the high importance of our rules and their intent, and to pay close and careful attention to the rules. Because when you start to suspend them and you start to go down a different path, there's often serious consequences. It's a path you can't turn around from. And now we are talking about cookies, as if we were children, which we are not, and we are talking about different matters is, well, if so-and-so does it, why can't I do it? We're not children. We have a rule book that is sound practice and it...we do, on occasion, turned away from what has been written here. But this is happening as a practice and not sound policy. My concern is when 17 new senators take their seats and those others who are here and may be here, is what institutional knowledge are we leaving them? Do as you please, just have it germane...or suspend the rules. And I think that we need order so we can make logical, sound, practical, constitutional laws. I am concerned with what I am hearing and I'm also listening to those voices that said, watch the rules, study the rules. I've done just that. I've documented in the rule book where we have deviated from the rules and what the purpose is. These are two great bills, absolutely. But they are two separate bills. It is my hope that Senator Coash can move forward because I do support...I did support what we've had. But this is completely different. It is absolutely something that we are treading too deep into an area that we

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may not fully recover--not for this session, but for the sessions that follow. So I am telling you that although I support each, the AM, it should not be allowed to pass forward with LB999. Thank you, Mr. President, and thank you, colleagues. [LB999]

SENATOR WATERMEIER: Thank you, Senator. Senator Schumacher, you are next in the queue. [LB999]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Senator Coash asked me to buy a little time while they try to work this out. It's pretty clear that there are probably other vehicles, better situated vehicles, for uniting the trio of three amendments from last night onto and proceeding than this one. And hopefully there will be some resolution of that and some choices made in the next few minutes that would be better than the choices before ours. But as long as I've got to talk for five minutes, what we are observing is a need for some wisdom. I have a pretty good position, a seat in the house to watch Senator Chambers. And throughout this year, up to just a few days ago, I watched him bite his tongue, parse his words, and let things which I know he wasn't terribly fond of move through unfettered. We did some taxes, income tax relief. We did property tax relief. We passed some rules stiffening penalties, enhancing penalties. All those things had to be difficult pills to swallow. And so it should not surprise us now that when the one minor thing that he asked for was passed over, that there should be some consternation. We're just very lucky this didn't occur earlier in the session. But that being what it is, we are where we are. And if you look down this agenda, there's some fairly important things that we could, should get to. Some are important for regulatory reasons, some are important to our financial community, some are important to our ophthalmologists and optometrists. Just a whole list of them, you can see. And we passed these on General File already, so there's consensus on these things already. There's going to be some additional amendments they hung on some Christmas tree, if we wanted it to. And those additional amendments, probably had they been left on consent file, would have gone sailing through on five minutes of presentation. And we can do this. We can make this work, but we're going to have to work together and we're going to have to realize that we need to accommodate some things. As far as suspending the rules are concerned, I think the rule to suspend rules is okay, because it shows the wisdom in government that we know the rules we make won't always fit the situation. And if 30 of us can agree they don't fit the situation and prudence dictates that we do something different in the good of the state, we're free to do it within the limits of the constitution, which are very few. So I see that Senator Coash is back. I hope that we have a way to move forward, and let's see if we can figure out some creative way to accommodate everybody's interest before the end of the day. Thank you. [LB999]

SENATOR WATERMEIER: Thank you, Senator Schumacher. Senator Coash, you are recognized. [LB999]

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SENATOR COASH: Thank you, Mr. President. I would ask that the motion to suspend the rules and the underlying amendment be withdrawn. [LB999]

SENATOR WATERMEIER: Both amendment to suspend and the amendment are withdrawn. Seeing no one in the queue, Senator Murante, for a motion. [LB999]

SENATOR MURANTE: Mr. President, I move to advance LB999 to E&R for engrossing. [LB999]

SENATOR WATERMEIER: Members, you've heard the motion. All those in favor say aye. All those opposed, nay. The motion is adopted to Select File. Mr. Clerk. [LB999]

CLERK: Mr. President, LB999A, I have no E&Rs. The first amendment I have to the bill, Senator Chambers, Senator Chambers, I have AM2855. [LB999A]

SENATOR CHAMBERS: Is that my mountain lion bill, Mr. Clerk? [LB999A]

CLERK: It is, Senator. [LB999A]

SENATOR CHAMBERS: I withdraw that amendment. [LB999A]

SENATOR WATERMEIER: That amendment is withdrawn. [LB999A]

CLERK: Senator Conrad, I have AM2890, Senator. [LB999A]

SENATOR CONRAD: Mr. Clerk, I'd like to withdraw that amendment, please. [LB999A]

SENATOR WATERMEIER: Amendment is withdrawn. [LB999A]

CLERK: Mr. President, I have nothing further on the bill. [LB999A]

SENATOR WATERMEIER: Thank you, Mr. Clerk. Senator Murante for a motion. [LB999A]

SENATOR MURANTE: Mr. President, I move to advance LB999A to E&R for engrossing. [LB999A]

SENATOR WATERMEIER: Members, you've heard the motion to advance to E&R. All those in favor say aye. Those opposed, nay. The bill does advance. Mr. Clerk. [LB999A]

CLERK: Mr. President, with respect to LB1098, I do have Enrollment and Review amendments first of all, Senator. (ER235, Legislative Journal page 1409.) [LB1098]

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SENATOR WATERMEIER: Senator Murante. [LB1098]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB1098]

SENATOR WATERMEIER: Members, you've heard the motion to adopt the E&R amendments. All those in favor say aye. Those opposed, nay. The amendments are adopted. [LB1098]

CLERK: Mr. President, the first amendment I have to the bill is by Senator Lathrop, FA280. Senator, am I still to believe that you wish to withdraw and substitute Senator Carlson's AM2783? [LB1098]

SENATOR LATHROP: Yes, that's true. [LB1098]

SENATOR WATERMEIER: No objections, so ordered. [LB1098]

CLERK: Mr. President, Senator Carlson's AM2783. (Legislative Journal page 1433.) [LB1098]

SENATOR WATERMEIER: Senator Carlson to open on the amendment. [LB1098]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. Thank you, Senator Lathrop. On General File, the amendment that is now on the bill really established the new Natural Resources Commission to carry out the duties of the Water Sustainability Fund. And AM2783 begins with Section 3, which spells out the goals of the Water Sustainability Fund. That's on pages 1 and 2. Section 4 states that there should be an attempt by the commission to distribute equitably statewide the funds that are in the Water Sustainability Fund. It also mentions benefits that are possible for municipalities in sewer infrastructure amounting to 10 percent of the annual appropriation in the Water Sustainability Fund and gives the commission authority to allocate either grants or loans. Section 4 also indicates for an NRD to make application for funds from the Water Sustainability Fund they must have an integrated management plan. It also instructs the commission to utilize the expertise of the Department of Natural Resources, the University of Nebraska-Lincoln, Department of Environmental Quality, and the Environmental Trust Board, Game and Parks on issues related to funding and planning. It also specifies that there will be a biennial report that's due to the Clerk of the Legislature beginning December 15, 2015. Section 5 goes into how the commission should rank and score projects that are presented based on criteria. Section 6 gives instructions for those groups that want to file an application for funds. Section 7 indicates how the director of the Department of Natural Resources will review applications and make an evaluation that those applications are in good shape for the commission to evaluate and act upon. It also says that no member of the commission may participate in action on an application to an entity in which that member has any

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interest. Section 8 goes into how, after the work of the commission, the director will recommend if the application should be considered further. And that section also allows the commission to set its rules and regulations on how it would proceed and also instructions if there's a request for a loan versus a grant. Section 9 specifies that the Department of Natural Resources could also apply for funds from the Water Sustainability Fund. And Section 10 dictates that the Appropriations Commission shall, beginning with the 2019-21 biennial budget, conduct a biennial analysis of the financial status of the Water Sustainability Fund. Sections 11, 12, and 13, beginning on page 12, are really related to Senator Lathrop's portion of the amendment and I would yield the balance of time to Senator Lathrop. [LB1098]

SENATOR WATERMEIER: Senator Lathrop, 5 minutes and 20 seconds. [LB1098]

SENATOR LATHROP: Thank you. And thank you, Senator Carlson. As Senator Carlson said, my contribution to LB1098 in AM2783 is found in Sections 11 through 13. Essentially, this is what those provisions do: They require that certain river basins, as described in the amendment, develop a basin-wide plan. That basin-wide plan is done in collaboration with all the stakeholders and the interested parties in the river basin. And if they can develop a basin-wide plan to keep or to bring the basin to a sustainable place in terms of use and supply of water, they take that to the director of the Department of Natural Resources and they have themselves a basin-wide plan. If they are unable to reach agreement, then the NRDs attempt to reach agreement in the basin. And if they can, they go to the director. If the NRDs are unsuccessful or if the NRDs, once successful in developing a plan but are unable to reach agreement with the director, then they can go to the Interrelated Water Review Board where the Interrelated Water Review Board, which is already in statute, will sort out and ultimately develop a basin-wide plan. The goals of the basin-wide plan are to be, first, to develop a time line to reach sustainability. The most time they can take is 30 years. They can agree or determine that a shorter time line is more appropriate. The second thing they have to do is to develop a plan including milestones or benchmarks for accomplishing the task of getting to sustainability within the time period allowed. The integrated management plans of each of the NRDs in the basin must then be consistent with the basin-wide plan. And ultimately, those river basins that fall into the terms of this amendment and this basin-wide plan requirement will have to get to a place where they are in balance. And that's the whole point of this is that we get all the stakeholders in a river basin in the room, working on a solution to get the river basin in balance from a hydrologic point of view. And that's the Sections 11 through 13. Thank you. [LB1098]

SENATOR WATERMEIER: Thank you, Senator Lathrop and Senator Carlson. Senator Lathrop, you are next in the queue. [LB1098]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I want to, first, compliment Senator Carlson on his efforts. I know that we're both...we've both been

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here eight years and Senator Carlson has devoted a great deal of his energy in eight years to issues relating to water, trying to provide for this resource that's so important to agriculture and, at the same time, trying to bring the state to a place where we're not depleting over the long term our supply of groundwater and water in the streams. LB1098 is the result of the work of the Water Sustainability Task Force. That was the effort of an awful lot of people, including several members of this Legislature that spent a great deal of time last summer going about the state, taking in information, learning what they could about the health of each of the river basins, what needed to be done in terms of policy to get each of those basins to a sustainable place, and what water projects need to be done, and ultimately to come to the Legislature with a plan and a process. Senator Carlson's LB1098 and AM2783 does that. I do want to take a few minutes to talk a little bit about the basin-wide planning. I think it is critical. The bill...or the amendment right now would apply to the Republican, and I got to tell you that there probably isn't a basin that faces more challenges managing the natural resource than the Republican River because they have a compact which requires that they get a certain amount of the river or the water down to Kansas, and that is a challenge by itself. We are now requiring that they pay attention, or closer attention, and do that on a basin-wide basis to get to sustainable. And sustainable is an important concept. And when this amendment was up on General File, the definition of "sustainable" had stopped groundwater depletions, and that was an addition to the amendment by Senator Carlson. That was part of the objection that resulted in us going back and meeting some more. Make no mistake though that when we talk about what sustainable is, and there's a definition in the amendment that is essentially the water supply and the water uses are going to be in balance, it's for the long term. We must, we must, if we're going to have the aquifer and this natural resource available for generations to come so that agricultural producers out in western Nebraska and in the Republican River Valley in particular, will have this resource when they want to grow crops 200 years from now and that we don't allow it to be exhausted. And that's really the point of the basin-wide planning--to stop the long-term groundwater depletions. And I expect that the basin-wide planning and the hard work that's still ahead for the NRDs, which will be done with local control, local input, and local collaboration will get us there. Thank you. [LB1098]

SENATOR WATERMEIER: Thank you, Senator. Those in the queue wishing to speak: Senator Carlson, Senator McCoy, and Senator Kolowski. Senator Carlson, you are recognized. [LB1098]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I just want to review a little bit what went on prior to LB1098 becoming a reality and becoming a bill. And LB517, which was my priority bill from last session, created the Water Sustainability Task Force. And from the last of July until the first part of December that group of 27 people met for 20 full days. The senators that were a part of that group--Senator Schilz, Senator Christensen, Senator Kolowski, Senator Davis, and

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Senator Watermeier--were nonvoting members and they were very, very faithful in their attendance at these meetings and really had a lot of input. The group of 27 was made up of the current Natural Resources Commission of 16 members, 13 of whom are elected by the NRD boards in the basins across the state, and 3 appointed by the Governor. In addition to that, 11 more individuals were appointed by the Governor to round out voting members at 27, and the purpose of that was to include a wider range of groups that have an interest in water in the state. That was accomplished. Made a big difference in terms of discussion and priorities. This group talked about a structure of a commission going forward, about how projects should be evaluated and ranked. We had a lot of discussion about the concept of water sustainability, and we had discussions on potential sources of revenue to carry out this work. And I so much appreciate the effort of all these people that took part and were faithful in this process. And the concept of the state of Nebraska reaching a point where we have reached water sustainability, in layman's terms, I believe that that means that on average--you have to say "average" because we have wet years and we have dry years--but on average we're not using any more water than what our supply provides us. And if we are using more water than what our supply provides then we have two choices. One choice is to not use as much water and the other choice is to increase our supply. And I think for purposes of water quantity, water quality, and keeping municipalities, villages, domestic wells, manufacturing, outdoor recreation, all groups across the state in a position where they don't have a concern about water, we do need to do things to increase our supply. We increase our supply by holding back some of the million acre-feet of water that flows into the state every year and the 8 million acre-feet that flows out of the state. And that's what money is really for. That's a big part of what money is for in this effort to have an annual appropriation into the Water Sustainability Fund so that we can, through the work and evaluation of the new commission, conduct research, determine where those projects should be completed,... [LB1098 LB517]

SENATOR WATERMEIER: One minute. [LB1098]

SENATOR CARLSON: ...and move forward so that is done. And eventually, we increase our supply and we put the state of Nebraska in a position that no other state in the Union will be in. And we know that in agriculture we feed the world, and we also have other responsibilities to make sure our people across the state have adequate water. That's, in a nutshell, what water sustainability is about. It's so important, we need to accomplish it. And LB1098 will be a big step in that direction. Thank you. [LB1098]

SENATOR WATERMEIER: Thank you, Senator Carlson. (Visitors introduced.) Senator McCoy, you are next in the queue. [LB1098]

SENATOR McCOY: Thank you, Mr. President and members. It is good to always have our families here in the Chamber, and I hate to...hesitate to do it but I need to ask Senator Mello a question, if I might pull him away from the visitors over on that side of

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the Chamber. [LB1098]

SENATOR WATERMEIER: Senator Mello. [LB1098]

SENATOR MELLO: I suppose. (Laugh) [LB1098]

SENATOR McCOY: I apologize, Senator. I know it's poor timing. But I actually wanted to talk to you about page 2, starting on page 2 of AM2783, starting in line 10. And the reason I want to give you the opportunity here is...and I very much appreciate the hard work the Natural Resources Committee has done. I know you do too, Senator Mello. I served on the Natural Resources Committee for four years. It is a very, very tough task that they have to be the front line for the Legislature on water policy for our state, with agriculture being our number one industry. However, Senator Mello, this part, Section 4 of AM2783, doesn't have anything to do with water policy for agriculture. It actually talks about the sewer CSO issue in Omaha, part of which we discussed on the budget bills, particularly LB906, and I believe that you and I maybe even had some discussion over that. Can you outline for me what's being done in this amendment, with this section of the amendment, if you would? [LB1098 LB906]

SENATOR MELLO: I can, Senator McCoy, and I'd start off by saying, look, water sustainability is not purely about agriculture, and I think that's a misconception that maybe yourself or others would want to start the dialogue. I just want to make sure we're clear that that's not what LB1098 is all about is purely agriculture. It's about water sustainability, water quality, and looking to the long-term water policy. You mentioned line 10 on page 2, starting there. There's some language that Senator Carlson and I were going to talk on the mike to give a little bit more, I would say, legislative intent in respects to the specific sentence that gives priority funding status to projects which are a result of federal mandates. That's dealing more with any of the water projects that apply to the Natural Resources Commission that is a result of a federal mandate, through law or through a rule and regulation, specifically trying to address what Senator Crawford and what Senator Smith had mentioned in respects to the Offutt Air Force Base levy that's being...those changes that are being mandated by the U.S. Army Corps of Engineers. I think what you're looking at is further along on page 2, it discusses the 10 percent allocation for municipalities to apply for combined sewer overflow projects. The reality is, if you look throughout the bill, water infrastructure is listed throughout the bill that is a qualifying and important aspect of water sustainability policy. And I appreciate the Natural Resources Committee, those on the Water Funding Task Force, Senator Lathrop, and others who saw the need to try to address Omaha's unique water scenarios and situations as it relates to the combined sewer overflow. Because as unfortunately members only assume that this project is dealing with sewers, which is completely not the case. I think you were in a Revenue Committee meeting...or a hearing where the city of Omaha discussed water conservation projects being a critical component of that. [LB1098]

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SENATOR McCOY: I think that's LB760, Senator Mello. [LB1098 LB760]

SENATOR MELLO: Yes. [LB1098]

SENATOR McCOY: If I might, and I don't want to cut you off, but I'd like to draw your attention to line 26 on page 4 of the amendment and (12) and it talks about, "Addresses a statewide problem or issue." How, Senator Mello, is the Omaha CSO problem a statewide issue that fits within the confines of AM2783 and LB1098? [LB1098]

SENATOR WATERMEIER: One minute. [LB1098]

SENATOR MELLO: I think, obviously, the combined sewer overflow project, which is the largest water infrastructure project in the state of Nebraska's history and impacts the largest single economy in the state of Nebraska, as it relates to a general geographic area, is a statewide problem. And it would be a statewide issue to ensure that we continue, similar to what we've heard when it comes to the agriculture industry, of maintaining economic viability and sustainability for the ag industry. That same definition crosses over when it comes to water users in the greater metropolitan area that rely on water in a different light but somewhat in similar fashion ag users do. So I think addressing the largest public infrastructure project in the state is a statewide problem or issue and I'm glad to see that it's trying to be addressed in LB1098. [LB1098]

SENATOR McCOY: Well, I appreciate that, Senator Mello. But I also appreciate that I have a differing viewpoint, as does Governor Heineman, which was the reason that this whole issue was part of some of his line-item budget vetoes. [LB1098]

SENATOR WATERMEIER: Time, Senators. Thank you, Senator McCoy and Senator Mello. Senator Kolowski, you're next. [LB1098]

SENATOR KOLOWSKI: Thank you, Mr. President and Senators. I wanted to thank Senator Carlson for his leadership on this whole process that we've gone through in the last year. As one of the senators involved with the many meetings that we had, it was a pleasure to work with him and the other senators that were involved and to watch the committee as they worked on a tremendous amount of difficult material over the last year. And we all grew because of that. Also, a great thank-you to Senator Lathrop, both to Senator Carlson and Lathrop, for their extremely professional behavior, how they compromised on what they were working on, and how this has come together as far as LB1098 and AM2783. Senator Lathrop is absolutely correct on this...on his basin-wide planning ideas, and it's a great addition to the bill that's come before us and the direction we're heading as far as the planning and the processes that were put in place with all that we're doing here in Nebraska. Keep in mind that we have a great resource

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with the University of Nebraska-Lincoln. And the extension division insert in the World-Herald last weekend, the article on "Water, water, everywhere, but not enough to waste," is right up our alley. It deals with just what we're talking about and what you're hearing as far as sustainability and increasing our supplies and the issues--from border to border--in our state that are part of what we're dealing with. Groundwater, surface water, extremely important, and the extension division will continue to work with us, as well as this committee that's being formed. That will make a difference on what we're doing. We must take...to help...on Senator McCoy's question, we must take a statewide view on these issues, and that's why infrastructure is mentioned. I'm an east representative. Senator Watermeier is a southeast representative that sat on these meetings. And we learned a great deal and, also, were able to impart some information that was very helpful to the committee as a whole. Part of those statewide issues are the infrastructure issues. The levees that protect the well fields for both Omaha and Lincoln are crucial--Offutt Air Base levees, Eppley Airfield levees, and Omaha. Don't forget the flood we had just a short couple of years ago. That long duration of near catastrophe in the Omaha area would have caused millions--and probably billions--of dollars' worth of damage if it had not been contained as well as it was. So when we're talking about the sustainability, increasing supplies, tying into the NRDs, their management plans, there's high expectations for the NRDs, what they will be doing, and how this all comes together and in a natural sequence of where we've been and what we're doing as far as water. We have nothing in this state without water. Every one of us is dependent upon this, and this issue is not going to go away. We need to do all we can do for as many years as we can to bring the sustainability issue under control and to keep Omaha and our other cities safe from the extended water that we have in the east end and find and provide the water in the central and west for the crops that are so important to our number-one economy, which is agriculture. Thank you, Mr. President. [LB1098]

SENATOR WATERMEIER: Thank you, Senator. Those in the queue wishing to speak: Senator Johnson, Senator Carlson, Senator Schilz, Senator McCoy, and others. Senator Johnson, you are recognized. [LB1098]

SENATOR JOHNSON: Thank you, Mr. President. I sat on the Natural Resources Committee the last two years and, of course, learned a lot about the NRDs and the basin planning and structures. And I was confused--I think I've talked about this before--about the...each one having their own rules and regulations. But as I sat through some of the study meetings this summer, I realized how different each one of those districts are, and how a difference...which I knew about from the western part of the state to the eastern part of the state. And so I think we're coming together, and we have an example of that with LB1098 and AM2783. It involves two senators that put their priority bills on the line in order to get where we are today. I've heard the comment, "We're about to the finish line." Now that could be the finish line for the Legislature, which is true. But it's also the finish line for the two senators that have carried most of

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the load in this last year in order to bring this together. So what am I trying to get to here? If this becomes law and I'm truly going to support this, it's the beginning for the rest of us, because, whether we have two years, four years, or six years left in this legislative body, it'll be our responsibility to what we put together today in this year in order to make sure that we are taking care of all those projects and those priorities. And we have to do it on a statewide basis. It might not be possible for some projects to be completed within certain NRDs. And so we have to look at...maybe you might want to call it a superfund out there that we can draw from. This summer, I had the experience of meeting with some of the utilities in the eastern part of the state. One of the counties that I...is in my district, Saunders County, to the south is Lancaster County-Lincoln; to the east is Sarpy and Douglas County; and to the north is Dodge County, or Fremont. Those municipalities met--and I think there was two other senators there--and talked about the issues that we have in the eastern part of the state and what the utilities have. It wasn't brought up about the sewer separation. I think that's a very forward-thinking project when we think about statewide projects because it does affect, as Senator Mello commented, it does affect the entire state, definitely affects the eastern part as far as the economic impact. This is a beginning. I've gone to many water roundtable meetings. We have one again tomorrow morning over at the Blue Cross Blue Shield building. A lot of study has gone into where we've been and what we can do. Everything has been there except for the funding. The funding appears to be in place with the budget. And now, if we can move forward with LB1098 after it's...AM2783 is amended in, then we've got the mechanism in order to move forward in water sustainability. I urge the body to support the amendment, AM2783, and LB1098. Thank you, Mr. President. [LB1098]

SENATOR WATERMEIER: Thank you, Senator Johnson. Senator Carlson, you're recognized. [LB1098]

SENATOR CARLSON: Thank you, Mr. President. And I'm going to engage Senator Mello in a minute. But first of all, I thank those senators that served on the Water Sustainability Task Force. But I also want to thank those that are members of the Natural Resources Committee. And Senator Brasch, who is Vice Chair of the committee, Senator Ken Haar, Senator Smith, Senator Johnson, Senator Dubas, these are valued members of the Natural Resources Committee, although, they didn't serve on the Water Sustainability Task Force. But they were there at various times, and they've been so supportive as we've gone forth. The state of Nebraska has water scarcity issues in the western half of the state and water surplus issues in the eastern part of the state. So water control is so important, and that's another reason why we put structures in place or we rehab existing structures and canals so that we can hold water in the right place. And that helps the eastern part of the state of the...because of the water surplus. This all works its way together, and we have to be mindful of that. Senator Mello asked that intent language be added to the bill stating that the fund give priority status to projects which are the result of federal mandates, and I would like to address Senator Mello if he would yield. [LB1098]

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SENATOR WATERMEIER: Senator Mello, I know it's a struggle. (Laughter) [LB1098]

SENATOR MELLO: Absolutely. [LB1098]

SENATOR CARLSON: All right. Thank you, Senator Mello. Tell me why you requested that this language concerning federal mandates be placed in the bill. [LB1098]

SENATOR MELLO: Well, Senator Carlson, I...the bill itself lays out the combined sewer overflow component that qualifies for the 10 percent funding available in the Water Sustainability Fund. That's separate and distinct from the intent language on page 2, line 10 and 11, which talks about giving priority status to federal mandated projects. In part, from what we heard on General File from Senator Crawford and from...to some conversations off the mike with Senator Smith, that there was federally mandated projects, and you and Senator Schilz mentioned in the hearing, specifically the federally mandated project at Offutt Air Force Base, which the Papio NRD is trying to work with the U.S. Government in regards to increasing the capacity of those levees to meet the new rule and regulation put forth by the U.S. Army Corps of Engineers. I understand there's other federally mandated projects as well, but this language was intended to make sure that those projects get some priority in regards to the eyes of the new Natural Resources Commission. [LB1098]

SENATOR CARLSON: Now the bill already has special provisions for combined sewer overflow projects and ensures that such projects will receive 10 percent of the annual appropriation to the Water Sustainability Fund. Why isn't this special consideration enough? [LB1098]

SENATOR MELLO: Hopefully...I tried to just explain that a little bit, where the combined sewer overflow component that a city or cities, as the bill says, can apply for is different from the legislative intent that that language on page 2, lines 10 and 11, which just gives priority funding status to federally mandated projects. It's giving legislative intent to the Natural Resources Commission because there's other projects from across the state that will be federally mandated that we want to make sure the commission keeps a mindful eye on moving forward. [LB1098]

SENATOR CARLSON: All right. Now there are other provisions in the bill that state how federally mandated projects are to be considered. For example, in Section 3, it states, the goals of the fund can be met by equally considering programs, projects, and activities in four different categories, and one of them being compliance with federal law. Is it your intent that the priority status language means that projects required under federal law will automatically be funded before the projects in other categories? [LB1098]

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SENATOR WATERMEIER: One minute. [LB1098]

SENATOR MELLO: Senator Carlson, the way I read the language that we helped draft is that it doesn't automatically mean federally mandated projects automatically get funded by any means. I mean, they have to follow the same process that other projects around the state would. It's just giving the legislative intent that those projects are special projects and that they're going to need some consideration. [LB1098]

SENATOR CARLSON: Okay, then I think you're in agreement with me that the commission will have the responsibility of seeing what that priority means and they will make the rules and regulations to follow. [LB1098]

SENATOR MELLO: Absolutely. [LB1098]

SENATOR CARLSON: Okay. [LB1098]

SENATOR MELLO: That's what...the way the bill is...spells it out. [LB1098]

SENATOR CARLSON: Okay. Thank you, Senator Mello. Thank you, Mr. President. [LB1098]

SENATOR WATERMEIER: Thank you, Senator Carlson and Senator Mello. Senator Schilz, you are next in the queue. [LB1098]

SENATOR SCHILZ: Thank you, Mr. President. Members of the body, good afternoon. Well, needless to say, as you've heard before, there's been a lot of work put into this, a lot of work by a lot of dedicated people--not only inside the Chamber here but all around the state--that came together to offer advice, guidance, and their knowledge into what should go into this bill and how it should look. And it hasn't been easy, and it will continue to be a complex issue that we must constantly be ready to take in all the advice from folks across the state, because, as we've heard, it's different from west to east, from north to south. I heard Senator McCoy's question on, you know, what is a state water issue, and that's a great question. But I think that when we look back, and if we look to the history, the constitution provides that all the water within the state of Nebraska belongs to the state of Nebraska. Groundwater is governed by the NRDs and regulated by the NRDs. Surface water is regulated by DNR, the Department of Natural Resources. And so as we move forward--and I mean this completely--there isn't...there probably isn't anything that happens in water that doesn't have some sort of state nexus. But on the other side of that, I think it's important to point out that when the state steps up to pay for something--and I think that everybody here has figured out what this means on water now--if the state is going to put money into something, the state is going to want to know that it's doing what it's supposed to do. The state is going to want to know that that money is being spent effectively. And that's the charge going forward.

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Sewer separation is a huge issue in Omaha which has the potential of dragging down the economy of the state of Nebraska. Water scarcity in the western part of the state, if not taken care of and ways are found to capture more of those excess flows to better manage our water, to more efficiently use that water, then those economies out there could be affected, too, and not just on the ag side. But industry and municipalities, all of that could be affected by what this is. So as we take these first steps as a body in understanding how we move forward in our planning scenarios and what that actually means, I think these conversations are good. They give us the opportunity to really start to think about water policy, water planning, and how we move forward and what we should be paying for as a state and how much of that we should be paying for. And just as with LB962 that was passed in 2004, this is not the endgame. There will be things, other things, that we need to do. There will be tweaks that will continue to be made not only on this bill but other bills that go with water. And as we learn more, as we do every single day, we will be more ready and more able to face the future and our water needs for future generations. Thank you, Mr. President. [LB1098]

SENATOR WATERMEIER: Thank you, Senator Schilz. (Visitors introduced.) Senator McCoy, you are up in the queue. [LB1098]

SENATOR McCOY: Thank you, Mr. President and members. You know, if you look on your gadget on this bill...and I want this to be very clear, very...I want to be very clear here. I think this is an important piece of legislation, as Senator Carlson has talked about and others. Proper water policy and water management is important to our state, border to border. It's important to urban and rural; it's important for agriculture; it's important for industry. It even affects someone, like me, in the construction industry that deals with water issues and where there is water as far as where housing is built and where it's not built. If you look on your gadget, though, you'll find that there are a great number of amendments on this bill, some that are germane, some are not. Some, perhaps, today will get a short little discussion, and they might be pulled; others may not be. But I think what we have going on here is an interesting discussion because we at many times...started with Senator White, I think, my first year here, maybe my second year, then it was Senator Mello; there's been others. The sewer...Omaha sewer CSO issue has cropped up almost every session, if not every session, since I've been here the last six years. I want to be very clear about what I think this section--and when I say "this section," I'm talking about Section 4 of AM2783--is. This, in my opinion, is an earmark for the Omaha CSO issue. There can be no other way. In the override debate on LB906 on the Governor's line-item vetoes, we discussed this very issue. This is a local problem that mayor after mayor in Omaha did very little about. And we are asking the good, hardworking taxpayers of our state to help share the burden of an issue that really does not affect them. I'm one of those ratepayers, my family is, my business is, in the Omaha area. Yes, it is a very, very large issue and extremely costly. I don't deny that; no one could. But we are doing...what we are doing here, colleagues, in my opinion--and perhaps somebody can correct me--is Senator Lathrop's bill--I believe it's

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LB1074, unless I'm mistaken--is still in the Natural Resources Committee. So in order to get the votes together to get this legislation passed, we had to sweeten the pot, I think, to use Senator Schumacher's words from last night. And so that was done in this amendment. That happens. It's not the first time. I'm sure it won't be the last. But I think it's...it ought to be discussed what we are doing here, because time after time after time in the past this Legislature has said that the Omaha sewer separation issue is an Omaha-local issue. I just wanted to--and I felt it necessary--to stand up and say, we are now departing from that course of action. Again, that may be what the body decides to do. [LB1098 LB906 LB1074]

SENATOR WATERMEIER: One minute. [LB1098]

SENATOR McCOY: But, let's be clear, that is what we're doing with AM2783. And I'm not sure that was going to be discussed had I not brought it up. Maybe nobody else feels it necessary to discuss, and that very well may be. But I felt it necessary to bring that up due to the great length of time we've spent debating this issue in this body in years past, in sessions past. Thank you, Mr. President. [LB1098]

SENATOR WATERMEIER: Thank you, Senator McCoy. (Visitors introduced.) Those in the queue wishing to speak: Senator Mello, Senator Harms, Senator Dubas, Senator Wallman, and others. Senator Mello, you are recognized. [LB1098]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. First off, I, too, want to echo my gratitude to Senator Carlson, Senator Lathrop, Senator Schilz, Senator Christensen, the members on the Water Funding Task Force, the Speaker, for getting us to the point where we're at today to discuss LB1098. I know sometimes finding common ground is very difficult, particularly when it comes to water policy. And I think the leadership shown by those senators and by that funding task force has brought us where we're at today. I guess I rise to speak a little bit in contrast to Senator McCoy, which I appreciate Senator McCoy echoing the Governor on the Governor's concerns in regards to what he said in the veto override, even though he just simply vetoed money out of the budget where it was no direct connection to a specific project because that language was not in the budget bill. But I appreciate Senator McCoy echoing the Governor on the Governor's concerns. But the reality, colleagues, is this: You've heard from Senator Schilz, Senator Carlson--I'm sure you could talk with Senator Watermeier--Senator Dubas, other rural senators who spent time learning about water issues over the interim, statewide, and they've raised this issue to me that, yes, the combined sewer overflow project, the largest water infrastructure project in the state of Nebraska where, roughly, Senator McCoy, Omaha is sending at about \$20 million a year in additional sales taxes to the state on these new fees that Omahans are paying, that they realize that it has a statewide impact. It has a statewide impact to the economy, has a statewide impact to our water quality, and to our business development. So I appreciate my rural colleagues acknowledging that, that...the same

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reason that I and others have acknowledged water challenges in southwestern Nebraska and other parts of rural Nebraska. We've come to common ground realizing that Omaha's water issues are unique, that our water infrastructure and water quality and our surface water issues, which are mostly stormwater management issues, are unique. But they need to be addressed. And Senator McCoy mentioned that, normally, we've had this debate--arguably, I think it's been on a different model and different concept--and that the Legislature has always said this is a local issue. That's not always been the response I've seen, colleagues. It's just that we've had some fiscal challenges in regards to how we could provide some state assistance to this very critical water infrastructure project. But in 2012, when the Governor's Office and Senator McCoy approached me of trying to get a bill of mine out that would have turned money back to Omaha if I would have helped submarine Senator Ashford's local-option sales tax, the sewer separation and CSO project was a statewide issue then. And that, colleagues, was the lightning rod for me to realize that it is a statewide issue, that the Governor then, in 2012, was willing to negotiate with me on a bill I didn't support to provide state assistance to the combined sewer overflow in Omaha if I was willing to try to stop the local-option sales tax increase. So I take that, colleagues, as the Governor acknowledged that, at that moment in time, this is a statewide issue that the state was willing to contribute money back to this water infrastructure project, the same way we would consider providing funding to the N-CORPE project in southwest Nebraska. Colleagues, you can call it whatever you want. Senator McCoy calls it an earmark. The reality is, we earmark 30 percent of the funding from the CenturyLink Center to rural development for civic and convention centers. I haven't heard anyone stand on the floor and say how outlandish and outrageous that is. Why? Because that was the compromise, colleagues, the Legislature came to when they provided state assistance back to the CenturyLink Center in the early 2000s. This is something we do all the time to try to find a balance between rural and urban Nebraska. [LB1098]

SENATOR WATERMEIER: One minute. [LB1098]

SENATOR MELLO: And I can't stand on this floor and praise Senator Carlson, Senator Schilz, Lathrop, and others for realizing that, that they've tried to strike a balance, understanding that Omaha's water issues are unique. Our stormwater management and our surface water management issues are completely different in respects to some of the other issues we see with our natural resources district. A compromise and common ground was found, and I appreciate that. Senator McCoy may not like that, and he may not like the policy. And he may not like the fact that I'm willing to advocate for the greater Omaha area's water challenges and needs the way Senator Christensen advocates for southwest Nebraska, the same way Senator Schilz advocates for the Panhandle, and Senator Harms and others. But, colleagues, we come together to find common ground on difficult issues, and that's what we've done in LB1098 not just on the combined sewer overflow but the Offutt Air Force Base levee issue, as well. That's a federally mandated project that the language incorporated provides it some priority

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status to help address that in the coming years. Thank you, Mr. President. [LB1098]

SENATOR WATERMEIER: Thank you, Senator Mello. Senator Harms, you are next. [LB1098]

SENATOR HARMS: Thank you, Mr. President, colleagues. I rise in support of this amendment, as well as the underlying bill. I wasn't really sure we were going to get there. I have a great deal of respect for Senator Lathrop and Senator Carlson. And as I watched most of this unfold, there was two different views here. And, I guess, if you really want to talk about how good this body can be at times, this is a great example. Two senators at different ends of the pole both wanting to have certain issues dealt with, they were able to bring that together. And to be honest with you, I think we are, for the first time in this great state, going to begin to see that we're on the pathway that's important for sustainability of our water. And I have nothing but great praise for these two senators to accomplish this. During the hearing in the legislative...in the Appropriations Committee, one of the things that I made very clear during the hearing is that, in order for us to make the proper decisions in regard to what projects you're going to do, what some of the future issues are, you have to turn to research, and we have to turn to the scientists. And I want to make sure that this is as a matter of record because I don't want us to go astray from that. Without talking to the research scientists that have a handle on more than what we realize about water, we will not make the appropriate decisions. And unless we bring them in, in some form or manner, I'm afraid that we will not be walking the pathway that's appropriate. And I know that Senator Carlson...I've had this discussion both publicly and privately, and I'm hoping that this will continue as we create this commission, that they understand that this is important. When you deal with people who are specialists in the field of water, they can give you options. And then, as senators, we can choose the options that we feel best that fits what we would like to accomplish. They're not going to drive this ship. There's no reason to be frightened of them. We've found that out on...just in our Planning Committee by using the University of Nebraska at Omaha, Dr. Bartle and Jerry Deichert, who laid all the options out for us, and we chose what we felt was best that would fit this body and this great state. So I hope, as we watch this unfold, that we understand that we cannot wait another year to start to address the water issues in Nebraska. And I can also tell you that, as we watch what's happening in our climate, we're going to have future droughts. And if we haven't prepared ourselves for that and if we don't understand how surface and groundwater interface with each other and how they recharge the groundwater from the surface water, we'll make some errors. And I hope that as I...as we watch this grow and develop, that we can be proud of the role that we've played here... [LB1098]

SENATOR WATERMEIER: One minute. [LB1098]

SENATOR HARMS: Thank you, Mr. President...that we can be proud of the role that we have played here to put Nebraska on target with reaching sustainability of our water

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supply. We have the...in the Ogallala Aquifer, we have the greatest captured water of any place in the world, the greatest sum. It's the largest in the world. We can't afford to mismanage that. That's our future. That's our grandchildren's future and their children's future. Where I live, we still don't understand all of the interworkings of the different aquifers we have. And that's why, when we talk about being comprehensive, we have to understand that this is a huge state and the issues are going to be different. So as we move forward, I would hope that you would approve this amendment and the underlying bill. And also, those of you who will be returning, I would ask you to stay and... [LB1098]

SENATOR WATERMEIER: Time, Senator. [LB1098]

SENATOR HARMS: ...stay...thank you. [LB1098]

SENATOR WATERMEIER: Thank you, Senator. Those in the queue wishing to speak: Senator Christensen, Senator Scheer, Senator Lathrop, Senator Brasch, and others. Senator Christensen, are you in the floor? [LB1098]

SENATOR CHRISTENSEN: Thank you, Mr. President. I want to thank Senator Lathrop and Senator Carlson, Natural Resources Committee, and all the members that have worked on this bill. I know it's been very frustrating, it's been very difficult, as it has been from my first year, in 2007, down here. When you deal with water issues, it gets very contentious, it gets very difficult, and it is a continuous struggle to try to accomplish any major change in water policy. And when you look at this legislation from where it started to where it's at now, you'd say it's drastically different--and I would agree. And there's parts of it that probably both sides would like to have seen different. But I will say, as Senator Schilz did, there will be tweaks to it next year and the following year, trying to complete this bill to its best form. And it does get difficult. And I'm appreciative that we're going to have the ability for surface water and groundwater people to sit down at the same table and try and bring up a basin-wide plan. Even though there's going to be pain in doing that, there's going to be disagreements in it, I see it no different than when we first started with the Water Sustainability Task Force this summer. There wasn't a lot of agreement from the two sides. But as we worked through that committee trying to alter the makeup of the committee of the Natural Resources Commission, which changes drastically, to the criteria that was put in that was fought about and discussed a lot and changed and ideas pulled out of it, put back in it; even to their struggles of not even at the final meeting getting me to agree to a number of the things. I was probably the longest holdout. Not probably--I was. It has come a long way since we've had both committee hearings. It's something I'm going to encourage you to vote for because, I guess, my hopes out of what we have in this bill will lead the...both sides to come up with this joint plan, the ability to, hopefully, have eyes on all parts of the district from surface to groundwater, from the east side to the west side. What's difficult when you think about this district, we are talking about over 200 miles. Well, that's my district. Sorry. The Republican, it's going to go over 300 miles. And if you think about how the

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rainfall changes about an inch every 50 miles, you see the conflict that immediately comes up--five, six inches difference in rainfall from the very eastern edge to the very western edge. And trying to write a policy of one size fits all is going to be extremely difficult. They still have their individual IMPs... [LB1098]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: One minute. [LB1098]

SENATOR CHRISTENSEN: Thank you, Mr. President...that they have to formulate within this also. But I think it's going to be a very positive step having the whole basin sit down and discuss the issues in the Republican and trying to work together to foster the best agreement that we can have and go forward. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Christensen. Senator Lathrop, you're recognized. [LB1098]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I want to go back to a remark made by Senator Johnson, and maybe you'll appreciate this when you're on your last three days down here. But when you pass something like this and then you hear people that come up and go, well, we may need to tweak it a little bit, it starts to make you a little nervous. But I think Senator Johnson's remark was right on the money, which is, this is the end for Senator Carlson and I on our opportunity to work...well, I shouldn't say that because he's running for Governor. But it's going to be the end for me, and for the rest of you it is the beginning. And I hope you will be very, very vigilant because water can be a money hole in this state. As we look at the opportunities and the problems that could be created by improper management, we're going to start having to write checks to Kansas if we don't manage the Republican well. And I think they have a solution for compact compliance. When you look at...as Senator Harms said, we sit on the Ogallala Aquifer, but it's not unique to Nebraska. That's stretched all the way down to Texas. And if you want to look at what can happen if you don't manage it, if you don't look ahead and realize that this is a resource that you can lose, look at Texas. I can show you some maps that are on my desk that show that they've just gone through over 100 feet of water; in some places they're out. And I think the lesson of Texas and Oklahoma and, perhaps, Kansas is, we need to manage it before it becomes problematic, before it gets so far away from us that we can't reel it back in. The approach that Senator Carlson is taking is to provide funding for various projects. My piece has been more regulatory--providing for basin-wide planning. And I can tell you, that's not...I didn't come up with that on my own. They are doing that. And Senator Schilz can talk about this if he cares to in LB962, because, as a...I think, as a member of the NRD or a property owner out in that part of the world, in the Upper Platte (River Basin) area, they're doing the basin-wide planning as a result of a bill this Legislature passed ten years ago. And I think Senator Schilz would tell you that it probably wasn't

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"Kumbaya" and a lovefest at the beginning and that people who had been fighting over the limited resource had to find a way to cooperate. And they've done that. And in the course of the work that I've done and kind of learning about this issue, I've had an opportunity to sit down with John Berge and some of the people from out in Senator Harms's part of the world, and they talk about how they are taking strategies to lower the amount of water that they use or diminish it. They're buying some people out that have water rights, and they are raising crops, incentivizing people to get into crops that use less water. There's a lot of different strategies and a lot of different approaches. So today I noticed that the NRD guys are up here in the balcony looking all stern and watching the debate, and they're not sitting with the surface water guys who are probably out in the Rotunda, listening there. And hopefully, someday, when I walk through the Capitol I'll find them sitting on a bench together, having worked through a lot of the issues that will be challenges in the Republican River Valley. But I think that's the only way that they will get to sustainable practices there while still meeting the obligation of the Kansas Compact. So again, thank you for your support, and I'm happy to answer any questions. [LB1098]

SENATOR GLOOR: Thank you, Senator Lathrop. Mr. Clerk for a priority motion. [LB1098]

CLERK: Mr. President, Senator Chambers would move to bracket the bill until April 17. [LB1098]

SENATOR GLOOR: Senator Chambers, you're recognized to open on your bracket motion. [LB1098]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. I've followed this discussion with great interest. I'd like to ask Senator Schilz a couple of questions. [LB1098]

SENATOR GLOOR: Senator Schilz, would you yield? [LB1098]

SENATOR SCHILZ: Yes. [LB1098]

SENATOR CHAMBERS: Senator Schilz, I was paying particular attention to what you said because you have been involved with water issues for 30 years from what you told us the other day. And I think I heard you say water belongs to the state wherever that water may be located. Is that correct? [LB1098]

SENATOR SCHILZ: That's correct. [LB1098]

SENATOR CHAMBERS: And you said that the state, if an...I'm using the term "entity" because I don't want to misname. If an entity is given certain duties, the state wants to

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be sure and know that entity is doing what it should be doing based on the responsibilities and trust placed in that entity. Is that correct? [LB1098]

SENATOR SCHILZ: Yes, sir. [LB1098]

SENATOR CHAMBERS: And also, when it comes to money, the state wants to know that the money that is provided is spent...is being spent in a way, and I use the term, "wisely" or "properly." [LB1098]

SENATOR SCHILZ: Yes. [LB1098]

SENATOR CHAMBERS: And did you mention that the water is controlled or managed by two outfits, one, the NRDs...and what was the other one? [LB1098]

SENATOR SCHILZ: Department of Natural Resources. [LB1098]

SENATOR CHAMBERS: Yeah, Department of Natural Resources. Thank you. That's all I will ask you. [LB1098]

SENATOR SCHILZ: Okay. [LB1098]

SENATOR CHAMBERS: Oh, one other thing. Maybe I need to ask Senator Carlson this question. [LB1098]

SENATOR GLOOR: Senator Carlson, would you yield? [LB1098]

SENATOR CARLSON: Yes, I would. [LB1098]

SENATOR CHAMBERS: Senator Carlson, were there some duties placed on the Game and Parks Commission in this bill? [LB1098]

SENATOR CARLSON: No, they were listed as a source of information as there would be discussion on some water projects that may have their interest or they may be involved in or they may be concerned about. [LB1098]

SENATOR CHAMBERS: So they can be...have some role to play in all of this, whatever it turns out to be. [LB1098]

SENATOR CARLSON: Yes, they could. [LB1098]

SENATOR CHAMBERS: Thank you. Members of the Legislature, wildlife belong to the state. Wildlife does not belong only to those who want to kill it. Water does not belong to the person whose land might be sitting above that water. Wildlife does not belong to the

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person whose land that wildlife may cross. And if there are people who want to just dig wells willy-nilly or irrigate willy-nilly, they can't do that without being in violation of the law. But they can kill to the point of extermination a native species. I could offer my bill on mountain lions here because Game and Parks is mentioned. Now you want to be sure that when water is at stake, because the farmers are interested in that and they're interested in it because of money, then you're not going to sit back and say, well, they did that but we'll just tell them don't do it like that anymore. But when Game and Parks does not properly manage wildlife, then the living things don't count because you got hunters out there who want to kill these animals, whom I refer to as regal, for a trophy, kill these animals for the sheer love of killing. And I have colleagues on this floor who tell me I've got to win on this mountain lion bill. Maybe I've got to win on the water bill. You don't want things to come back on you because most of you agree with this because you're all in it together. And I mean it when I say I'll defend the downtrodden, those without a voice, those who will be butchered, who will be savagely killed for the sheer love of killing. And little children are taught to kill and enjoy the killing also. I heard somebody talk about groundwater and surface water and their interfacing. Mountain lions are a part of the state's ecology. They were virtually exterminated. I heard somebody talking about the likelihood or possibility that water will not always be here, prepare for a drought. You don't want all the water to disappear, but if all the mountain lions disappeared it means nothing. These animals mean more to me than what you all are talking about because you all have a money interest in it and that will take care of itself. But all these animals can do is bring money in by auctioning off a permit for some rich white guy to get some dogs and chase one of these animals until it's exhausted, it's terrified, it runs into a tree. Then this great white hunter comes and shoots that treed, exhausted, terrified, unoffending animal out of the tree. And you all like that. That's a part of your heritage; it's in your genes. And that's why you fight so hard to hold it. Maybe you have to kill these mountain lions to keep from killing your family, keep from killing your children. And you don't want me to talk about it? I'm going to talk about it. And I listened to all this talk and concern about the water as long as I could without saying something. You want to pretend that all is well with the way Game and Parks is handling things. I'd like to ask Senator Schilz a question or two. [LB1098]

SENATOR GLOOR: Senator Schilz, would you yield? [LB1098]

SENATOR SCHILZ: Sure. [LB1098]

SENATOR CHAMBERS: Senator Schilz, if one of these entities who has responsibilities for managing water does not do its job and indicates that because of the people who may be in those positions don't intend to do it, would the Legislature intervene with legislation or would they call these people in and talk to them? [LB1098]

SENATOR SCHILZ: I think it would probably be...it could be either one, but I would guess you could act in either manner. [LB1098]

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SENATOR CHAMBERS: That what? [LB1098]

SENATOR SCHILZ: You could act in either manner. You could bring them in or you could pass legislation. It all depends on how you want to work with them. [LB1098]

SENATOR CHAMBERS: Well, what I've seen while I've been here is legislation being enacted. And have you seen legislation enacted and not leaving it just to these entities and individuals to come together and do it the way they think it should be done or not do it if they choose not to? [LB1098]

SENATOR SCHILZ: Yes, I've seen that, Senator. [LB1098]

SENATOR CHAMBERS: Thank you. But all of a sudden people tell me, don't seek legislation on Game and Parks, just tell them don't do that, that's not what we want you to do. I see too many instances where you operate contrary to the way you're saying things ought to be done in the area where I have a concern and an interest. There is my good friend, and I mean that not sarcastically, Senator Mello trying to do something for the people in an area where he lives. And that's what people here do. The state is broken up into districts so that every part of the state, at least theoretically, will have somebody looking out for their interest. But then we're called state senators because that overarching responsibility to the entire state is ours. But there are certain aspects of the natural resources of this state--and animals, wildlife are considered natural resources--which don't count because you have some people who want to run out here and kill them and you don't want to walk crossways to them. And you want the little children to go out here and learn how to kill for the sake of killing and love to kill and stuff these animals and put them on the wall and bring them in the house because they cannot go out there and watch the animal in its natural habitat and behave the way nature intended and do what nature intended to do. That's not enough. The little child say, Daddy, look at that beautiful animal. The daddy said, he sure is, "yow, yow, yow," got him, and then get the chase dogs after the animal. And that's brave. That's hunting. That's what shows the machismo in the men in this state and they want the women and children to do it too. Nothing like shedding bright, red, warm blood of an unoffending, helpless creature who was not put here, in my opinion, to be killed. And when I have people who want to kill them, I'm going to do what I can to stop them. [LB1098]

SENATOR GLOOR: One minute. [LB1098]

SENATOR CHAMBERS: And to the same extent that I'm deeply offended when that happens and nobody cares, I'm going to do the things to try to make those people feel toward what means something to them the way I feel toward what means something to me. And it seems to me that water is the issue. So being a wise man, that is the area I choose to operate in today. Thank you, Mr. President. [LB1098]

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SENATOR GLOOR: Thank you, Senator Chambers. Senator Brasch, you are recognized. [LB1098]

SENATOR BRASCH: Thank you, Mr. President. Thank you, colleagues. I will yield my time to Senator Carlson. [LB1098]

SENATOR GLOOR: Senator Carlson, 4:50. [LB1098]

SENATOR CARLSON: Thank you, Mr. President, and thank you, Senator Brasch. I want to go back to discussing a little bit some things that have been said. And of course, first of all, I will say that obviously I'm opposed to the bracket motion. Senator Lathrop and I have had some pretty frank discussions and we're not always on the same side of an issue. But in our discussions we've come to the point very, very clearly that we agree that it is so important that over time groundwater declines stop. And when that happens, we'll be much, much closer to a position of water sustainability we won't have to worry about groups in the state whether or not they're going to have the water that they need to live. We have...we've had differences of opinions on basin-wide planning because he favors mandatory and I would favor voluntary. But we both agree that basin-wide planning is helpful, very instrumental. And the basins that are affected by the amendment that will have basin-wide planning we both are very concerned that groups within that basin or those basins also be able to qualify for funds from the Water Sustainability Fund. In fact, the basin or basins affected by required for mandatory planning probably need help more than others and we're concerned that financial help be available. We both very much want long term--and by long term, that's generations into the future--of water sustainability. I've heard a lot from people throughout the state and from others that maybe don't have expertise in water but they have opinions. And when discussing the question, who should help pay so that we have a plan of water sustainability, almost unanimously it's the state, the residents of the state of Nebraska. That's why it's important that LB1098 receives an annual appropriation from the General Fund, because General Funds are paid for by everyone in the state of Nebraska. All Nebraskans will help pay. But a group that applies for money out of the Water Sustainability Fund, and I know that the commission is going to have rules and regulations that will indicate this, that local group has to come up with 40 percent of the cost. So they help pay for the money that went into the General Fund and now they're going to pay 40 percent for the project that is probably specific to their area. That's fair enough. That's okay. And there are going to be some projects that are put in place fairly far removed from other areas of the state, but because of the way it's designed the other areas will also benefit from those projects. I'm confident about the rules and regs that the commission will develop to help them move forward in their work. [LB1098]

SENATOR GLOOR: One minute. [LB1098]

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SENATOR CARLSON: And we found out in the Water Sustainability Task Force--and we certainly had it--different viewpoints are helpful. If we all thought alike, we don't get very far on an issue. Different viewpoints are helpful. You see both or many sides of an issue and it helps you come to the right conclusion. We witnessed that in the Water Sustainability Task Force. That will be the case going forward with the commission to carry out their duties and so I look forward to that and appreciate your support on AM2783 and LB1098. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Carlson and Senator Brasch. Senator Smith, you're recognized. [LB1098]

SENATOR SMITH: Thank you, Mr. President, and good afternoon, colleagues. I am a member of the Natural Resources Committee, not on the Water Management Task Force but a member of the Natural Resources Committee itself, and have been part of a lot of the discussions in committee and outside of committee. And I believe that there should be a funding mechanism like the Water Sustainability Fund to provide for the diverse needs of water management across our state. As Senator Carlson has pointed out and Senator Schilz has pointed out, it's a diverse need, means something...one thing to the western part of the state and something different to the eastern part of the state. And on the eastern part of the state it's mostly a surplus of water and flood prevention that are the greatest needs. And I did work with the committee in preparing an amendment that was...that is part of AM2783 which was to provide for the protection of critical infrastructure as it relates to flood prevention and that could include hospitals, it could include telecommunications, pumping stations, as well as the military installation on the eastern part of the state. A lot of investment there, it's a huge economic consideration for our state. And so I think we need to provide for the protection of those facilities and that's why I brought that amendment. And although I am supportive of the bill and the amendment, I tell you that I could be more happy with it. I'm inclined to agree with Senator McCoy that the earmark for the sewer separation, I believe, is...does not measure up to some of the other needs that we have with water management in our state. I believe that it has a strong component to it of being a municipal infrastructure issue and not a water sustainability issue. However, it's part of this amendment and as a result I am going to accept it, along with the other components of the amendment. But I will rise to tell you that I'm not perfectly happy with it, but I do stand in support of LB1098 and AM2783 and I will stand in opposition to the bracket motion, as well. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Smith. Chair recognizes Senator McCoy. [LB1098]

SENATOR McCOY: Thank you, Mr. President. And would Senator Carlson yield for a couple of questions, please? [LB1098]

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SENATOR GLOOR: Senator Carlson, would you yield? [LB1098]

SENATOR CARLSON: Yes, I will. [LB1098]

SENATOR McCOY: Thank you, Senator. Can you help me understand who is going to...what the makeup of the commission will be as far as the members? Are they represented equally across the state? What are...can you kind of walk me through that again if you would? [LB1098]

SENATOR CARLSON: Okay. It is the 16 members of the current Natural Resources Commission, which involves 13 elected members by NRD boards across the 13 basins, so that's 13 members, and then 3 appointed by the Governor--and one represents surface water, one represents public power, and one municipalities--and then 14 additional people that are appointed. And those that are appointed represent various groups across the state that have an important interest in water and the Governor pays pretty close attention that there is statewide representation so that it's not overly represented from one area or another. And I can get to the groups and what all of those people represent. But it's certainly areas in addition to agriculture--manufacturing and municipalities, outdoor recreation, the environmental conservation. And I'm missing some of them, but it's a wide variety of people, much wider than the current Natural Resources Commission. [LB1098]

SENATOR McCOY: And I didn't mean to put you on the spot by trying to recite all that off. That was...I'm impressed you recall all those different groups. And suffice it to say though it's a large group of people and it's from fairly widely...or, I should say, a wide diversity of backgrounds and interests. Would that be accurate? [LB1098]

SENATOR CARLSON: And that was the real purpose of doing it that way so we did have a wide range of people with various views. [LB1098]

SENATOR McCOY: Well, thank you, Senator Carlson. I appreciate that. There's two reasons I bring that up. One, I think earlier in discussion on this bill on General File we adopted an amendment that put an emergency clause on the bill. The reason I ask that question about the commission, colleagues, is because we're going to ask the Governor to fill, to make these appointments in 30 days. That's a big group of people and it's an important group of people. I think typically, if you go back and look, when we put it together--and I'm not trying to compare this commission to any other group--but anything that even remotely resembles this, usually we've got a longer time period here in order to choose members. So we make sure we get the right individuals on an important commission like this. That's the reason I bring up that question. The other reason I asked that question is to know or ascertain how many of these folks on this commission are going to have an urban, particularly maybe Omaha, background or an interest or some sort of connection to the issues, particularly sewer CSO. My concern

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with having sewer CSO as part of this bill--or part of this amendment, I should say, and potentially part of this bill--is because we're taking this pool of General Fund dollars that Senator Carlson just talked about and we're shrinking it to 90 percent and we're saying all of these water projects across the entire state of Nebraska, as important as they may be, are only competing for 90 percent of these dollars now. [LB1098]

SENATOR GLOOR: One minute. [LB1098]

SENATOR McCOY: But Omaha gets the first 10 percent. Aren't these projects so important, and I believe that they are, in agriculture and across rural Nebraska, that all of these projects should compete equally for 100 percent of the funds? Why would that not be the approach that we would take? To me that makes a whole lot more sense. Maybe somebody can stand up and tell me why that doesn't make sense. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator McCoy. Senator Mello, you are recognized. [LB1098]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. And I'm not standing up to answer a hypothetical question Senator McCoy just answered. It so happened I was next in the queue. But I think, colleagues, I'll try to boil it down a little bit. I think the reality is this, is Senator McCoy has never supported any state intervention at all with this project in the greater metropolitan area. Neither has Governor Heineman publicly. Privately he has. He has tried to strike deals to help subvert other pieces of legislation if...trying to provide some assistance to this statewide project in Omaha. There is just going to be a general disagreement here. I think the fact is this: the combined sewer overflow is the largest public infrastructure project in the history of the state of Nebraska; it's the largest public water infrastructure project in the state of Nebraska with right now directing \$20 million a year from the Omaha area in additional sales taxes. Mind you, we only appropriated \$11 million to this fund. Omaha is directing \$20 million a year to the state in General Fund tax dollars due to this project. And the way the bill is structured...and I appreciate Senator Carlson and his legal counsel working with the Fiscal Office, as well as language we got from DEQ that structured the combined sewer overflow's concepts applied to any municipality. Any municipality can apply for that if they have a combined sewer overflow project. And it's designated that 10 percent allocation will be split amongst municipalities based on population. So, colleagues, the reality is right now, yes, Omaha may be the only city right now with a project. But as I've mentioned before, we know we've had other cities that have had this and we may have cities in the future. And the way that this bill has been structured is to provide 10 percent to help deal with what we know is a very infrastructure costly project no matter what municipality may have to take it on. So there is just going to have to be an agreement to disagree, so to speak, the fact that Senator McCoy doesn't want to assist this kind of project in these kind of communities who face

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this kind of project, but he's willing to try to take the tax dollars and direct them and appropriate them any way he wants to, which I appreciate our rural colleagues acknowledging that this kind of project has a statewide impact not just to our economy but, obviously, to our water quality, to our surface water use. Stormwater management in the greater metropolitan area will be one of the biggest challenges we face in the next 50 years, in part, why, because the greater metropolitan area is growing faster than anywhere else in the state and our development laws haven't changed dramatically when it comes to dealing with stormwater management and there's been no financing mechanism to deal with stormwater management. Stormwater management and dealing with irrigators in southwest Nebraska, colleagues, have a more common ground than we probably realize. One, it's dealing with where water is going, who has access to it and, frankly, who is paying for it. And the work that's been done on this amendment by the...by Senator Carlson, Lathrop and others acknowledge that. They're not trying to shun one part of the state over another. The way the amendment is drafted doesn't clarify that Omaha alone will get this money. Any municipality with this kind of project can apply for the money, has to put up a 40 percent matching fund, has to meet all the criteria listed in the bill to qualify. They have to apply for the funding the same way anyone else does. [LB1098]

SENATOR GLOOR: One minute. [LB1098]

SENATOR MELLO: I can appreciate senators who intellectually just have a strong disagreement in regards to tax policy and/or general water policy that Senator Lathrop has incorporated into this bill. But simply echoing comments from the Governor, who for one reason or another is willing to say something privately that he won't say publicly on an issue, and then willing to try to attack the senator who has been advocating for it for a number of years, knowing that this is not my bill, this is Senator Carlson's bill that's been worked on by members of the Natural Resources Committee, colleagues, I find it disappointing and I find it, once again, one of those arguments of convenience. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Mello. Senator Chambers, you are recognized. [LB1098]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, we often speak of amoebas as lower forms of life, a one-celled creature. Right now I wish I could do what an amoeba can do, which is to divide and be in two places at one time. I cannot do that so this is my first responsibility right now. Since it's my motion I've got to be here with you. I have some things I'm going to read into the record. I know they will not be commented on but I want them into the record so throughout the evening and into the night I shall attempt to do so. And we only have eight hours. It's 3:50; in eight hours it'll be 11:50. We did it last night; we can do it again tonight. This that I'm reading is from a transcript of an Executive Board committee meeting November 15 of last year,

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and I was having an exchange with a gentleman named Roger Kuhn, K-u-h-n. He's a division administrator of the state parks division and I had mentioned that I'd had a conversation with Mr. Douglas, the director, about these mountain lion hunting seasons. So, Chambers...and I'm going to give it in a question-answer format. The questions will be from me, answers from Mr. Kuhn. Yes, I had talked to Mr. Douglas and expressed my great displeasure, repugnance, and disgust with the creation of an unnecessary, thoughtless, inconsiderate season for hunting mountain lions whom they refer to as cougars. Did he relate, as far as you know, to the commission my feelings on that matter and my determination to resist in every way I can and oppose as strenuously as possible anything presented to the Legislature by the Game and Parks Commission? Are you aware of whether he transmitted that message to the commissioners? Answer: I'm not sure that he did. You would have to ask Jim that, the director. I'm not sure if he did or not. Question: Do you ever attend commission meetings? Answer: Do I? Question: Yes. Answer: Yes, I do. Question: You...but none...have you attended no meeting where Mr. Douglas made that position of mine clear? Answer: I don't recall that he did but, as I said, you'd have to ask Mr. Douglas. I couldn't answer that question that he has or not. And we went on like that for a few exchanges, then I had a bit of a dissertation. Senator Chambers: And in order that the record is clear, and I want it to be a matter of public record, I'm not being facetious and I was thoroughly outraged when I read about an auction starting at \$500 and the lucky hunter bid about \$13,500 for the privilege of killing this animal. And I call it shameful in that the Game and Parks Commission would be a part of this and it is this...and it is a state agency to carry out such a charade. Some other outfit with a different name from that of Game and Parks Commission conducted it. They were going to meet, I believe, at the Mahoney State Park. Tickets to this banquet would cost \$40 and the guy who bid the most said he just wanted to hunt. He may not even get one. When I was out of this Legislature for four years, much mischief was done and this is one of the worst based on my position. I was told that fears led to the creation of a hunting season for these what I consider to be regal animals and these fears were engendered by the possibility or likelihood of these animals eating the grandchildren of Nebraskans. [LB1098]

SENATOR GLOOR: One minute. [LB1098]

SENATOR CHAMBERS: And I rejected that notion as being baseless for at least two reasons. The first, there is an inconsequential number of these animals in this state; secondly, among that few, they have better taste than that. I'm going to continue reading throughout the evening and into the night. I think all this yow-yow about water is pointless, is certainly of no interest to me. But once again, we have our own interests, we have our own concerns, you're dealing with yours, and I will deal with mine. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Chambers. Seeing no senators remaining in the queue, Senator Chambers, you're recognized to close on your motion to bracket.

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[LB1098]

SENATOR CHAMBERS: Thank you. And I will continue reading. And I'm going to start what I said I would do by objecting to the acceptance of this offer being presented today and I will vote against it. I'm measuring my words the best that I can because you had nothing to do with the decisionmaking process. And I'm not going to say it happened this way, but in wondering if it happened this way because there might have been a suspicion that I would have some remarks of this kind to make, so a sacrificial lamb in the form of yourself was presented. I don't believe the innocent should suffer for the wrongs of the guilty. But since you...are you a salaried employee? Answer: Yes, I am. Question: Okay. Sometimes there are unpleasant duties attached to a job, so this can be just one of those. I don't know if you'd characterize it as unpleasant, it may be at least unexpected, but one of those duties which, as you carry it out, will let you understand that you're earning your money. There's much more that I have to say that I won't say. Had Mr. Douglas been here, I would have said more. Had a member of the commission been here, I would have said more. But under the circumstances, I've said quite enough from my perspective, and some people might feel I've said too much. But I never want there to be any doubt about what my position is on a matter like this, so I want my words to carry the message that I'm trying to get across. And that's all that I have. I want some of these things into the record of what we're doing because I still hear people trying to find a way to help a person who offered an amendment, lost the bill that it was on, trying to find other bills to attach that amendment to. And I don't know what Senator Scheer had said about me this morning, but I'll tell you this much: I had told Senator Scheer that he'd never support anything that I brought to this Legislature. That was some time ago. When this bill came up, my mountain lion bill, he came to me. I didn't go to him. I don't believe he would support anything I had. He came to me and he gave my words back to me. He said, Senator, you said I'd never support anything that you brought. I said, that's right. He said, well, this is the day and this is the issue, I will support this bill--my mountain lion bill. He brought it to me, then he backed away. That's what I'm talking about happened to me as opposed to what happens to you all. And you know why I'm telling you, so you won't do that anymore because, if you do, I'm going to make an issue of it. You know why I'm bringing it up now, because from time to time he has comments to make. Leave me alone. But you won't do it. And I've told you, just like these animals I'm trying to protect, if you leave them alone they don't want anything to do with you. That's why they're called the phantoms of the plains, the ghost felines, because they're not seen and they don't want to be seen. They're not going to be eating anybody's grandchildren. They're not going to eat anybody. They have not attacked any livestock. They have not attacked a person. So people will say, yeah, but in North and South Dakota and in California. Well, let me tell you, in California they have a different way of protecting water. Forget what you're doing here. Kansas, Missouri, Colorado, they have water plans. "Forget what you're doing here and let those states do what they're doing," that's what you want to tell me. Then when it comes to something of interest to you, you don't mind taking not only a whole afternoon but several days.

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[LB1098]

SENATOR GLOOR: One minute. [LB1098]

SENATOR CHAMBERS: And all of you clump together no matter how much you disagree with each other and you sit down and you talk about it. You reach an accord. You work out your differences. Then you compliment each other and sound like somebody receiving an Oscar on Academy Awards night--thanks for this, thanks for that. Then here I am and you want me to watch all of this that you do and not comment on it. It'll never happen. Mr. President, so that we know how many we have here, how much time do I have? [LB1098]

SENATOR GLOOR: Twenty-five seconds. [LB1098]

SENATOR CHAMBERS: Okay. I will ask for a call of the house and a roll call vote in regular order. [LB1098]

SENATOR GLOOR: Thank you, Senator Chambers. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1098]

CLERK: 26 ayes, 0 nays to place the house under call. [LB1098]

SENATOR GLOOR: The house is under call. Senators, please record your presence. Those senators, 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. Senator McGill, Kintner, Larson, and Garrett, please return to the Chamber and record your presence. [LB1098]

SENATOR CHAMBERS: (Recorder malfunction)...machine vote. [LB1098]

SENATOR GLOOR: Senator, we're still waiting for two members. Do you wish to continue waiting? [LB1098]

SENATOR CHAMBERS: (Recorder malfunction.) [LB1098]

SENATOR GLOOR: Members, the question is, shall LB1098 be bracketed? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1098]

CLERK: 1 aye, 41 nays, Mr. President, on the bracket motion. [LB1098]

SENATOR GLOOR: The motion is not adopted. Raise the call. We return to debate. Senator Watermeier, you are recognized. [LB1098]

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SENATOR WATERMEIER: I didn't realize I was in the queue until I realized you and I hadn't switched. Thank you, Mr. President. I'd just like to recognize and remember how long it really does take to get water bills done in this state. When we started this summer and this interim and working on this, my peers in the industry of water were all concerned about water funding; and if we could just get the funding, that was going to take care of the problem. And I quietly said, that's not going to be it. And like I've reiterated on General File on this bill that Senator Lathrop had a different opinion last year on how we were going to get through this Water Funding Task Force, I didn't necessarily agree with it. But I could see where we were going, is that the entire interest of the state, in Senator Lathrop's opinion, was not going to be satisfied unless we got to that point. And I really have to commend the senior members in the body that have seen this water for all eight of their years--Senator Carlson, Senator Christensen, Senator Lathrop, and Senator Schilz, and I hope I didn't miss anyone. But I really would like to acknowledge the fact that they put their heart and soul into this in the last year. And I think the hard decisions that this state has made on...100 years ago, if you think back to McConaughy and all those water projects in the Republican and then clear up into Wyoming in the water and irrigation and the power projects there in the Loup Basin and all these issues that have come together, the hard decisions were really made a long, long time ago. And how almost embarrassing it is that we've only invested \$3 million-\$5 million every year in the state of Nebraska in water projects and now we're going to bump that all the way up from...all the way to \$10 million-\$20 million. It's still a little bit embarrassing; but it's also frugal, and it's the way Nebraska does things. We will get an unbelievable bang out of our dollar for \$10 million-\$20 million. I really think we can propel Nebraska to the forefront of agriculture, both crops and livestock, because Nebraska is now poised to be the number-one cattle-feeding industry...state in the country. And it's incredible; it's not just by mistake. They're coming to Nebraska because there's water and there's feed and they know that they can disperse that product made all over the globe from Nebraska. And it really makes me proud to think that I'm a part of it, but I'm really up here today to just thank those senior members of this body because it's incredible to think that, also, you have two priority motions combined into...bills combined into one bill and how important that really is. That says a lot. So I'm in support of the amendment and I'm, obviously, in support of the bill. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Watermeier. Seeing no senators remaining in the queue, Senator Carlson, you're recognized to close on your amendment. [LB1098]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature, and thank you for your attention and for your patience and for those of you that stood up and commented about LB1098 and AM2783. This is an opportunity to take a big step in the right direction for getting Nebraska to appoint that we are water sustainable. And it is just as important for the people who live in Lincoln and Omaha and other municipalities

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throughout the state as it is for livestock production and agriculture. Water is life. And since we have a lot of it and we have the opportunity to manage it properly, we're in a position that all kinds of other states wish they were in. And when you have something valuable, you have the responsibility to take care of it and keep it in good shape for generations and generations and generations into the future. And that's what LB1098 is taking a big step toward. The commission will be a group of experts, and they will be dedicated to what they're supposed to do. And so this is the right thing. It's the right avenue to take. And I ask for your support of AM2783 and LB1098. Thank you. [LB1098]

SENATOR GLOOR: Thank you, Senator Carlson. The question is, shall the amendment to LB1098 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1098]

CLERK: 42 ayes, 0 nays, Mr. President, on the adoption of Senator Carlson and Lathrop's amendment. [LB1098]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk. [LB1098]

CLERK: Mr. President, Senator Lathrop, I now have floor amendments FA281, FA282, FA283, and FA284, and I show those as being withdrawn, Senator, as wanting to be withdrawn. [LB1098]

SENATOR LATHROP: That's true. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: Mr. President, Senator Lathrop, I now have AM2753, a similar note to withdraw. [LB1098]

SENATOR LATHROP: That's true. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: Senator Lathrop, I now have amendments FA273 through...well, FA273, FA274, FA275, FA276, FA277, FA278, and FA279, all having notes to withdraw, Senator. [LB1098]

SENATOR LATHROP: That's true. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: Mr. President, the next amendment, Senator Carlson, I have what is AM2600.

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[LB1098]

SENATOR CARLSON: I would like to withdraw. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: Mr. President, the next amendment is Senator Davis. Senator, AM2693.
(Legislative Journal page 1360.) [LB1098]

SENATOR GLOOR: Senator Davis, you're recognized to open on your amendment.
[LB1098]

SENATOR DAVIS: Thank you, Mr. President. I won't take long with this amendment, but it's an important one that I think we need to discuss. Going back through the files, this was my very first bill that was introduced a year ago and it was introduced in the Natural Resources commission...Committee. So I look back with some fondness and some fear on the process. But the basis of this amendment is LB391, which I had introduced a year ago which we call the one-word bill. And essentially what it does is it instructs DNR to add the word downstream in dealing with water releases. The operators of dams are given permits that allow them to store water in the reservoirs. The current version of Section 46-241 makes it a condition of such a permit that the dam operator cannot store water if water is needed for direct irrigation. This has been interpreted...and this is the important part of this, this has been interpreted to require a dam operator to release water if a user located anywhere in the basin appears to need the water whether they are above the dam or below the dam. LB391, which is what this bill was, would make it clear that this condition of the dam's permits only applies if the water is needed for irrigation downstream from the dam. So let me talk to you a little bit about how this came about and what we were trying to do. On the Niobrara River system, there are two dams--one in Dawes County and one in Cherry County. Until 2007, there was no real appropriation needs or no call on the river. At that time, some things changed, and so DNR began ordering water releases in 2011 based on the 2007 call on the river by NPPD. So in many ways this bill doesn't...I mean, the concept did not seem to make sense except DNR decided that that was the way they were going to have to enforce the rules. The bill was Execed out of the committee 8 to nothing. During testimony on the bill, there were several proponents, one neutral. And the neutral testimony said they believe that this was needed, however, they thought that really DNR ought to already be interpreting the law that way. So Senator Carlson and I and a number of other people who are representative of water districts in this state visited with the Governor and Mr. Dunnigan about the bill a little over a year ago and asked them for some guidance on why they were interpreting the law the way they were because I didn't want to introduce the law and push it forward if it was not needed. The direction we got from that office was, well, you know, why don't you make the laws and we'll interpret them the way we want to. So at that point then we decided we would move to the Attorney General's

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Office and ask the Attorney General for an opinion on whether this would clarify the interpretation and the needs and we got a response from the AG's Office that while nothing is perfect in water law this would help DNR to clarify and understand what the intent was. I'm going to just kind of appeal to your common sense. Why would we order downstream dams to release water when the call for the water is upstream? Makes very little sense. With that, I'll close. I'll take any questions if anyone has any. Thank you, Mr. President. [LB1098 LB391]

SENATOR GLOOR: Thank you, Senator Davis. Members, you've heard the opening on the amendment. Senator Pirsch, you're recognized. Senator Pirsch waives. Seeing no other senators wishing to speak, Senator Davis, you're recognized to close. Senator Davis waives. The question is, members, shall the amendment to LB1098 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1098]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Davis' amendment. [LB1098]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk. [LB1098]

CLERK: Mr. President, Senator Carlson, I now have AM2684, Senator. [LB1098]

SENATOR CARLSON: I would ask that that be withdrawn. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: Mr. President, the next amendment is Senator Christensen. Senator, AM2580. (Legislative Journal page 1361.) [LB1098]

SENATOR GLOOR: Senator Christensen, you're recognized to open. [LB1098]

SENATOR CHRISTENSEN: Thank you, Mr. President. This one combines what was two bills, LB687 and LB710, but they make two pretty simple changes. One changes the opt-out date for people that don't want to irrigate or is losing their ability to irrigate because the state is using it for compliance and sending it down the river from March 1 to June 1. That allows if we get rains in the spring and they want to take more time to decide what they're going to plant and the process they're going to use, what ground they want to irrigate, they have time to opt out and not pay the occupation tax. It is something that is, I think, very necessary because by March 1, we don't know if we're going to have a wet March, a wet April. But when you allow it till June 1, the planting is done, the decision is made for the year. I believe it is a better way of addressing and allowing individual farmers to decide if they need to opt out. What brought this forward was a year ago we got a preliminary indication on January 1 that there was going to be

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a compact call year which meant they were going to pass the surface water through the dam projects, irrigation districts, on down to Kansas to hit compliance. In doing that, that took the water away from the farmers and they were not able to irrigate. But we didn't have a final determination until after the March 1 date. So some farmers held out not wanting to take the risk of not being able to irrigate and have ended up paying irrigated tax and getting no irrigation water. Several individuals got small amounts which they have to pay then because it's on the activity of irrigation. So I would like to see this simple change made that allows the irrigation districts to move. And the other one, LB710, that's tied into this amendment, which is AM2580, just states that if an NRD is going to enter into a augmentation project, which there's two of them been done in the Republican River District now that they have to have a public hearing, if we were looking at a bond issue for a school, it takes a vote of the people. But all I'm asking for is a change that gives a public hearing, because they need the ability to be able to go out and buy this land if it comes up on auction so we can't organize a vote and things that way that schools do and be able to react because the way we've bought augmentation project is willing buyer-willing seller. And that's the process that we want to remain at. But I do believe it'd be good public policy that prior to the purchase that we have a public hearing. And so that's the content of LB2580. I'm asking you for a green vote. And if you have any questions, I'd be glad to address them. Thank you, Mr. President. [LB1098 LB687 LB710]

SENATOR GLOOR: Thank you, Senator Christensen. Members, you've heard the opening on the amendment to LB1098. Senator Carlson, you are recognized. [LB1098]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. The portion of the amendment that would change the reporting date from March 1 to June 1 was advanced by the committee on an 8 to 0 vote. I would like to address Senator Christensen if he would yield. [LB1098]

SENATOR GLOOR: Senator Christensen, would you yield? [LB1098]

SENATOR CHRISTENSEN: Yes, I would. [LB1098]

SENATOR CARLSON: In that hearing, the opponent was from the Twin Platte Natural Resources District. Could you tell me what the opposition was and what kind of discussion followed concerning that opposition? [LB1098]

SENATOR CHRISTENSEN: Well, the opposition was it was understood that that would allow them to irrigate until June 1 and then certify as not irrigating and not pay the occupation tax. But if you go back and read the original language of LB701 back in 2007 which was one of my bills that authorized occupation tax, it says it's on the activity of irrigation annually. And it just...I can read it word for word: "May levy an occupation tax upon the activity of irrigation of agricultural land within such district on an annual basis."

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[LB1098]

SENATOR CARLSON: All right. Let's look at the period between March 1 and June 1. So they are not supposed to irrigate during that time, is that correct? [LB1098]

SENATOR CHRISTENSEN: Or prior to March 1 either. Yes, that's correct. [LB1098]

SENATOR CARLSON: All right. Well, really any time you could say from January 1 through June 1 there should be no irrigation. [LB1098]

SENATOR CHRISTENSEN: Absolutely correct. [LB1098]

SENATOR CARLSON: And if there is, they wouldn't qualify for not paying the occupation tax. [LB1098]

SENATOR CHRISTENSEN: That is correct. [LB1098]

SENATOR CARLSON: Is there a downside to the changing of the date? [LB1098]

SENATOR CHRISTENSEN: I haven't come up with a good one, Senator, because they don't have to report for taxation purposes to the county assessor until in August. [LB1098]

SENATOR CARLSON: Is there a downside for the NRD? [LB1098]

SENATOR CHRISTENSEN: The NRDs questions originally come in that they're going to have to police and make sure that they haven't irrigated prior to this determination or application to not irrigate. They have that burden of proof anyway. Since it's on the activity of irrigation on an annual basis, it doesn't matter if it's January 1 or if it is May 1 or August 1 or October 1. If they irrigate at any point in time during that calendar year, they must pay the occupation tax. [LB1098]

SENATOR CARLSON: Do you think the term policing is legitimate? Does that add extra responsibility and extra expense for an NRD? [LB1098]

SENATOR CHRISTENSEN: I do not believe so any more than what it did when we set the original bill up and they had to observe it from the March 1 date. [LB1098]

SENATOR CARLSON: Okay. Thank you, Senator Christensen. And then the other portion that would require the hearing, again, that was advanced on an 8 to 0 vote with the committee. And there was some opposition in the hearing on that and do you recall what that opposition was? [LB1098]

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SENATOR CHRISTENSEN: They didn't want to get put into a position that they couldn't go buy a chunk of ground that's coming up for sale being a willing buyer-willing seller. [LB1098]

SENATOR GLOOR: One minute. [LB1098]

SENATOR CARLSON: And so you're in the business of selling land. Is that a real concern? [LB1098]

SENATOR CHRISTENSEN: I do not believe so. Like the land they've bought on the first two projects, one has been on a private sale and the other one was done on a publicly announced sale of the Lincoln County project or the N-CORPE project. That was announced. They bid against other people. In the time that it took, all they got to do is quickly advertise, have a meeting, explain what they're wanting to do. I think it's just good public policy to make sure there's not a bunch of disgruntled farmers or patrons of the NRD ahead of that. [LB1098]

SENATOR CARLSON: Okay. Thank you, Senator Christensen. [LB1098]

SENATOR GLOOR: Thank you, Senator Carlson and Senator Christensen. Senator Schilz, you're recognized. [LB1098]

SENATOR SCHILZ: Thank you, Mr. President. Would Senator Christensen answer a question or two? [LB1098]

SENATOR GLOOR: Senator Christensen, would you yield? [LB1098]

SENATOR CHRISTENSEN: Yes. [LB1098]

SENATOR SCHILZ: Thank you, Senator Christensen. And really the only question I have, as we look to the date of deciding whether or not you're going to irrigate and whether or not you're going to pay the occupation tax, that March date, was there any date...was there...I guess the question is, what was the reasoning for that date if you know and can you tell me why that date got in there and not a different date? [LB1098]

SENATOR CHRISTENSEN: Well, March 1 was put in because we had a meeting in Room 1126 discussing LB701, and that was the consensus of the majority. I pushed for a May or June 1 date clear back then and it was decided that everyone would have their management decisions done by March 1 so the earlier the date the better. What we have found since then is now we are taking surface water for compliance and changing the criteria to what this was set up for. Occupation tax was set up to avoid having to take surface water, and now that we have taken it in 2013, it looks evident that we're definitely taking, we've had the preliminary indications we were taking it in 2014. It has

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become very important to me that there be the flexibility for the farmers to be able to wait until June 1 to make that decision when their planting is done and they know their plan for the year. [LB1098 LB701]

SENATOR SCHILZ: Right. Now what happens, you know, and having farmed for a while and stuff, a lot of things enter into this, including, you know, insurance and how that works because as I understand it, you know, if you're going to get insurance for irrigated ground, then there's a time frame for that too. And I was just wondering if that date had anything to do with that or not. [LB1098]

SENATOR CHRISTENSEN: It didn't because you have to certify at the ASCS office, or FSA office now, what you have planted, the date that you planted before you report to your insurance records. So that would...the March 1 date would have had nothing to do with that. [LB1098]

SENATOR SCHILZ: Right. And do you know, and I just ask you to get on...do you know when that date is for the insurance? Do you know how that works? I know it's earlier in the year as well. [LB1098]

SENATOR CHRISTENSEN: Yes. The...you got to...if you're going to alter your insurance plans for the year, like a 65-75 percent, 80-85 percent level, that's done in February. But if you are talking about what you have planted and certified, it's driven more by the federal government on the FSA office that you do that first, get everything in balance and report the insurance, which is probably in that June-July time frame. [LB1098]

SENATOR SCHILZ: I see. And insurance, as far as I understand, if you buy insurance for irrigated crops, it's expected that you will have the water to irrigate and if you run out of water, you may not be covered, right? [LB1098]

SENATOR CHRISTENSEN: That is correct. [LB1098]

SENATOR SCHILZ: Okay. Thank you very much, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Schilz and Senator Christensen. Senator Davis, you're recognized. [LB1098]

SENATOR DAVIS: Thank you, Mr. President. I wonder if Senator Christensen would yield to a few questions? [LB1098]

SENATOR GLOOR: Senator Christensen? [LB1098]

SENATOR CHRISTENSEN: Yes. [LB1098]

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SENATOR DAVIS: Senator Christensen, I'm sorry I missed part of your intro on this. I was out in the lobby. But can you clarify a couple of things for me? The occupation tax that you're talking about is required unless they certify they're not going to irrigate. Is that right? [LB1098]

SENATOR CHRISTENSEN: Correct. [LB1098]

SENATOR DAVIS: And that would be in the same calendar year. [LB1098]

SENATOR CHRISTENSEN: Correct. [LB1098]

SENATOR DAVIS: And they have until May 31 to do that? [LB1098]

SENATOR CHRISTENSEN: Correct. By June 1 with this bill, currently it's by March 1 as the bill is written now or law is written. [LB1098]

SENATOR DAVIS: And what is the purpose of changing that date? [LB1098]

SENATOR CHRISTENSEN: The purpose is we don't know what kind of rain is going to occur during the spring months of March-April prior to planting season to allow farmers to make their decision if they want to irrigate or plant for irrigation. If you go back to 2007, while we were sitting in the long session, we started getting unbelievable amounts of rain. We even had small amounts of flooding and totally if you had that in this type of year would change the whole compact call year even though we'd have projected compact call. Where we filled Harlan County, we would not have a compact call no more and you could grow an irrigated crop. And if you have to certify out by that date, you would have had to have jumped out, and the NRDs could let you back in. But once you're certified out, that doesn't mean they have to. So that's why I wanted the date moved back for that purpose. [LB1098]

SENATOR DAVIS: Okay. So what if they hypothetically irrigate...turn the irrigation water on the first of May and turned off the 31st of May. What happens then? [LB1098]

SENATOR CHRISTENSEN: They must pay the occupation tax. It's on the activity of irrigation. [LB1098]

SENATOR DAVIS: Okay. And so what are the NRDs using the occupation tax for, Senator? [LB1098]

SENATOR CHRISTENSEN: Say that again, please. [LB1098]

SENATOR DAVIS: What purpose are they using the occupation tax? [LB1098]

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SENATOR CHRISTENSEN: The occupation tax is used for...in the Lower they do some dry-year leases, converting irrigated land to dryland for a year. And in the...all three NRDs in the Republican, they have bought into two augmentation projects. The Upper has one by themselves called Rock Creek, and then N-CORPE, all three NRDs went together. [LB1098]

SENATOR DAVIS: Okay. So, and I'm just trying to play the devil's advocate and make sure we have everything covered here, Senator. But is there...would there be a situation where most of the irrigators would say we're not going to irrigate this year, but the NRD would be still on the hook for all the costs that are involved in a project like N-CORPE? [LB1098]

SENATOR CHRISTENSEN: I don't see that happening in what I call the great American desert out there. Personally, I would never opt out. I've never opted out of any and I don't see me doing that because irrigation is too important and we always get dry sometime in July and August. [LB1098]

SENATOR DAVIS: Well, I would certainly hope that's the case. I guess, you know, you need to think about your local government agency there and that's probably one of my concerns is that they'll have a shortfall that they're not going to be able to cover some way. You don't see that happening? [LB1098]

SENATOR CHRISTENSEN: I don't. Senator Davis, what's the difference if they opt out before March 1 or June 1 on the funds that's going to be directed to the NRDs? It's more of an ability not to have to opt out early and then want to irrigate later. [LB1098]

SENATOR GLOOR: One minute. [LB1098]

SENATOR DAVIS: All right. Thank you, Senator Christensen. [LB1098]

SENATOR GLOOR: Thank you, Senator Davis and Senator Christensen. Senator Carlson, you're recognized. [LB1098]

SENATOR CARLSON: Thank you, Mr. President. Again, I'd like to address Senator Christensen. [LB1098]

SENATOR GLOOR: Senator? [LB1098]

SENATOR CHRISTENSEN: Yes. [LB1098]

SENATOR CARLSON: I just...I'd appreciate some more information here and some more persuasion, I guess, that...let's go back and you talked about what happened in

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2007 as far as the rains are concerned. But again help me know the advantage...I know the advantage but the importance of that advantage from March 1 to June 1. [LB1098]

SENATOR CHRISTENSEN: Well, that is the fact, let's say you opt out, don't change the law and you opt out March 1, and then because we don't get...we do get rain, you want to go back and irrigate, the NRD could let you in. The Lower let me put some back in that I had a landlord take out a year ago. They were very gracious to me, to allow me to use that water. But it just gives the farmers more flexibility to be able to manage their ground knowing what the spring rains have been and whether they want to opt out or not opt out. [LB1098]

SENATOR CARLSON: All right. If you opt out March 1, you're not going to pay the occupation tax for that year, correct? [LB1098]

SENATOR CHRISTENSEN: Correct. [LB1098]

SENATOR CARLSON: If you opt out March 1 and you get rain and you decide I want to irrigate, why wouldn't the NRD let you do that because it's revenue? [LB1098]

SENATOR CHRISTENSEN: There's no reason for them not to. But there's nothing in here saying that they have to. [LB1098]

SENATOR CARLSON: Do you have any evidence at all that there have been instances where they wouldn't allow somebody because they're turning away money? That doesn't make sense. [LB1098]

SENATOR CHRISTENSEN: I have evidence of guys last year that said they...if they'd have known that they truly were going to take the surface water away from them they would have opted out prior to March 1, but it had never happened before. So they didn't opt out hoping to be able to use that water. But once DNR did start passing that water through the dams, it was too late then to opt out. So they got no water, had to pay the occupation tax, plus the irrigated property tax and farm dry land. That's what we want to avoid. [LB1098]

SENATOR CARLSON: All right. And do you think those same people in 2013 that got...well, in a sense they got caught because they didn't get water and they didn't get any money for it. I would assume this year they opted out March 1. [LB1098]

SENATOR CHRISTENSEN: I would hope they did. I had two neighbors say they were going to because they were 100 percent dry land farm...or, sorry, surface water farmers. I do not know. I haven't talked to them. And I haven't talked to the NRD. [LB1098]

SENATOR CARLSON: Okay. Thank you, Senator Christensen. [LB1098]

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SENATOR GLOOR: Thank you, Senator Carlson and Senator Christensen. Seeing no senators remaining in the queue, Senator Christensen, you're recognized to close on your amendment. [LB1098]

SENATOR CHRISTENSEN: Thank you, Mr. President, and thank you, colleagues. I'm asking for a green vote on this. Let's give the surface guys that have had the hardship of 2013 and the projected hardship of 2014 with having to give up their irrigation water supply to keep the state in compliance, which also allows the NRD groundwater irrigators to keep their full supply. There's a balance in act here. And for that reason, I'm asking for a green vote here. Give them the maximum flexibility that we can give them to manage their farms, to opt out if they are not going to get water, but have the ability to take the look past March 1 when we don't know what the spring rains are going to be. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Christensen. Members, the question is, shall the amendment to LB1098 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1098]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Christensen's amendment. [LB1098]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk. [LB1098]

CLERK: Mr. President, the next amendment I have is Senator Mello's, but I have a note he wishes to withdraw AM2758. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: Mr. President, the next amendment to the bill is Senator Christensen. Senator, I have AM2657. (Legislative Journal page 1371.) [LB1098]

SENATOR GLOOR: Senator Christensen, you're recognized to open on your amendment. [LB1098]

SENATOR CHRISTENSEN: Thank you, Mr. President. This is what was LB723 that come out of Revenue Committee. It is dealing with comparable sales. We had negotiated a little bit on the language of it with the county to work this out. It is a bill that strictly allows the process for assessors if there's enough comparables to compare surface water irrigated land sales to surface water irrigated land sales instead of everything being done under one category of irrigated sales. There was one county, Franklin, had been doing a fabulous job, set up marketing process where they had them divided out so if somebody had surface water only and there's sales running at a lower

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value that they could pay less taxes based off of the comparable sales. I have a real estate license. I'll use the example of Furnas County this last year. There was three irrigated surface water only farms sold and they averaged over \$3,400 an acre less than the groundwater irrigation. So if we don't give this tool or give the assessors the ability when there is enough comparable sales to use the lower value, they're paying taxes off of \$8,000 and selling the ground for \$4,600. That's what happened. And one of these farms I used to farm before I quit and went into commodities. It was a Holdrege silt loam. It was one of the best soiled farms in the county. Sold at \$3,400 an acre under what the groundwater acre...or the well irrigated land was selling for. And I don't want to see people taxed at \$8,000 an acre when it's selling for \$4,600 an acre. It doesn't seem fair to me. This isn't a mandate that the counties have to do that. But it sets it up that it's one of the criteria that they can look at when assessing the value of that land. So it isn't a mandate, but it is a category in which they can look at. And that's what I'm asking for. I think by doing that it will also, if an assessor doesn't want to, a farmer could come in and say, hey, here's some comparable sales in this county or in a neighboring area, if you're on a border of counties, and here's how the surface water only acres have sold. And I believe that we need to be taxed based off of the lower value. It's not like we're looking at \$100 or \$200 an acre difference. We're talking \$3,400 an acre difference in this land value. And we all have heard that property tax is one of the taxes that nobody likes. This is one way to give back to the surface water irrigators that's had their water taken for compliance whether they went from ten inches to three inches, as happened on my farm last year, or ten inches to the projected two inches this year because the state has bypassed the water through the reservoirs for compliance to hit our three-state compact. So when land values drop like that, \$3,400 in one year, it's a significant deal. And that's why I'm asking you guys to amend AM2657 onto LB1098 so that we can allow the assessors, when there's enough comparable sales, to use this as a tool to keep our property tax levels down. Thank you, Mr. President. [LB1098 LB723]

SENATOR GLOOR: Thank you, Senator Christensen. Members, you've heard the opening on the amendment. Are there senators wishing to speak? Seeing none, Senator Christensen, you're recognized to close. Excuse me, Senator Davis, you are recognized. [LB1098]

SENATOR DAVIS: Thank you, Mr. President. I'm going to say I reluctantly rise in opposition to this amendment because I don't think it...I think it deals with taxation issues that would be better dealt with by the Revenue Committee at some point. This water bill is an important bill for us to move forward with, and while I recognize that Senator Christensen has some legitimate complaints about the way things have been handled, this just does not seem like the appropriate place for us to be debating this issue. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Davis. Senator Christensen, you are recognized. [LB1098]

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SENATOR CHRISTENSEN: To address Senator Davis' question, this come out of the Revenue Committee 6-0 and 2 not voting. This is a bill that I tried to put on consent calendar. It come out perfectly. Any of the opposition which come from the counties, Larry Dix has okayed. And this bill is in form to go forward today. We have worked out any and all of the opposition. And maybe I'd ask Senator Hadley to yield to a question, please. [LB1098]

SENATOR GLOOR: Senator Hadley, would you yield? [LB1098]

SENATOR HADLEY: Yes. [LB1098]

SENATOR CHRISTENSEN: Senator Hadley, has Larry Dix visited with you when we were getting this bill out of committee that we had this which was agreeable with him? [LB1098]

SENATOR HADLEY: My memory is not very good, Senator Christensen. I know we talked with Mr. Dix a lot about this, but I just, to be honest, I can't just recall that at this point in time. [LB1098]

SENATOR CHRISTENSEN: Well, thank you, Senator Hadley. [LB1098]

SENATOR HADLEY: Mr. Dix is shaking his head, so I would guess yes. [LB1098]

SENATOR CHRISTENSEN: I'm looking now to see if Larry...Larry Dix is out there. I think he's shaking his head yes at you, Senator Hadley. So I think if anybody has concerns they can visit with Larry that we have worked this out, that we are...have the bill in shape to go forward, and I do not believe it would weight down LB1098. Thank you. [LB1098]

SENATOR GLOOR: Thank you, Senator Christensen. Senator Wightman, you are recognized. [LB1098]

SENATOR WIGHTMAN: If Senator Christensen would yield, I have a question or two from him...for him. [LB1098]

SENATOR GLOOR: Senator Christensen? [LB1098]

SENATOR CHRISTENSEN: Yes. [LB1098]

SENATOR WIGHTMAN: Did I understand that you said when you made your remarks a few minutes ago that the assessed valuation was \$3,000 higher or the actual value is determined by the assessor or what did you say? [LB1098]

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SENATOR CHRISTENSEN: What I said was the comparable sales, there was three of them in Furnas County that the surface water dropped \$3,400 an acre on just because of losing the irrigation water one year. [LB1098]

SENATOR WIGHTMAN: And I understood you said that with regard to the sale price, but I thought you said something with regard to assessed valuation or county valuation as well. [LB1098]

SENATOR CHRISTENSEN: What I said was that I believe that we should allow...put this into statute as one of the criteria the assessors could use if there's sufficient number of comparable sales to classify this at a lower value. [LB1098]

SENATOR WIGHTMAN: Okay. If that's what you said or what you meant that's fine. I know that in Dawson County, \$4,200 is the highest assessed value in the entire county and I thought you were saying that \$5,000 or higher was the assessed value in Red Willow County or Furnas, Furnas I guess. [LB1098]

SENATOR CHRISTENSEN: No, I was talking about what the actual sales was, being a sales agent I have sold land and watched a number of it sell over \$8,000 an acre on groundwater irrigation where the surface water was bringing \$4,600, \$5,000, \$4,500, things that direction. [LB1098]

SENATOR WIGHTMAN: Okay. I have no further questions. I just wanted to clear that up in my own mind. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Wightman and Senator Christensen. Senator Lathrop, you are recognized. Senator Lathrop waives. Senator Carlson, you are recognized. [LB1098]

SENATOR CARLSON: Thank you, Mr. President. And I would like to address Senator Christensen again. [LB1098]

SENATOR GLOOR: Senator Christensen? [LB1098]

SENATOR CHRISTENSEN: Yes. [LB1098]

SENATOR CARLSON: And I'm sorry, Senator Christensen. My head was in something else as you were going over this, and to be honest with you I mixed AM2657 with something else. So give me a summary again. What does this do? [LB1098]

SENATOR CHRISTENSEN: This just allows the county assessors to be able to compare surface water at a lower price...value for taxation purposes than groundwater if

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there is comparable sales to back it up. [LB1098]

SENATOR CARLSON: So this isn't forcing them to do anything, but they already know how to value irrigated land and surface water and groundwater, so that's not an additional responsibility that they couldn't handle. Correct? [LB1098]

SENATOR CHRISTENSEN: Correct. And one of your counties, Franklin, has been doing a great job, is doing this already, but it's not mentioned in statute. And so I just listed it under the criteria that may be used to evaluate the value of land. [LB1098]

SENATOR CARLSON: So it's "may" language and not "shall." [LB1098]

SENATOR CHRISTENSEN: Correct. [LB1098]

SENATOR CARLSON: Okay. Thank you. [LB1098]

SENATOR GLOOR: Thank you, Senator Carlson and Senator Christensen. Are there any other senators wishing to be recognized? Seeing none, Senator Christensen is recognized to close. [LB1098]

SENATOR CHRISTENSEN: Thank you, Mr. President. Thank you, Colleagues. I'm asking for a green vote to move this forward. This is permissive language. It's optional language. It sets up criteria that I believe is very good criteria to allow separate evaluations on specific kinds of irrigated land that have dropped in value due to decreased amounts of irrigation water or because it's being passed through by the state for compliance to help out these surface irrigated guys that have had a one year for sure, looks like the second year coming year where their water is being passed through the reservoirs so we can remain in compliance with Kansas. It allows them to have their ground valued at a lower price so that they're paying lower property taxes. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Christensen. Members, the question is, shall the amendment to LB1098 be adopted? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1098]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Christensen's amendment. [LB1098]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk, items for the record. [LB1098]

CLERK: I do, Mr. President. Thank you. A communication from the Executive Board regarding appointments to the ACCESSNebraska Special Investigative Committee.

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Senator Nordquist, new resolution, that will be laid over, LR620. Senator Coash would like to print an amendment to LB254. Enrollment and Review reports LB907, LB907A, LB999, and LB999A as correctly engrossed. (Legislative Journal pages 1464-1470.) [LR620 LB254 LB907 LB907A LB999 LB999A]

Mr. President, the next amendment I have is Senator Chambers, AM2857. (Legislative Journal pages 1470-1471.) [LB1098]

SENATOR GLOOR: Senator Chambers, you're recognized to open on your amendment. [LB1098]

SENATOR CHAMBERS: Thank you. Mr. Clerk, is this my mountain lion amendment? [LB1098]

CLERK: It is, Senator. [LB1098]

SENATOR CHAMBERS: I will have a few words to say on it. I have put this amendment on every bill. I am going to do what I intend to do in a selective manner. This bill, I've been told by the Speaker, is very, very important, LB1098. And from the discussion that has been going on so far I think that it is deemed by some people to be very important. So before I proceed, I would like to ask Senator Carlson a question. [LB1098]

SENATOR GLOOR: Senator Carlson, would you yield? [LB1098]

SENATOR CARLSON: Yes, I will. [LB1098]

SENATOR CHAMBERS: Senator Carlson, how many more amendments, if you have any idea, are going to be presented to LB1098 that you're aware of? [LB1098]

SENATOR CARLSON: I'm not aware of any. [LB1098]

SENATOR CHAMBERS: This would be the last one as far as you'd know. [LB1098]

SENATOR CARLSON: Well, I think so. [LB1098]

SENATOR CHAMBERS: Thank you. Members of the Legislature, this is not a bill that I intend to harass and harry. I don't know which bills remaining I would do that with. So rather than go through all of the angst as to whether or not this amendment is germane, and I wouldn't try to carry it to a vote anyway. I have utilized this bill to get some of the comments that I wanted into the record, and having done so I have only one other question to ask to Senator Lathrop if he will yield. [LB1098]

SENATOR GLOOR: Senator Lathrop? [LB1098]

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SENATOR CHAMBERS: Senator Lathrop, are you aware of any other amendments pending? [LB1098]

SENATOR LATHROP: No. [LB1098]

SENATOR CHAMBERS: What would you like me to do with this amendment if I were willing to do what you want me to do with it? [LB1098]

SENATOR LATHROP: Pull it. [LB1098]

SENATOR CHAMBERS: (Laughter) Thank you. Mr. President, I'm going to do like somebody from the poultry industry suggested. I would like to "pullet." [LB1098]

SENATOR GLOOR: No objections, so ordered. [LB1098]

CLERK: Senator Wallman, AM2876. (Legislative Journal page 1471.) [LB1098]

SENATOR GLOOR: Senator Wallman, you're recognized to open on your amendment. [LB1098]

SENATOR WALLMAN: Thank you, Mr. President. And I've been listening very careful this afternoon. Water is the most important thing. Healthcare--I don't think you can beat healthcare. And I watched how people voted on that and how people expect us to vote on this. And water is very important, and I agree. And so it bothers me that we seem to care for one region of the country more than others, and I'm downstream from the rivers. And we signed compacts here in 1942. And did we have Kansas, Colorado, or Missouri involved in these compacts, these discussions? We should, because that's who we're dealing with, folks. And so with healthcare issues, it's across state lines as well. And I thought I had to get something said on this and I will pull this amendment. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: So ordered. Mr. Clerk. [LB1098]

CLERK: I have nothing further on the bill, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Mr. Clerk. Seeing no one wishing to speak, Senator Carlson, you're recognized to close on the advancement of LB1098. [LB1098]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I really have trouble expressing how I appreciate cooperation, discussion, and the support of the members of the Legislature as we have discussed LB1098 and the amendments to it. I know this is a tremendous step for the state of Nebraska. This will

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be a piece of legislation that's viewed as a win-win. You don't have very many of those. Normally speaking, somebody loses and somebody else wins. I don't believe that with LB1098. And with this, we set our state on a path that I'm not sure that any other state can go on. We will manage our water in a way that is second to none. We have natural resources districts throughout the state that give the best effort that they can in this management and they'll continue to do that. They'll continue to get better. So will irrigation districts. So will municipalities when they understand and have a good feeling that they don't have to worry on an ongoing basis as to whether or not their wells are going to produce good water. Water quality is important and that won't be left unaddressed as this, the work of LB1098, proceeds. We will have a wonderful Natural Resources Commission of people that have a great deal of knowledge making decisions to move us forward. This is landmark legislation and I ask for your green vote. [LB1098]

SENATOR GLOOR: Thank you, Senator Carlson. Senator Murante for a motion. [LB1098]

SENATOR MURANTE: Mr. President, I move to advance LB1098 to E&R for engrossing. [LB1098]

SENATOR GLOOR: All those in favor say aye. All those opposed say nay. The bill advances. Mr. Clerk. [LB1098]

CLERK: Mr. President, LB1098A is on Select File. No E&Rs. Senator Watermeier would move to amend with AM2845. (Legislative Journal page 1434.) [LB1098A]

SENATOR GLOOR: Senator Watermeier, you're recognized to open on your amendment. [LB1098A]

SENATOR WATERMEIER: Thank you, Mr. President. This amendment to the A bill does just three things. The amendment to LB1098A would make a minor revision to the personal service limit allotted to the Department of Natural Resources and would adjust the amount of the Water Sustainability Fund allotted for the state aid. The revision is based upon an updated estimate of costs due to the committee amendment adopted on General File. It should be noted that the cost related to the administration of the Water Sustainability Fund are under 2 percent of the total appropriation. The amendment would also remove the language establishing a cap for the Water Sustainability Fund and replace it with language that directs the Natural Resources Commission and the Department of Natural Resources to consider the need for a funding cap to ensure both the prudent management of the Water Sustainability Fund and the timely cash flow of projects approved for the funding. The department would be required to report on the preliminary findings of the commission in the fiscal 2015 through 2017 biennial budget submission. The result of this language is that the department and commission will

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enter into a discussion regarding internal financial controls and whether a funding cap is necessary for the management of the Water Sustainability Fund. I appreciate your green vote on this. It clarifies a little bit the amendment that I actually brought on General File. It eliminates that and puts a little bit different light on it. It's going to put the responsibility into the new commission as far as making a cap, and it's going to force that discussion between the department and the new commission, and then annually when their appropriations issues come up, we'll be able to talk about it at that time. So if there's any questions I'd be glad to answer it. Thank you, Mr. President. [LB1098A]

SENATOR GLOOR: Thank you, Senator Watermeier. Members, you've heard the opening on the amendment to LB1098A. Are there senators wishing to be recognized? Seeing none, Senator Watermeier, you're recognized to close on your amendment. Senator Watermeier waives. The question is, shall the amendment to LB1098A be adopted? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1098A]

CLERK: 34 ayes, 0 nays on adoption of Senator Watermeier's amendment. [LB1098A]

SENATOR GLOOR: The bill...the amendment is adopted. [LB1098A]

CLERK: Senator Chambers, I have AM2858, Senator. [LB1098A]

SENATOR GLOOR: Senator Chambers, you're recognized to open on your amendment. [LB1098A]

SENATOR CHAMBERS: Would this be the same one that I withdrew the other time around? [LB1098A]

CLERK: Yes, sir. [LB1098A]

SENATOR CHAMBERS: Then I will withdraw this and it's my mountain lion amendment. Thank you, Mr. President. [LB1098A]

SENATOR GLOOR: So ordered. Thank you. [LB1098A]

CLERK: I have nothing further on the bill, Mr. President. [LB1098A]

SENATOR GLOOR: Senator Murante. [LB1098A]

SENATOR MURANTE: Mr. President, I move to advance LB1098A to E&R for engrossing. [LB1098A]

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

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opposed say nay. LB1098A is advanced. Mr. Clerk, we'll move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB191A (sic - LB191). [LB1098A LB191]

CLERK: Mr. President, I did have an amendment to LB191 by Senator Burke Harr, but I understand he wishes to withdraw. [LB191]

SENATOR GLOOR: So ordered. Mr. Clerk, the next bill is LB191A. [LB191 LB191A]

CLERK: LB191A, Mr. President. Senator Nordquist would move to return the bill for a specific amendment, AM2682. [LB191A]

SENATOR GLOOR: Senator Nordquist, you're recognized to open on your motion to return for amendment. [LB191A]

SENATOR NORDQUIST: Thank you, Mr. President, members. AM2682 to LB191A simply increases the appropriation for the Department of Revenue and the Historical Society to oversee, again, this is the historical tax credit program with the changes that we made to increase oversight of those tax credits. They each need an additional staffing component. So, again, the A bill lays out the amounts, but this is just to accommodate for those changes. Thank you. [LB191A]

SENATOR GLOOR: Thank you, Senator Nordquist. Members, you've heard the motion to return to Select File. Are there senators wishing to speak? Seeing none, the motion before us is to return LB191A to Select File. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB191A]

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB191A]

SENATOR GLOOR: The motion is adopted. [LB191A]

CLERK: Senator Nordquist would offer AM2682. (Legislative Journal page 1271.) [LB191A]

SENATOR GLOOR: Senator Nordquist, you're recognized to open on your amendment. [LB191A]

SENATOR NORDQUIST: Thank you, Mr. President. Again, this is just to increase the funding for staffing to oversee the historic tax credit program. Thank you. [LB191A]

SENATOR GLOOR: Thank you, Senator Nordquist. Members, you've heard the opening. Are there senators wishing to be recognized? Seeing none, Senator Nordquist waives closing. The question is, shall the amendment to LB191A be adopted? Those in

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favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB191A]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB191A]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk, returning to...Senator Murante for a motion. [LB191A]

SENATOR MURANTE: Mr. President, I move to advance LB191A to E&R for engrossing. [LB191A]

SENATOR GLOOR: Thank you, Senator Murante. Members, you've heard the motion. Those in favor say aye. Those opposed say nay. The bill advances. Returning to Final Reading, Mr. Clerk. [LB191A]

CLERK: Mr. President, LB1076. Senator Campbell would move to return for a specific amendment, AM2680. [LB1076]

SENATOR GLOOR: Senator Campbell, you are recognized to open on your motion to return to Select File. [LB1076]

SENATOR CAMPBELL: Thank you, Mr. President. Members of the Legislature, I ask you to return this bill because we are removing a significant part of the bill and will gladly provide information to you as we get to that amendment. Thank you, Mr. President. [LB1076]

SENATOR GLOOR: Thank you, Senator Campbell. Members, you've heard the opening on the motion to return. Seeing no one wishing to speak, Senator Campbell waives closing. The question is, shall LB1076 be returned to Select File? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1076]

CLERK: 38 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB1076]

SENATOR GLOOR: The motion passes. [LB1076]

CLERK: Senator Campbell would offer AM2680. (Legislative Journal page 1284.) [LB1076]

SENATOR GLOOR: Senator Campbell, you're recognized to open on your amendment. [LB1076]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. If

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you take a look at this amendment on your gadget, you will note that it strikes much of the original part of LB1076. On Select File, I pledged to you to meet with the Department of Health and Human Services to resolve any issues, fiscal or otherwise, with LB1076 because the morning that this bill appeared on Select File, the department had given a new fiscal note of over \$3 million. The people covered by the bill needed an answer to the proposed rules and regs. When you start working on a bill, often the issue changes and refinements are made and a different path is found. When I called all the people together, including the Policy Research Office, as we began the meeting, the Policy Research Office offered to remove the rules and regs from off the list. And if you will look at the handout that the pages have distributed for you, you will see that the Nebraska Administrative Code proposed changes update on one side of that has been terminated. And I do want to thank the Governor's Office and the Policy Research Office for removing those rules and regs. The next discussion, the department said we will provide to you in a letter an assurance that all of the components of LB1076 would be addressed by the department without the need of a bill. And so on the reverse side you will see the letter from Kerry Winterer providing assurance that the department will rescind the proposed home health services regulation changes. They will maintain current practice in the administration of the home health services. But they will wait until all of the information regarding the BIPP payments, and we've talked about that a number of times, and that they would also meet with the managed-care companies. This certainly was all that we had intended to do in LB1076 to protect services to about 125 Nebraskans who are receiving home services because of very severe disabilities. So once again there are often paths to making change for people in the state of Nebraska and they don't always include having to have a bill. So I would encourage you to adopt the amendment. It will leave in place Senator Nordquist's telehealth provisions which we adopted on Select File. So that will remain in place. But I would strongly appreciate your adoption of the amendment. Thank you, Mr. President. [LB1076]

SENATOR GLOOR: Thank you, Senator Campbell. Members, you've heard the opening on the amendment. Seeing no senators wishing to speak, Senator Campbell waives. The question is, shall the amendment to LB1076 be adopted? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1076]

CLERK: 40 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB1076]

SENATOR GLOOR: The amendment is adopted. Senator Murante for a motion. [LB1076]

SENATOR MURANTE: Mr. President, I move to advance LB1076 to E&R for engrossing. [LB1076]

SENATOR GLOOR: Members, you've heard the motion. Those in favor say aye. Those

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opposed say nay. The bill advances. Mr. Clerk. [LB1076]

CLERK: Mr. President, Senator Davis would move to return LB1115A to Select File to consider AM2675. [LB1115A]

SENATOR GLOOR: Senator Davis, you're recognized to open on your amendment to return to Select. [LB1115A]

SENATOR DAVIS: Thank you, Mr. President. Last week, we were having an Exec Session in the room across the hall when LB1115 and the A bill came up the first time, and I had an amendment in hand, but because I was out of the room I was not able to get it filed, so this went forward. When the A bill was prepared, and this is a \$200,000 request, the A bill was prepared with \$2,000 coming from the Power Review Board and \$198,000 from the General Fund. That is incorrect and we need to correct that so that the \$200,000 completely comes from the Power Review Board...the...I mean from the General Fund. The Power Review Board essentially is funded through fees that are charged to the transmission companies that participate with that, so this is not an appropriate place for that to happen and I would urge the body to return this to Select. [LB1115A LB1115]

SENATOR GLOOR: Thank you, Senator Davis. Members, you've heard the opening. Seeing no senators wishing to speak, Senator Davis, you're recognized to close. Senator Davis waives. The question is, shall LB1115A be returned to Select File? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1115A]

CLERK: 38 ayes, 0 nays, Mr. President, on the motion to return. [LB1115A]

SENATOR GLOOR: The motion passes. [LB1115A]

CLERK: Senator Davis would move to amendment with AM2675. (Legislative Journal page 1293.) [LB1115A]

SENATOR GLOOR: Senator Davis, you are recognized to open. [LB1115A]

SENATOR DAVIS: Thank you, Mr. President. Essentially, what this does then is just takes the \$200,000 that was originally the intent from the General Fund and returns that to the General Fund rather than the \$198,000 which we had in the former bill. And with that, I'd urge the body to move this forward so that we can get our transmission study moving along. Thank you. [LB1115A]

SENATOR GLOOR: Thank you, Senator Davis. Members, you've heard the opening on the amendment. Seeing no one wishing to speak, Senator Davis waives closing. The question is, shall the amendment to LB1115A be adopted? Those in favor say

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aye...vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1115A]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement or, excuse me, of the adoption of AM2675. [LB1115A]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk. Senator Murante for a motion. [LB1115A]

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

SENATOR GLOOR: Members, you've heard the motion. Those in favor say aye. Those opposed say nay. The bill advances. Mr. Clerk, returning to Select File. [LB1115A]

CLERK: Mr. President, LB1042. Senator, I have Enrollment and Review amendments, first of all. (ER231, Legislative Journal page 1346.) [LB1042]

SENATOR GLOOR: Senator Murante for a motion. [LB1042]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB1042]

SENATOR GLOOR: Members, you've heard the motion. Those in favor say aye. Those opposed say nay. The amendments are adopted. [LB1042]

CLERK: Senator Nordquist would move to amend, AM2765. (Legislative Journal page 1409.) [LB1042]

SENATOR GLOOR: Senator Nordquist, you're recognized to open on your amendment. [LB1042]

SENATOR NORDQUIST: Thank you, Mr. President and members. AM1042...LB1042 again revolves around how school employees can repurchase service when returning to employment. The amendment is purely technical and was suggested by the Revisor's Office. It inserts a new definition of relinquished credible service in places throughout the bill and it was something they didn't think could be handled in an E&R amendment. So with that, that's all I have for the amendment. Thank you, Mr. President. [LB1042]

SENATOR GLOOR: Thank you, Senator Nordquist. Members, you've heard the opening on the amendment. Seeing no one wishing to speak, Senator Nordquist, you're recognized to close. He waives. The question is, shall the amendment to LB1042 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1042]

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CLERK: 36 ayes, 0 nays, Mr. President, on adoption of the amendment. [LB1042]

SENATOR GLOOR: The amendment is adopted. [LB1042]

CLERK: Senator Chambers would move to amend, AM2826. (Legislative Journal page 1432.) [LB1042]

SENATOR GLOOR: Senator Chambers, you're recognized to open. [LB1042]

SENATOR CHAMBERS: Thank you. This the usual one, Mr. Clerk? [LB1042]

CLERK: Yes, sir. [LB1042]

SENATOR CHAMBERS: I would like to ask Senator Nordquist a question. [LB1042]

SENATOR GLOOR: Senator Nordquist, would you yield? [LB1042]

SENATOR NORDQUIST: Yes. [LB1042]

SENATOR CHAMBERS: Senator Nordquist, what do you have against mountain lions? [LB1042]

SENATOR NORDQUIST: Not a bit. I've been fully supportive of your efforts. [LB1042]

SENATOR CHAMBERS: Mr. President, I would like to withdraw that amendment. [LB1042]

SENATOR GLOOR: So ordered. [LB1042]

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

SENATOR GLOOR: Senator Nordquist, you're recognized. [LB1042]

SENATOR NORDQUIST: Mr. President, I'd just wanted to make one clarification that legal counsel wanted me to get on the record after our General File debate, and that is that a no purchase of relinquished credible service under this bill as allowed by any current employee after six years and new employees have five years to purchase it after return to work, and after that time they are not able to purchase relinquished credible service. I think there was some...I might have misspoke on General File, so I wanted to make sure that was clear in the record. Thank you. [LB1042]

SENATOR GLOOR: Thank you, Senator Nordquist. Senator Murante for a motion. [LB1042]

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SENATOR MURANTE: Mr. President, I move to advance LB1042 to E&R for engrossing. [LB1042]

SENATOR GLOOR: You have heard the motion. Those in favor say aye. Those opposed say nay. The bill advances. Mr. Clerk. [LB1042]

CLERK: LB1042A. No E&Rs. Senator Chambers, AM2827, Senator. [LB1042A]

SENATOR CHAMBERS: Mr. President, I would withdraw that motion...that amendment. [LB1042A]

SENATOR GLOOR: So ordered. [LB1042A]

CLERK: I have nothing further on the bill, Mr. President. [LB1042A]

SENATOR GLOOR: Senator Murante for a motion. [LB1042A]

SENATOR MURANTE: Mr. President, I move to advance LB1042A to E&R for engrossing. [LB1042A]

SENATOR GLOOR: Members, you have heard the motion. Those in favor say aye. Those opposed say nay. The bill advances. Mr. Clerk. [LB1042A]

CLERK: Mr. President, LB961. There are E&R amendments, first of all. (ER232, Legislative Journal page 1346.) [LB961]

SENATOR GLOOR: Senator Murante for a motion. [LB961]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB961]

SENATOR GLOOR: Members, you've heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The amendments are adopted. [LB961]

CLERK: The first amendment, Senator Lathrop, AM2685. (Legislative Journal page 1369.) [LB961]

SENATOR GLOOR: Senator Lathrop, you're recognized to open on your amendment. [LB961]

SENATOR LATHROP: Thank you, and I'm going to open on the amendment. Before I do though, I need to lay down a little legislative history with respect to LB961 and the

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fire compact. I had some conversation with the claims board people who had some concern and that can be satisfied with a little legislative history. And so workers' comp...to that end, workers' comp is covered by the local fire district, specifically a volunteer must show a certificate of coverage from the rural fire district before responding to a member state. Likewise, South Dakota, for example, has similar requirements. There is no fiscal note. The state is not responsible for providing the workers' comp coverage. That relates to the underlying bill. The amendment is very simple. This is done at the request of the Nebraska Medical Association which wanted the cap on the Medical Liability Act raised from \$1.75 million to \$2.25 million. This is a bill that was actually a Seiler bill. It came out. We expected it to be on consent calendar. It didn't make the cut. And so we're placing it on LB961 at this point in time. We would appreciate your support. Thank you. [LB961]

SENATOR GLOOR: Thank you, Senator Lathrop. Seeing no senators in the queue, Senator Lathrop, you're recognized to close. Senator Lathrop waives. The question is, shall the amendment to LB961 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB961]

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of Senator Lathrop's amendment. [LB961]

SENATOR GLOOR: The amendment is adopted. [LB961]

CLERK: Senator Chambers, AM2828, Senator. [LB961]

SENATOR GLOOR: Senator Chambers. [LB961]

SENATOR CHAMBERS: Mr. President, I would withdraw this amendment. [LB961]

SENATOR GLOOR: So ordered. Mr. Clerk. [LB961]

CLERK: Mr. President, Senator Mello would move to amend with AM2895. (Legislative Journal page 1473.) [LB961]

SENATOR GLOOR: Senator Mello, you're recognized to open on your amendment. [LB961]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. AM2895 would add provisions of LB373 and LB559 to LB961. Both bills were advanced unanimously by the Business and Labor Committee and received strong support from the body on General File. AM2895 also includes an amendment that I had previously filed to LB373 which was brought to my office by the Department of Roads. When the Nebraska Construction Prompt Pay Act was passed in 2010, the act was specifically

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written to exempt state agencies from the bill's requirements, as state agencies are already subject to the Prompt Payment Act. The Department of Roads is also required under federal law to use equally stringent prompt payment clauses in all of their road construction contracts. While the original definition of "owner" in the Nebraska Construction Prompt Pay Act excluded the state of Nebraska, the Department of Roads was concerned that the language does not effectively exempt the state when it comes to road projects, as many of these projects are overseen in conjunction with the county or city governments. The amendment would clarify the definitions of "owner," "contractor," and "subcontractor" in the prompt payment language to ensure these projects, which were intended to be exempted from the Nebraska Construction Prompt Pay Act, remain so. These changes have been reviewed by all the parties in last year's negotiations on LB373, and each of the parties agree that this language merely clarifies the original intent of the 2010 Prompt Pay legislation. Finally, AM2895 also incorporates the provisions of LB559A, which was a federal funds A bill, as there is no A bill attached to LB961. With that, I urge the body to adopt AM2895. Thank you, Mr. President. [LB961 LB373 LB559 LB559A]

SENATOR GLOOR: Thank you, Senator Mello. Members, you've heard the opening on the amendments to LB961. Seeing no senators wishing to speak, Senator Mello waives. The question is, shall the amendment to LB961 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB961]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Mello's amendment. [LB961]

SENATOR GLOOR: The amendment is adopted. [LB961]

CLERK: I have nothing further on this bill, Mr. President. [LB961]

SENATOR GLOOR: Senator Murante for a motion. [LB961]

SENATOR MURANTE: Mr. President, I move to advance LB961 to E&R for engrossing. [LB961]

SENATOR GLOOR: Members, you've heard the motion. Those in favor say aye. Those opposed say nay. The bill advances. Continue on Select File. Mr. Clerk. [LB961]

CLERK: Mr. President, LB1092. I have E&Rs, first of all, Senator. (ER224, Legislative Journal page 1274.) [LB1092]

SENATOR GLOOR: Senator Murante for a motion. [LB1092]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB1092]

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SENATOR GLOOR: Members, the question is the adoption of the E&R amendments. Those in favor say aye. Those opposed say nay. The amendments are adopted. [LB1092]

CLERK: Senator McCoy would move to amend, AM2647. [LB1092]

SENATOR GLOOR: Senator McCoy, you're recognized to open on your amendments to LB1092. [LB1092]

SENATOR McCOY: Mr. President, I would wish to withdraw that amendment if I could. [LB1092]

SENATOR GLOOR: With no objections, so ordered. [LB1092]

CLERK: Senator Dubas, AM2678. (Legislative Journal page 1283.) [LB1092]

SENATOR GLOOR: Senator Dubas, you're recognized to open on your amendment. [LB1092]

SENATOR DUBAS: Thank you, Mr. President and colleagues. This amendment, this issue was raised during General File debate; Fiscal Office, Senator Mello has raised it as well. It was very important to the Fiscal Office that we not commingle the bond proceeds with the actual revenues that are coming in to pay the bonds, so they wanted to create a separate fund that we could deposit the bond proceeds in so that Build Nebraska Bond Fund is created. Again, that's the fund that the bond proceeds would be deposited in. Then they would be paid for out of the State Highway Capital Improvement Fund. So it creates that separate fund. Also the amendment that Senator McCoy just withdrew, this was an issue he brought to my attention as well during General File. We were already working on this amendment, so we included in that. That very clearly states the language in the amendment that we talked about on General File was a little bit vague about making sure that the interest rates are fixed not to exceed 5 percent. So we made sure that that language is very clear in the amendment. So, basically, that's what this amendment is taking care of, creating that separate fund for the bond proceeds to go into and making sure that the language is very clear about the interest rates not exceeding 5 percent. Thank you. [LB1092]

SENATOR GLOOR: Thank you, Senator Dubas. Members, you've heard the motion on the amendment. Seeing no senators wishing to speak, Senator Dubas, you're recognized to close. Senator Dubas waives. The question is, shall the amendments to LB1092 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Senator Dubas, for what purpose do you rise? [LB1092]

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SENATOR DUBAS: I would request...nothing. Thank you. (Laughter) [LB1092]

SENATOR GLOOR: Thank you, Senator Dubas. Record, Mr. Clerk. [LB1092]

CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of Senator Dubas' amendment. [LB1092]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk. [LB1092]

CLERK: I have nothing further on...I'm sorry. I'm wrong. Mr. President, Senator Chambers would move to amend, AM2829. [LB1092]

SENATOR GLOOR: Senator Chambers. [LB1092]

SENATOR CHAMBERS: Mr. President, I withdraw that amendment. [LB1092]

SENATOR GLOOR: No objection, withdrawn. [LB1092]

CLERK: Mr. President, Senator Chambers, AM2856. (Legislative Journal page 1474.) [LB1092]

SENATOR GLOOR: Senator Chambers. [LB1092]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I must make a comment. I told Senator Dubas in the year 2014 B.C.--that's before cougars--that I had waged the best battle I could against this bill on General File and I had nothing further that I would say on Select File other than I remain opposed to the bill. And that having been said, I withdraw this amendment. [LB1092]

SENATOR GLOOR: So ordered. Mr. Clerk. [LB1092]

CLERK: I have nothing further on the bill, Mr. President. [LB1092]

SENATOR GLOOR: Senator Hansen, you're recognized. [LB1092]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I don't want to draw this out if there's not very many senators want to talk about this bill. But I think this is still a very bad idea. When you bond for roads, you're borrowing the money. It's going to cost way more, even at a low interest rate it's going to cost more money than it would if we pay as we go. I think the pay as we go formula that we've used in the past is the right one to use. I think that this...I don't know, I just can't get over the idea of the state of Nebraska going into debt. Even with the cash reserve that we have, if it's necessary that we spend an extra hundred million dollars on roads, take it out of the

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cash reserve, spend it, and build it back up. There's something just basically wrong to me what we're doing here. If anyone else agrees, you can certainly chime in. But I just...there's something underlying this. It's just not right. Thank you, Mr. President. [LB1092]

SENATOR GLOOR: Thank you, Senator Hansen. Senator Smith, you are recognized. [LB1092]

SENATOR SMITH: Thank you, Mr. President. And I'm not going to draw this out either. I agree with Senator Hansen and his comments. I have stood opposed to the bill originally; I will continue to oppose the bill. I do appreciate the effort that Senator Dubas has put into this. I understand the reasoning that many have for wanting to support the bonding for roads. The last time I was on the mike on this particular issue, I had a good conversation and good exchange with Senator Conrad, and she was helpful in stepping me through what the appropriations process is as we look down the road with this bill. And it does place at risk because we will be binding future Legislatures to provide the funding for the bonding. And if that appropriations is not satisfied, there will be only a couple of options available which will be, one is to cut into roads maintenance and another one would be to raise the motor fuel tax. And I know many will say, well, that's not a true risk, that's a hypothetical. But it is indeed a risk if we are binding future Legislatures in that way. So, again, I respectfully will disagree with this bill and I will oppose LB1092. Thank you, Mr. President. [LB1092]

SENATOR GLOOR: Thank you, Senator Smith. Senator Bloomfield, you're recognized. [LB1092]

SENATOR BLOOMFIELD: Thank you, Mr. President. I opposed this bill on General File. I've seen nothing that makes it any better. Nebraska is supposed to be a pay-as-we-go state. Say what we want, this is borrowing money to go into debt to build roads that we've always opposed as a state. It is not a balanced budget bill. I guess there's no reason to stand up here and throw a huge fit about it. I'm opposed to it. I was opposed to it. I will be opposed to it. I hope the Governor vetoes it. At that point, I'll be able to vote to sustain his veto. Thank you. [LB1092]

SENATOR GLOOR: Thank you, Senator Bloomfield. Senator Christensen, you're recognized. [LB1092]

SENATOR CHRISTENSEN: Thank you, Mr. President. I also stand in opposition to this bill. I do not think it's the Nebraska way. I do not believe that's the direction that we should be going. We have been a pay-as-you-go state. We have done things that many states haven't done. We have always separated ourselves. We have a balanced budget; a number of states don't, federal government don't. We have always done the right thing, and I do not believe this is the right thing. This is not new income. This is not

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new resources for roads. This is borrowing from the future. I've been proud of Nebraska. We haven't borrowed money from our kids to have luxuries now. That's what this bill does. It is the wrong approach. I agree with Senator Hansen, Senator Bloomfield. I'm not going to drag this out, but I am going to get up and make sure I'm on the record stating I think you're making a huge mistake in passing this. I hope for the veto and I hope it doesn't get overridden because I do not believe this is the Nebraska way of doing things. And I hope you'll think about what's happening and that you'll vote against this, because it's not the Nebraska way. Thank you, Mr. President. [LB1092]

SENATOR GLOOR: Thank you, Senator Christensen. Senator Kintner, you're recognized. [LB1092]

SENATOR KINTNER: Thank you, Mr. President. I've said on a number of occasions that we, in this body, spend a lot of money. Matter of fact, I've said that we spend money like Congressmen. The only difference is when we run out of money we quit spending. Well, if we pass this bill, I can't say that anymore. I think a lot of states do this. It's not unheard of. I wouldn't say it's horrible policy, but you know what? We've done very, very well as a pay-as-you-go state. We have strong finances in this state, and part of the reason is we don't borrow money. And what this will do, it will bind future Legislatures. It will eat up part of their incoming budget and it will take away a little flexibility that they have in dealing with future financial crisis or problems that we could not foresee at this point, but we know from time to time will happen. I do not think this is the best way to go. I don't think this is good policy. It's not horrible policy, because I know other states do it, but this is just not the way that we should be conducting ourselves. You know, we pride ourselves on that Midwestern common sense and being frugal and that's something that served us very well. I don't really see the need to be like these other states that have all kind of debt. That's just not the way that we should be doing things. So I will oppose this bill. Also encourage the Governor to veto it, and we will fight like heck if he does do that, to uphold that veto. Thank you, Mr. President. [LB1092]

SENATOR GLOOR: Thank you, Senator Kintner. Senator Hadley, you're recognized. [LB1092]

SENATOR HADLEY: Mr. President, members of the body, I will not take a long time. I certainly agree with the speakers before, especially Senator Hansen. I guess the most surprising part of this whole discussion has been the lack of any discussion from the K through 12 schools, the school administrators, the NSEA, because, folks, in the next 20 years we're going to have that downturn. We're going to have that downturn like we had a couple two or three years ago where if we had not had the stimulus money that K through 12 education, TEEOSA, would have been in deep problems in this state. And you wait and see. We're going to have that downturn. There's going to be a fight over the LB84 money. If that goes away then you're going to the maintenance part of the

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cash fund or you're going to raise gas taxes. So I guess I was just surprised that the Education lobby didn't weigh in as seeing the problems with this bill potentially for education in the future. Thank you, Mr. President. [LB1092]

SENATOR GLOOR: Thank you, Senator Hadley. Senator Brasch, you're recognized. [LB1092]

SENATOR BRASCH: Thank you, Mr. President. And good evening, colleagues. I also continue to stand opposed to the use of bonding. I stand by the testimony from the hearing that I read where the director of the Department of Roads had said that he believed it was going to raise false expectations across the state that roads will be built faster or into specific areas, and that could not be the case because of federal regulations, state regulations, and laws that have to be met and much other criteria. I also stand opposed to this because when this Legislature, before I took my seat, had the roads funding conference where over 300 individuals with interests in roads building and roads creation gathered with, I believe it was, 30-some senators at that point, and that's where LB84 came about through Senator Ashford and Senator Fischer and others designing LB84 to raise funds for the roads creation. In the testimony, it was said that those funds are, at this point, being adequate to meet the scheduling of the roads that have been designated to be built and that they will continue working on attempting to move roads forward. Nebraska has been a pay-as-you-go state. It has served us well. We would all like our roads to be built across the state into our communities and we need to exercise patience and understand that it cannot happen as quickly as we would all like it to. So, colleagues, please consider carefully on your vote here and we don't want to have an open-ended credit card for roads building. Thank you, Mr. President. And thank you, colleagues. [LB1092]

SENATOR GLOOR: Thank you, Senator Brasch. Senator Wallman, you're recognized. [LB1092]

SENATOR WALLMAN: Thank you, Mr. President. Good evening, members of the body. Would Senator Hadley yield to a question? [LB1092]

SENATOR GLOOR: Senator Hadley, would you yield? [LB1092]

SENATOR HADLEY: Yes. [LB1092]

SENATOR WALLMAN: Thank you, Senator. Senator Hadley, on those water bills that we just passed did we have funding in there by bonding? [LB1092]

SENATOR HADLEY: Pardon me? [LB1092]

SENATOR WALLMAN: Was there funding in there or did it go by bonding? [LB1092]

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SENATOR HADLEY: Yes, there was funding in there. Yes, I believe there was.
[LB1092]

SENATOR WALLMAN: Well, we were passing our stuff on down to our grandkids there too, folks, and I voted for bonding for roads because we don't have the courage in here to levy a tax. And the last tax we levied in here was Senator...was Fischer, was a earmarked tax, plain and simple. And we don't want to go there for some reason. We tried it. I think it was Erdman and myself and a few others. We didn't want to go there, so we earmarked some money. And I don't know about Senator Kintner or myself, I do not like earmarks because that puts the burden on people down the road. So bonding does too. So do you want good roads? Do you want trucks down your roads? I tell you what, there are some roads in my district are sad, very sad. You take a pickup down there or a big truck or a semi, you're going to...it's hard on your trailers. It's hard on your pickups. It's hard on tires. So I agree, I had a hard time voting for this, but I did. Senator Dubas, I'll stick with my vote. Thank you, Mr. President. [LB1092]

SENATOR GLOOR: Seeing no senators remaining in the queue, there's been a request for a record vote. Members, this will be a machine vote. The question is, the advancement of LB1092. There's been a request for a call of the house. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1092]

CLERK: 29 ayes, 0 nays, Mr. President, to place the house under call. [LB1092]

SENATOR GLOOR: The house is under call. Senators, please record your presence. Those unexcused senators please return to the Chamber and record your presence. Any unauthorized personnel please leave the floor. The house is under call. Senators Campbell, McGill, Pirsch, and Larson, please return to the Chamber and record your presence. Senator McGill, please return to the Chamber and record your presence. Members, the question is, shall LB1092 be advanced to E&R for engrossing? Those in favor vote aye; those opposed vote nay. This is a record vote. Senator Dubas, for what purpose do you rise? Which order, Senator? There's been a request for a roll call vote, reverse order. Mr. Clerk. [LB1092]

CLERK: (Roll call vote taken, Legislative Journal pages 1474-1475.) 27 ayes, 15 nays, Mr. President, on the advancement. [LB1092]

SENATOR GLOOR: LB1092 is advanced. Raise the call. Mr. Clerk. [LB1092]

CLERK: Mr. President, LB976, I no E&Rs. I do have amendments to the bill. The first amendment is by Senator McCoy, AM2792. (Legislative Journal page 1419.) [LB976]

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SENATOR GLOOR: Senator McCoy, you're recognized to open on your amendment to LB976. [LB976]

SENATOR McCOY: Thank you, Mr. President and members. AM2792 would remove the Supreme Court dispute resolution mechanism in LB976, also removes a portion of the bill in which the Nebraska Supreme Court was given the authority to choose a map, if you remember, from the four submitted options upon the fourth failed approval, as we talked about on General File. I think this punts the Legislature's responsibility constitutionally to the Supreme Court and provides the courts with somewhat unprecedented discretion over the redistricting process that I believe is altogether unnecessary. Thank you, Mr. President. [LB976]

SENATOR COASH PRESIDING

SENATOR COASH: Thank you, Senator McCoy. Members, you've heard the opening to AM2792. Floor is now open for discussion. Senator Murante, you're recognized. [LB976]

SENATOR MURANTE: Thank you, Mr. President and members. I can't help but observe that as we open on this bill on Select File, it has had the impact in the Chamber that it had on General File where the mass exodus (laugh) happened. I was told after General File debate by a proponent of the bill, who was I think attempting to compliment at least my review of the bill, he said to me, Senator Murante, I thought your case was compelling, and I believe he even used the word "brilliant," which I appreciated; unfortunately for you, nobody was listening, which is probably the case. But I think as we discussed on General File, this bill has some fundamental problems with it. I think Senator McCoy's amendment here outlines a very big one which is to say that the constitutional prerogative and requirement of the Legislature to be responsible for redistricting in the bill that was advanced from General File is delegated to the state Supreme Court, and that is, I believe, to be an unconstitutional delegation of powers. I've run this by a couple of attorneys who tend to concur with that assessment, and I'd like to reiterate--I like the concept of an independent commission. More to the point, I'm less enthusiastic about the idea of a commission outlined in this bill and more intrigued by an Iowa model wherein an equivalent of the Legislative Research Division draws the maps and submits them to the Legislature. And I believe there is a way to do this. I believe there is a good approach to be taken. And I know Senator Karpisek is very passionate about this issue, there's no doubt about it. Quite frankly, I've known Senator Karpisek now for two years. I've never seen him as passionate on an issue as he is on this one, and I respect that. And I know he is going to disagree with me passionately on this, and I respect that. As I told him before we began debate, my concerns with this bill are based on the language in it. I appreciate the work that he did with me. I think we at least agreed, even if we didn't agree on the conclusion, we did seem to agree on the fact that the bill contained problems, and I appreciate that he was willing to work with me on those problems. And the amendment that we...that this Legislature adopted on

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General File I do think made some of the problems that I outlined on General File, they made them better, took them out of the bill. But it's not good public policy. [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR MURANTE: To take an issue that we're passionate about, and I know that he is very sincere and he's very genuine, and I wish that the proponents of this bill would understand that the opponents are as sincere and genuine in their beliefs as the proponents are in theirs, and come to some sort of understanding that there's a way forward, but that way forward is not LB976. And I'm going to continue working on the bill. Whether this bill passes or not, there is going to be redistricting reform brought to the next Legislature. I don't know if I'll be the person to bring it, but I'll certainly be part of the discussion of crafting that reform, because I believe reform is needed. [LB976]

SENATOR COASH: Time, Senator. [LB976]

SENATOR MURANTE: Thank you, Mr. President. [LB976]

SENATOR COASH: Senator Karpisek, you're recognized. [LB976]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. And I do appreciate Senator Murante working with me between the first night and the second; however, I have not spoken to him since then, neither has Senator McCoy spoken to me except for a little bit ago when I threatened him. And I said on the mike that anyone had concerns to please come to me. Five amendments to the bill and not talking to me does not seem like he wants to help the bill. So it looks like a filibuster to me. And as Senator McCoy told me, we're all big people here, but he's not big enough to come talk to me face and tell me that he's going to do this, so another sneak attack, well played. I do have an amendment drawn up that I put in that I think took care of a lot of the problems that Senator Murante brought up on General File. And I agree that there were problems with the bill. We're getting all our ducks in a row. Anyway, I think I agree with Senator McCoy's amendment here and my amendment has that same thing stricken. I am drawing my amendment up to one of Senator McCoy's amendments so I guess if he would look at my amendment and be so kind, he could agree and pull his and we could just go with mine. But I'm sure that won't happen either. The other night I said I'm getting the gloves ready to take off. They're off. And we can think that's funny and amusing, but it won't be so amusing when we're done. We'll talk about why this bill came in the first place, the underhanded things that happened the last time, and why I'm so passionate about it. Senator McCoy is...sorry, Senator Murante is right. I am passionate about this. And I really like Senator Murante outside of the Government Committee. I don't like him in the Government Committee at all. I would like to work on this bill and if for no other reason to get it closer to what Senator Murante said that maybe next year something else can come, because what happened last time was not

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good and nobody can grin and wink and nod and jab each other in the ribs and laugh and say, boy, we really put it to him, and say it was good. It's bad government. I have asked Senator Lautenbaugh if one of the claue would put in a bracket motion to see where we are on the bill on votes. I see no reason to go through four hours of beating each other over the head if we don't need to, because I will be beating over the head and I'm sure I'll get beat over the head. It's happened a lot to me while I've been here. Just makes me harder and stronger and all the things that Senator Chambers would say. So I would like to talk about the amendment, talk about Senator McCoy's amendment. [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR KARPISEK: Agree, again, I agree with his amendment. That wasn't right in the bill. I do think the people heard what Senator Murante said on General File, but I think what they heard more was something needs to happen. And I asked for the body to let me work between General and Select, and I did, by myself, with my staff and Senator Mello's staff, no one else. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Karpisek. Senator Mello, you're recognized. [LB976]

SENATOR MELLO: Mr. President, members of the Legislature, first off, I want to express my personal gratitude to my legislative aide, Trevor Fitzgerald, and Senator Karpisek's legal counsel and aide, Josh Eickmeier, for their due diligence of capturing the concerns raised on General File regarding LB976 and translating those concerns and other items that they were able to identify in working with Senator Karpisek, myself into an amendment that Senator Karpisek will put on Senator McCoy's next amendment. It is an all-encompassing, essentially, rewrite of the bill that incorporates the concerns, whether they were big concerns, small concerns, sometimes even definitional challenges that Senator Murante had raised on General File, that they're all addressed in this underlying amendment. Now my hope and...my hope, I know that the likelihood of the opponents of this bill are going to run a filibuster on this, so we, hopefully, we will get to Senator Karpisek's amendment which is a good rewrite of the bill. It keeps the legislative intent of creating an Independent Redistricting Commission where we deal with the concerns that were raised on a delegation of powers, on delegation of authority, as well as clarifying some of the process that Senator Murante had raised on General File. Now, colleagues, a lot of those concerns he raised were very gray areas that we don't even have in our rules and/or in the legislative resolution that we last used when we went through the redistricting process. So really, I think the effort that Senator Karpisek will introduce in Senator McCoy's second amendment will try to fill in those gaps. And, colleagues, I'm convinced, after you read Senator Karpisek's amendment, you will feel that this is a much better bill. It addresses what we wanted to see on the General File debate that we heard from Senator Harms, Senator

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Krist, Bloomfield, and others that we want to take the partisanship out of redistricting to the best of our ability; that we want to take out what we saw in 2011 and go down a new path in regards to having an independent citizen commission working with our Legislative Research Office to devise redistricting maps that are not drawn by a Governor, not drawn by a Governor's aide, not bounced off of different congressional representatives or different groups of senators within the body. They are maps drawn by an independent authority that we still have to vote on as a Legislature and that at the end of the day we have still complete control over whether those maps become law or whether we vote them down and want a new map. There is no real argument, colleagues, on General File with the exception of more of the technical changes and concerns brought forward of the bill by Senator Murante, Senator McCoy, and others. And I think we've addressed those technical concerns by doing a thorough analysis and rewrite of the underlying bill to address those procedural issues that were not as clear as we probably would have liked. But there still will be some who want partisan redistricting. Those who oppose the bill couldn't provide an argument of why we wouldn't want an independent commission to do this. There was not a real argument except, well, the Legislature should control it. Colleagues, that's not a good enough answer. It never was a good enough answer and that's why states have moved towards what you see in Senator Karpisek's LB976 as amended by his amendment. Senator McCoy's amendment, don't get me wrong, AM2792 is already incorporated conceptually into Senator Karpisek's amendment. So if the body wants to vote on AM2792, I'd tell you to vote green, because the next amendment will have Senator Karpisek's complete rewrite and this is already incorporated into it. But make no mistake, colleagues,... [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR MELLO: ...make no doubt, I will be...I am eager and will be writing down furiously the arguments against this bill because there are no arguments against this bill besides you want to keep a partisan redistricting process where one political party has the control over a committee and has the control over a process, because that's what we have now with our rules in the last legislative resolution that we passed in 2011. We can do better. We must do better. And I think Senator Karpisek's amendment will take us there. Thank you, Mr. President. [LB976]

SENATOR COASH: Senator Kintner, you're recognized. [LB976]

SENATOR KINTNER: Thank you, Mr. President. You know, I almost hate to stand up and oppose this because Senator Karpisek and myself have been agreeing a lot. At least this week so far it's been a Kintner and "Karpi" agreementfest so far this week for most things. But I'm going to oppose this. And you know what? I've just been around for a while. I've seen these things and they usually go something like this. Well, we're going to have this commission...I'm talking about other states, not what we have here. But it's

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usually we'll have five Republicans and five Democrats and five Independents. It never works out as nonpartisan. Or it will go something like this: We're going to have a totally nonpartisan, maybe two Republicans, two Democrats, and six people who are unaffiliated. It never works out. On that first example, they'll get five liberal Republicans, five liberal Democrats, and three or four liberal Independents, and there's your nonpartisan body putting it together. There's no such thing as nonideological people. There may be somewhat nonpartisan, but there's not going to be nonideological people. Everyone has got an agenda. So what we're going to do here is we're going to switch this body, this ideological body here with people on the left and people on the right and people in the middle and people all over the place, Republicans and Democrats, and we're going to substitute, as I understand it, six people who are...have their same ideological biases as we do here. If we're just going to change biases in this body to biases outside the body, I don't see a whole lot of difference. Now make no mistake, if we were in Maryland, we took our body, we put it in Maryland, I bet the people who are opposing this right now, or at least some of them, would be pushing for a nonpartisan commission and the people supporting this would be trying to keep the status quo. That's just the way it goes. When you're in the minority you like the nonpartisan commissions, and when you are in the majority--and I don't think of myself in the majority, but I guess as Republicans we somewhat are--then, you know, you...he who has the gold makes the rules. And it's just that way in every single state. You know in California, the great Governor Arnold, and I say that with some sarcasm, thought it would be a good idea, since they are the minority, that we're going to push an independent commission and we're going to set this whole thing up and we're going to take all the politics out of it and the people will be better served. It's called "good government" they told us. Boy, that really worked out good for the Republicans. They lost about four seats. It didn't work out at all. There's no such thing, and I've been involved in this for 30-some years, there's no such thing as nonpartisan, nonideological, people just doing things for the good of the state, doing things just because we want good government. It just doesn't happen that way. It never has, because what happens is there are people with agendas and they weasel their way in and it's never strictly good government. And I don't see any reason why we'd be that, because this is human nature. So I oppose this and my aim is to put this thing out of its misery, put the people of our state and this body out of its misery right here tonight so we can move on and do things we have to do. It's nothing against Senator Karpisek. And like I said, if it was a different state, some of the people here opposing it, I bet would be saying the same things that Senator Karpisek is saying, that we need to take the politics out of it. But the bottom line is... [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR KINTNER: ...we just don't have a system known to man that's going to take the politics out of it. And the good thing about this is we're elected. If we screw up, the people can do something about it. They can get rid of us. If some unelected body

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screws up, there's no recourse. So at least with us, the buck stops here. And if we do a bad job, the voters can hold us accountable and responsible, and that's what they should be doing. The second house should speak if we don't do our job. Now I understand it's messy. These things are always messy. Every ten years in every state in the country it's messy. And, yes, with the nonpartisan commissions and task force and all this nonpartisan stuff it's messy there too. It's just hidden a little bit better than when you do it in the Legislature. So I would encourage... [LB976]

SENATOR COASH: Time, Senator. [LB976]

SENATOR KINTNER: ...everyone just vote no on this. Thank you. [LB976]

SENATOR COASH: Thank you, Senator Kintner. Senator Krist, you're recognized. [LB976]

SENATOR KRIST: Thank you, Mr. President. Good afternoon...good evening, I guess, colleagues, and hello, Nebraska. We all learn lessons in a different way and my optimism over the last few years is not as optimistic as it was before. Senator Murante stood on this floor...and I'm not calling him out, I'm just calling out the issue philosophically. Senator Karpisek is never going to win this battle. Senator Kintner doesn't think it's worth expending any energy because it's always going to be partisan and it's always going to stink; not worth any effort. I mean I just...I think that capsulizes what you just said, Senator Kintner. It's not worth making any changes or trying to make any changes because it's always going to be the biggest guy with the biggest stick or the most people that's going to win. Well, I watched that process happen a few years ago and I think we do need reform. I think we do need change. What we don't need is for people to stand up here on the floor and tell us, hey, I'm going to work with you between General and Select, because you learn a lot about a person when he makes a promise and he doesn't keep it. So this is really an effort, an exorcism without a devil, I got to tell you, because it's never going to go anywhere. Philosophically, those people who can block will block; those people who want to make changes will not be able to make it by amending this thing on the floor. Those who will say it's a bad bill, don't make it worse; those will say there are some amendments out there that could be joined. If AM2792 is really incorporated into Senator Karpisek's effort and Senator McCoy is serious about making this bill better, then let's put them together. I don't think we're serious about making this bill better and I think we should be serious about where we're going with this bill. If Senator Murante wants to make another promise that he's going to bring something back next year and it's going to be better and we're going to have a more nonpartisan group making it, I'll listen to that but not tonight. And I won't participate in the filibuster which Senator Kintner has declared that this is. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Krist. Mr. Clerk, you have an item. [LB976]

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CLERK: Mr. President, Senator Lautenbaugh would move to bracket the bill until April 17, 2014. [LB976]

SENATOR COASH: Senator Lautenbaugh, you're recognized to open on your motion. [LB976]

SENATOR LAUTENBAUGH: Thank you, Mr. President. I move to bracket this bill because it should be bracketed. Thank you. [LB976]

SENATOR COASH: Members, you've heard the opening on the motion to bracket. The floor is now open. Senator Murante, you're recognized. [LB976]

SENATOR MURANTE: Thank you, Mr. President. I want to be very clear about what I said that I would do and what I did not say that I would do in respect to working with Senator Karpisek. I believe my closing on my motion to recommit was abundantly clear. I was going to pull that motion and encourage all of you to vote red on the bill because I felt that the bill was fatally flawed, and that in order to come up with a proper solution we did not have adequate time in this legislative session to fix it. I did promise to work with Senator Karpisek between the first round of General File discussion and the second round of General File discussion, which I did, which amounted to an amendment, which has been referenced several times, which made the bill better. And I think Senator Karpisek and I are on the exact same page as to what that bill meant. He said it on General File...or what that amendment meant to me, that it was an amendment that made the bill better but it did not make the bill one that I could support. And that's fine. That's what I said. That's what I did. I can assure you that there is going to be reform that is going to be numbers-based coming next year, whether LB976 is adopted or not. Because in my view the only way to really get the partisanship, and that's not even so much partisanship, but the controversy is out of the equation to the extent that it can be, is to make the decisions based on numbers and math, equations, formulas, all of which exist. We just have to utilize them. I think I'm not going to probably speak again until we have a vote on the bracket motion. It seems like we're all sort of in agreement that we need to see where we are and...but that's what happened and I kept my word to the best of my ability. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Murante. Senator McCoy, you're recognized. [LB976]

SENATOR McCOY: Thank you, Mr. President. I'll be an adult here and I won't detail on the mike what the rest of Senator Karpisek's conversation was to me. I think we're adults here and we can keep private conversations to ourselves. But I appreciate Senator Karpisek bringing that up in case he wants to detail what the rest of what he told me in that conversation. I'm going to stick to the reason I don't like this bill. I do

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support the bracket motion, but I'm going to talk about a number of issues that I don't believe Senator Karpisek, what I've heard of his amendment, such that it is, addresses. You know, I think we have a First Amendment issue, in my mind, with a part of this bill that's in Section 21 of the amendment. I think that when...well, I'll just go through some of my notes. I think when you look at our First Amendment, you talk about free association and free speech. Section 21 of the bill provides that no member of the commission may actively participate in or contribute to any political campaign of any candidate for state or federal elective office while a member of the commission. I don't know, and again, I'm not an attorney, but as I look at this as a layperson, I don't know how this is allowable under the First Amendment. I don't think we can ask a member of this commission to give up their First Amendment rights in order to serve on this commission. I don't recall this being discussed on General File, unless I missed it, which is possible. I think that raises a real issue. I think that presents a problem because we're asking these individuals to try to make unbiased, objective decisions. But oftentimes the people that would want to serve on such a commission are ones, especially in a small state like ours, a largely rural state, are probably going to have been involved at some point or another in politics, either in elected or appointed positions, certainly in a grass-roots position in either one of the two major parties. I'll go back to a concern I raised on General File which, far as I know, Senator Karpisek still doesn't have addressed and doesn't plan to address that I'm aware of, and that is, what provision is there in this bill for someone who is a registered Independent to serve on this commission? Now that's not one of the amendments that I have filed because I don't know you fix that. I think that is a fatal flaw, in my mind, of this legislation. We have a good number of registered Independents, probably much to the chagrin of both major parties across the country and in our state. These are several of the concerns that I have with this legislation. I don't like it. I was very plain about that on General File. So, Senator Krist, don't think anybody is... [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR McCOY: ...hiding that. I'm certainly not. But I appreciate you standing up and drawing attention to the fact that sometimes we have strong feelings on both sides. That is our deliberative process. That is well within the bounds of any member of this Legislature, including Senator Krist. Many of us have been here before him and are aware of that fact. I support this bracket motion for a whole host of reasons. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator McCoy. Senator Karpisek, you're recognized. [LB976]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. And I will tell you what I told Senator McCoy, not verbatim, but I told him I'd like to smack him and put him on his rear. And that's a true story. I won't get too much further into that, but one

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of these days we might be able to settle that. Other than a coin flip, as someone brought up to me, Senator Janssen, there may be a boxing match. Anyway, we'll take care of that later. And maybe I can run faster scared than he can mad, like Senator Chambers, and maybe not. I asked Senator Lautenbaugh to put the bracket motion up because I don't want to waste four hours on this if there aren't the votes. Would Senator McCoy yield? [LB976]

SENATOR COASH: Senator McCoy, will you yield? [LB976]

SENATOR McCOY: Certainly. [LB976]

SENATOR KARPISEK: Thank you, Senator McCoy. I'm not going to ask you about our boxing bout, but did...you had these problems with the bill, but did you come talk to me in between like I asked? [LB976]

SENATOR McCOY: Senator, we've had a number of conversations off the microphone about this bill. [LB976]

SENATOR KARPISEK: Hmm. Did you come with any amendments or any...I shouldn't say amendments, any certain particular problems and ask me to address them? [LB976]

SENATOR McCOY: As you know, and I just reiterated, Senator Karpisek, I talked about on the microphone on General File some of my concerns, as many of them as I could get in, in the time. [LB976]

SENATOR KARPISEK: But you didn't come and talk to me about them. [LB976]

SENATOR McCOY: Yes, I did, Senator Karpisek. As I said, I, on the microphone and off the microphone, in a number of conversations with you outlined some of my concerns with this bill. [LB976]

SENATOR KARPISEK: Okay, you did outline the Independent voter and I did say I don't know about that either. But I'd like to ask you, how does an Independent voter have a voice on the committee as we do it now? [LB976]

SENATOR McCOY: Well, Senator Karpisek, a member of the Legislature who is a registered Independent could certainly end up on the Redistricting Committee, unless I'm mistaken. [LB976]

SENATOR KARPISEK: I don't know. We sure haven't had one. We didn't have one last time. [LB976]

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SENATOR McCOY: Well, I don't know at that particular time, Senator Karpisek, if we had a registered Independent in the body in 2011. [LB976]

SENATOR KARPISEK: Goes back to Senator Ashford's deal. We didn't quite know where he was again, right, which party he was in? (Laughter) [LB976]

SENATOR McCOY: And, Senator,.. [LB976]

SENATOR KARPISEK: Hey, if I yell I have to try to be funny too. [LB976]

SENATOR McCOY: Senator Karpisek, unless I'm mistaken, Senator Chambers, as a registered Independent, served on the Redistricting Committee in 2001. [LB976]

SENATOR KARPISEK: We'll ask Senator Chambers later. I think that it is addressed in my amendment that it says that the person who would be the Chair of the committee would be...not be a Democrat nor Republican. I think that is in there. Again, I think a lot of the things that were brought up on the floor are addressed in my amendment. I got that in, I think, yesterday and I will admit it was late. If you haven't had a chance to look at it I understand, but you could look at it now. I've tried to fix some of those things. But we...you're trying to nitpick what we're doing in this bill. There's a lot of things that are wrong in the way we do it now. And Senator Kintner is right, we'll never take the... [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR KARPISEK: ...complete partisanship out, but, boy, we can't make it any worse than it was last time. And it was both sides, and I didn't like that. I don't like that kind of partisanship at all and I wish that we could do something different about it. My next time at the mike, I'll probably talk about exactly what some of those things were that I didn't like. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Karpisek. Senator Janssen, you're recognized. [LB976]

SENATOR JANSSEN: Thank you, Mr. President, members. And I only rise supportive of the bracket motion and I was, yes, the coin flip person. Wanted to move this forward so we could get to other stuff if we weren't in "agreeance" and we could find out where we were at on this particular bill. And that's nothing against Senator Karpisek, definitely. And I was arguing with Senator Lautenbaugh of who should bracket it, and I said, well, I would spend much less time opening than you would, and then he trumped me on that by a very quick opening and then he shut down. But I understand that Senator Karpisek wants to talk again and I will yield the balance of my time to Senator Karpisek. [LB976]

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SENATOR COASH: Senator Karpisek, 4 minutes 20 seconds. [LB976]

SENATOR KARPISEK: Thank you, Senator Janssen. Thank you, Mr. President. Would Senator Murante yield, please? [LB976]

SENATOR COASH: Senator Murante, will you yield? [LB976]

SENATOR MURANTE: Yes. [LB976]

SENATOR KARPISEK: Senator Murante, and thank you for working with me in between the two times, try to make it a better bill. I will say I wouldn't have wasted either one of our times if I would have known this is where we're going to get. I guess I should have known. But could you please tell me why you wanted to take the part out about anyone being on the committee not being able to serve for two years or run for one of those districts? [LB976]

SENATOR MURANTE: I think Senator McCoy had outlined some of those concerns. I have a lot of concerns with not just that provision... [LB976]

SENATOR KARPISEK: No, but that's what I want to know about because that was one of the things that you specifically asked for and I took out that I didn't like. I would have liked to left it in there. [LB976]

SENATOR MURANTE: Sure. And the reason is, in my view, there has to be some sort of rational basis for excluding people. If a person wants to be on this commission, in my view, there needs to be a good reason for excluding them from doing that and... [LB976]

SENATOR KARPISEK: Do you think that part of my reason for that would have been because of you and your map drawing when you were working for Senator Nelson and that maybe you didn't want that two years in there because then you couldn't have run for the district that you drew? [LB976]

SENATOR MURANTE: I can't speak to your motivations for putting it in the bill, Senator Karpisek. [LB976]

SENATOR KARPISEK: That is my motivation for putting it in the bill. You were employed by Senator Nelson, correct? [LB976]

SENATOR MURANTE: Yes. [LB976]

SENATOR KARPISEK: And he was on the Redistricting Committee, right? [LB976]

SENATOR MURANTE: Yes. [LB976]

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SENATOR KARPISEK: And you spent an exorbitant amount of time in the map room drawing maps, correct? [LB976]

SENATOR MURANTE: That's a nebulous term but... [LB976]

SENATOR KARPISEK: A lot? [LB976]

SENATOR MURANTE: I...yes, that's fair to say, particularly towards the end of the process, yes. [LB976]

SENATOR KARPISEK: Yes. And so, you know, whether it's true or not, it sure seems like that new legislative district landed right on top of your house. Did that happen? [LB976]

SENATOR MURANTE: Gretna did receive a new legislative district, as was proposed in, I believe, every other map that was introduced. [LB976]

SENATOR KARPISEK: And the day after the Governor signed that bill, did you put out on Facebook saying that you would be running for that seat? [LB976]

SENATOR MURANTE: Yes. [LB976]

SENATOR KARPISEK: Doesn't that seem a little bit odd and fishy? [LB976]

SENATOR MURANTE: Does it seem odd and fishy? I... [LB976]

SENATOR KARPISEK: If you're the one...you're probably the only one that doesn't see it, if you don't think so. [LB976]

SENATOR MURANTE: It may seem that way, but, as I mentioned before, I happen to live in the fastest growing community in the state of Nebraska and everyone who introduced a bill put Gretna in a new legislative district. So it would be one grand conspiracy if every member of the Legislature was in on it. [LB976]

SENATOR KARPISEK: Well, I think it was a grand conspiracy. It's why I brought the bill. There are also...there are many stories like this. My friends that are Republicans that were involved in these sort of... [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR KARPISEK: ...line-drawing escapades, trying to figure out how to work who over, you know it's true. Don't act like it's not true. And it's...to try to hide the ball here is

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just not right. Why don't we just come right out and say, look, we don't like this bill because it's going to take away our power to be able to draw the lines the way we want them and keep control of everything. Senator Kintner said it didn't work wherever because the Republicans lost three chairs, so that didn't work. That's an odd definition of not working. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Karpisek. Senator Wallman, you're recognized. [LB976]

SENATOR WALLMAN: Thank you, Mr. President. Good evening, members of the body. Thank you, Senator Karpisek. You hit the nail right on the head. I went down to that Policy Research Office and drew many, many maps, and they never came close to what them guys come up, not even close. So if that's isn't gerrymandering, I don't know what is. And I went home very unhappy. And we tried to filibuster that plan and we couldn't get it done. And it just smelled. So I called an attorney friend in Omaha who related to the constitutional law and he said if you guys want to take it to the court system, you could probably win, it was that unfair. And my good friend, Senator Louden, lost his district, and that isn't fair. They move it way across the state, and put my Congressional district from border to border? Wow! What's fair about that? I'm about fairness, transparency, and not about partisanship. And I can hear what's going on here, and Senator Russ is the same way I am. So I'm proud to have him as a friend and I'd yield the rest of my time to him. [LB976]

SENATOR COASH: Senator Karpisek, you've been yielded 3 minutes 40 seconds. [LB976]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I better go back and say to Senator Murante that I really have to say that he has been a very good senator, no matter how he got here and I don't agree with it, except in the Government Committee. He's just off kilter from me. I don't like how the things worked. Other states have done this to try to get out of the mess that gets caused by this redistricting. It was gerrymandering. It was watching out for pals. It was watching out to make sure that one district, especially CD2, wouldn't go to Obama again. And it worked. There's so many things going on there. And as I've said, if there would have been one more D in this body and one less R, things would look a lot different. And there isn't...it wasn't only the Ds and Rs. Then it was urban/rural. And I know that things had to move because of the population shift, but again, the people who were going to make the rules made the rules and got the votes and got it done. It was a horrible time in this body. And I know Senator Lautenbaugh has said, well, we should just wait until later. Well, nobody will remember what a screwed up deal that was and they'll come into it and the same thing will happen. I don't think that that's the way we should do it. Other states have done this that are partisan. But we're a nonpartisan Legislature and we won't change. We won't go with this, and whether anyone wants to admit it or not, it's because everybody wants the

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crayon to draw the map, and the wink and the nod and we'll see you next year when we can really control the whole place. We usually don't do things like that in this body and I am very glad... [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR KARPISEK: ...that we don't. Again, I thank Senator Lautenbaugh for throwing up the bracket motion because I don't want to waste four hours on this. However, if I have 25 votes then we will, because like I said earlier, if I don't waste the time someone else will. But there are a lot of bills behind this one that should get to be heard. I hope pretty soon we'll go to a vote on the McCoy amendment, get to the next one, and let my amendment come out and actually read it. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Karpisek. Senator Harms, you're recognized. [LB976]

SENATOR HARMS: Thank you, Mr. President, colleagues. You know, I was a recipient of what happened last year, even though my district was not really affected very much. But I was trying to help one of my colleagues and so we started really early the summer before, running different maps, looking at different ways that we could build this and put this together so that it was fair. And what I really learned through the whole process, when we got to the end, that it didn't make any difference. We could have run a thousand maps off and it just simply didn't make any difference. The train was on the track. And it wasn't fair. It was predetermined. And I don't think that's what we want. I hope that rural Nebraska is listening to me tonight. I hope they're paying attention because the next redistricting we do, it's going to be a problem. And somewhere along the line, Senator Murante, as you begin to look at this, we're going to have to decide what's going to happen to rural Nebraska. You put one more senator in Lincoln or Omaha or in urban America, pretty soon in time we'll have very little representation from rural Nebraska here, and I think that's a tragedy. And I have looked at the numbers through the Planning Committee. I can tell you exactly what's happening to us. Rural Nebraska is declining. Population base is declining. But yet they want to have an opportunity to be heard. They want to have an opportunity, to be quite frank with you, to have someone take care of what their demands and their needs are going to be. Senator Murante, I wonder if you could yield just for a couple of questions. [LB976]

SENATOR COASH: Senator Murante. [LB976]

SENATOR MURANTE: Yes, I will yield. [LB976]

SENATOR HARMS: Senator Murante, I've listened to you the last time when we were in this discussion. Now if you had the power, Senator Murante, to create a fair system,

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throw out what we got right now, what would you do? How would you put that together? How would you honestly put that together so that we know that rural Nebraska will have at least a fair opportunity to participate in the democratic process? [LB976]

SENATOR MURANTE: Well, I think we have to start off removing objectives, such as specific demographics need to be specifically taken care of. [LB976]

SENATOR HARMS: Okay. [LB976]

SENATOR MURANTE: We need to look at it from a holistic standpoint. [LB976]

SENATOR HARMS: Okay. So if we look at it at a holistic way, are you looking at having this legislative body do it? Because if you are, you're going to be right back where you were before--politics at its worst. And I really believe that you have to have, in order to do this fairly and objectively, Senator, I think you got to have someone neutral draw those lines. Because you're going to have the opportunity to debate it here anyway. But you get out of that whole political aspect, you get out of playing all those games and, quite frankly, bargaining to get on the committee, and that's exactly what happened. So are you looking at that aspect, in your mind, of throwing it out, looking at it holistically, not worrying about the demographics? How would you put that other aspect together then? [LB976]

SENATOR MURANTE: I would...if the question you're asking me is, is having the Legislature draw the map the ideal methodology,... [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR MURANTE: ...I would say no. [LB976]

SENATOR HARMS: Good. Okay. So now would you have an independent body do that? [LB976]

SENATOR MURANTE: I think, quite candidly, I need to do more research on it myself before I come up with a concrete solution, but I would say generally independent committees, more along the way that Iowa does it, which is more comparable to a Legislative Research Office, will produce, in my view, better, more fair results as defined by better representing one person, one vote than would a citizens' commission like we have proposed here. [LB976]

SENATOR HARMS: And you actually believe that? [LB976]

SENATOR MURANTE: That Legislative Research would... [LB976]

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SENATOR HARMS: Uh-huh. [LB976]

SENATOR MURANTE: ...that the professionals who do it, and we have a professional who is very well-versed on this subject that we're... [LB976]

SENATOR COASH: Time, Senator. Thank you, Senator Harms and Senator Lautenbaugh. Senator...excuse me, Senator Lautenbaugh, you're recognized. [LB976]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. Here's the danger of talking about this bill for too long is that the people who have grievances from last time start talking about it and talking about their grievances, and then I start responding to the grievances because I was here too and I was on the committee and I remember exactly what we did. We just heard again my good friend, and I don't mean that in the political senator referring to senator way, I mean my good friend, Senator Karpisek, suggests that Senator Murante was being tone deaf because he did not see or hear how poorly it comes across and how bad it sounds that he helped draw the districts and drew a vacant one in Gretna and then ran for it. But what came across to me was that Senator Murante's response was every map we had, had a vacant seat in Gretna. Senator Krist drew a map that had a vacant seat in Gretna. Was Senator Murante in on that one too? Senator Mello proposed an empty seat in Gretna, because that's where all the new population was. I didn't even know that's where Murante lived at the time, to be honest with you. It didn't matter because every map proposed that. But that has become part of the methodology and part of the standard airing of grievances from the redistricting process. Well, look, Murante drew a new district or the guy he worked for proposed a map that had a new district and he lived in it. It doesn't matter that everyone else drew a map that had a new district in Gretna. And even Senator Harr walks by with a knowing smirk, because he knows that what I'm saying must be false, despite the fact that the maps still exist. You could even go look at the gem that Senator Krist produced on Select File if you want and see how it divvied up across Douglas and Sarpy lines, something we said we wouldn't do anymore because the Sarpy people didn't want it and Douglas was the right size for I think 14 districts. So we drew them within Douglas County wholly and left Sarpy County alone. Senator Krist's map didn't do that, but we didn't accept his map because of partisanship, you're being told, partisanship. And there's a point at which where it just rubs me the wrong way, obviously. You've probably picked up on that. When someone stands up here and says, well, gee, I guess you learn a lot about people when they promise to work between General and Select and then they don't; you learn a lot. You learn a lot about people when they say they'll be here for a cloture vote and they disappear too. You learn a lot about people when they supported your bill all along and they disappear on Final Reading. So before you start impugning people, I would make sure your own house is in order. And before you start revising history and saying, oh, I produced a great map and people didn't like it because they're just a bunch of darn partisans, maybe you should remember what actually happened because, again, I was here and,

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unfortunately, I kept the maps. So if you want to know what was wrong with the other proposals, we can discuss them till midnight if you want. Fire it up now. I can withdraw the bracket motion. I'm not saying I want to withdraw the bracket motion, to be clear, but we could. [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR LAUTENBAUGH: That might not be enough time. There's at least 20 more maps to talk about. Every darn one of them had a new district in Gretna--partisanship. That's why this bill should be bracketed. That's why I said those of us who were here for the process shouldn't be charged with deciding how it should be done because too many of us aren't remembering it right and we're making decisions based upon our own grievances and misperceptions rather than the reality of what happened. And you can stand here on the floor and say, well, don't you remember, every map had a new district in Gretna, and it just doesn't matter. That's a demonstrable thing, one of many, that the proponents of this will never concede. You can't have an honest debate on this with these emotions involved. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Lautenbaugh. Senator Hansen, you're recognized. [LB976]

SENATOR HANSEN: Thank you, Mr. President. Good evening. I think I mention...I know I mentioned this when on General File, and I'm going to reiterate it again tonight with some numbers that Senator Schimek came up with an idea. And she was term limited out in 2007, and in...so we weren't going to do a census for three more years, weren't going to talk about redistricting for four more years, and yet she wanted to put her stamp on redistricting. She had been here for a long time. She had probably gone through it at least once, maybe twice. Senator Chambers has gone through it possibly three times. Nobody else has been through it three times. But before the advent of term limits, guess that's my point, when people were here year after year after year and decade after decade, they had this fight going on. But now things are different. Senator Lautenbaugh won't be here the next time we redistrict. Senator Murante won't be here the next time we...I don't think there's anybody in here that will be here the next time we redistrict. That's my point. We've got to let go of this process and let the new people figure this out. We figured it out. First time...first map I saw, I was more interested in my district than any others, and it was...it stayed exactly the same. It was the only district, I think, in the whole state that did stay the same, and I was happy. I was fine. Yes, Senator Janssen's district changed to one county (laugh) or lost part of a county. And...but the first map that I saw that really bothered me was one that western Nebraska might lose three rural senators. And Senator Fischer worked hard, got that down to one. We knew we'd lose at least one, and that's when Senator Murante's district appeared in Omaha. So we've got these high-number districts and some of them are in Gretna and in that area. So things change. We have to get those areas plus or

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minus a few people. The congressional races had to go down to plus or minus one person. The people that we hired to do this, that drew the maps, they could draw anything. They drew a map designed to put senators in where the cow counts were, so Cherry County had about four senators, Lincoln County had two. I mean we're...they can do anything. I was amazed that they could do that. I didn't ask for it; it just showed up. But they can do anything. They can split an apartment house right down the middle to get that Congressional district representation within plus or minus one person. We can't do that when we redistrict for legislative districts. It doesn't make sense, unless...if you want to do that, plus or minus one percent or less, it is going to look "gerrymanded" then. Is it "gerrymanded," "gerrymanded"? Senator Wallman is not here. The legislative districts looked a lot squarer this last time than they did in the roster book prior to that, 2007. You can look at the old roster books and see how crooked they were then too. I think it looks more unfair before than it does now. I have no problem with it. Just remember, people, you're not going to be here. We're going to have a whole new group of people. If anybody is watching out there, high school seniors or higher, maybe some college graduates that don't have a job, think about running for the Legislature. If you're about to retire, think about the Legislature. Represent a district. You'll learn something. You'll learn a lot in a short amount of time. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Hansen. Senator Mello, you're recognized. [LB976]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. I've got a lot to address in 5 minutes, so I'll be quick. First, Senator McCoy alluded to that this underlying bill, even with the attachment of Senator Karpisek's new amendment, violates the First Amendment of the constitution and our Bill of Rights. (Statute) 49-14,114 is a statute, Senator McCoy, that lays out our Nebraska Accountability and Disclosure Commission in regards to limiting their political involvement in political campaigns, running for office, or being members of a political party. Why? Because they govern our ethics and our campaign finance laws. So to make a statement so outlandish that because we want people not to be involved politically of this commission and to restrict, some extent, by them being on the commission, they can't run for office, they can't be in a partisan activity, is disappointing, because it's right here in 49-14,114 that says our own Accountability and Disclosure Commission already has those parameters around those commissioners. It's a voluntary position, the same way it is in Senator Karpisek's bill. That is the first item. The second item, to some extent, there is just going to have to be a disagreement between Senator Lautenbaugh and myself in regard to the history of the 2011 redistricting process. And I can appreciate Senator Hansen making the suggestion that we just got to let this happen for the new people. Colleagues, that's what's been said for 30 years and it never changes. There's been no changes in the process because we still do the legislative resolution and use our rules. And I didn't vote for those redistricting bills when it came to the Legislature and the Congressional district in 2011. My maps are still on our legislative Web site, if you'd like

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to look. I have nothing to hide. I feel very proud of the work that my office did when it came to those redistricting maps. Why? Because we stuck to what was in the legislative resolution. I didn't share my maps with the Governor's Office. I didn't share my maps with a political party or share my maps with other elected officials to get their okay or what they think in regard to our maps. I put mine on-line for the press and the public to see and say, here is what we have as an option. Now the Legislature didn't support them, and that's fine. That was the decision of the body. But we can't stand on the floor and chastise each other about inventing what we thought happened in 2011 when some of us do know what happened in 2011. And Senator Lautenbaugh is right about the Murante 49th District issue. We talked about that on General File. My map had the 49th Legislative District in southwest Sarpy County. That's...it's on my Web site to see, the NebraskaLegislative.gov site. But, colleagues, we remember the intricacies of the disappointment that we all had in regards to seeing these maps and not knowing how or why they were created. You had a partisan vote of the committee that put these maps on the floor. You can't disavow the past and say we just have to look to the future and we will know how we will get there. That's not...one, I've never heard anyone use that model or concept to solve a problem. Now Senator McCoy's amendments address a lot of the things that Senator Karpisek's amendment does. And Senator Lautenbaugh, Karpisek, myself talked about the bracket motion. My hope is that you vote against the bracket motion. My hope is that we take this four hours, if we have to, and make people vote to stop debate, because you're never going to change a political system unless you're willing to vote to change it. And just because the executive branch doesn't like this... [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR MELLO: ...doesn't mean you can't like it. Just because your political party said in the press they don't like it doesn't mean you don't have to like it. The 49 of us have the ability to do what we think is best for state policy. In redistricting, we know we can do better and other states are taking a very similar approach in lead to change their political systems to stop what we saw in 2011, which was more importantly a disappointed Legislature in regard to how things were done and the outcomes of that. I'd urge you to vote against the bracket motion. We can keep debating this at least until we get to Senator Karpisek's amendment. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Mello. Senator Karpisek, you're recognized. [LB976]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Senator Lautenbaugh is right. This brings up bad stuff. It's why I wanted to bring it up before I'm gone and get rid of it. I mainly had to pick on Senator Murante because I was really hacked off that he's got to be in on a filibuster and I threatened him that I would so I did. Try to keep true on my threats and my word, which doesn't always work. Senator

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Hansen is one of the best, most common-sense guys around here, but if something was going wrong on the ranch and it kept going wrong and going wrong, you'd fix it. You wouldn't leave it for your kids to deal with. They're already in charge, he said. Well, before. You try to fix things when the opportunity is here. So many times in this body we look back at what happened before. When we reference bills, we look at where bills went before. We look back at certain situations. I know when we're talking about some rules, oh, Senator whoever did that in the '80s. We look back and sometimes maybe we make the same mistakes. My real problem with the way redistricting went was the Congressional districts. I made no bones about that and I still don't. I drew a map that, of all crazy things, drew a line roughly north to south through Nebraska, up and down. But the reason that we couldn't do that was because a county had to be split. Well, in the end, the county had to be split anyway. And again, as you recall, Senator Wallman gave that nice present to Senator Bloomfield. That was a red herring, and that was Senator Nelson who said that one. I saw Senator Nelson around here a little bit and I was going to ask him some questions about exactly how things went in those rooms, but everybody does remember differently. But I remember some things too--being promised, if I stop a filibuster, I'll help you. Well, that lasted the whole way that I walked down the stairs and close to my office. I talked to the congressional guys: I can't do it. So that's who's drawing our districts, the congressional guys. That is an absolute true story, because we can't have Saline County in the 1st and Madison County in the 3rd, for crying out loud, the wheels would fall off the bus; how Sarpy County got flip-flopped. I know that Senator Lautenbaugh doesn't like it when I bring this stuff up but we only have a couple days left of beating on each other and then we can just enjoy ourselves having a cocktail. It was a bad deal. Probably what takes it back for me is being promised to be worked with and then, in a matter of two minutes, saying, sorry, I can't. [LB976]

SENATOR KRIST PRESIDING

SENATOR KRIST: One minute. [LB976]

SENATOR KARPISEK: I should have beat Senator Langemeier up more when he was here, too, because he was the supposed Chair of that mess, and I beat up Senator Lautenbaugh instead. Hopefully we'll get the question called here pretty soon on the bracket, see where we're at. Then hopefully we will move on. And I would, if I have enough votes, like to go to cloture and then see how many of you want to put on your new TV ads or bumper stickers saying, we stopped the public from weighing in on redistricting. Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Karpisek. Those still wishing to speak: Senator Kintner, Janssen, Murante, Harms, Wallman, and Burke Harr. Senator Kintner, you are recognized. [LB976]

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SENATOR KINTNER: Well, thank you, Mr. President. And you know I've lived in a few other states and I know what partisanship looks like and we sure don't have much of it around here. You know if we were truly partisan, we were trying to stick it to the Democrats down here, what we would have done is we would have taken the couple senators that we have in Omaha that live a couple blocks apart, we would have put them in the same district and made them run against each other. We would have gone down to Sarpy and we would have taken some people out of Senator Smith's district and put it over into Bellevue and shore up that district down there. We would have gone down into Lincoln--this is if we're being partisan--and we probably could have squeezed out four Republicans out of Lincoln if we would have drawn the lines a little differently, in a partisan way. And you know we...this could be a whole new Legislature if we were truly partisan and we were trying to maximize the Republican votes. But that's not the Nebraska way and that's not the way we do things. And you know, for being in a red state, I think the Democrats make out better here than any other state that Obama got slaughtered in. And I think that to think that this is some big partisan scheme to hurt the Democrats, I think we do a pretty good job of being fair with our legislative districting for the most part. There's always hiccups. It's never perfect. It's a tough thing to do no matter who's doing it, Democrats or Republicans, it doesn't matter. Doesn't matter what state; it's always tough to do. But compared to the other states I've seen where they try to take on minority voters and compact them into tight districts and maximize the conservative voters and the Republican voters, that just doesn't happen here. This just isn't a partisan operation. We're not that good, we're not that smart, and we're not that organized down here. And I would like to yield the remainder of my time to Senator Murante. [LB976]

SENATOR KRIST: Senator Murante, you've been yielded 4 minutes, I'm sorry, 2 minutes and 43 seconds. [LB976]

SENATOR MURANTE: Thank you, Mr. President. Thank you. My comments that I had intended probably can't be completely satisfied over the course of the amount of time that I have left, but I thank Senator Kintner for yielding to me. And I do have to...I think, in debates like this, it's important to note when people have been aboveboard and argued with integrity even if it's a matter of disagreement. And I have to say, in particular, that, Senator Mello, I don't...in a debate that so often can be used to demonize and politicize, in our conversations he has always been serious, to the point, and has avoided the personal nonsense that sometimes gets injected into these debates. I believe that there is a system. Senator Harms and I have talked about this on the microphone and off. I believe the system exists to improve the status quo. I am not at all convinced that LB976 accomplishes that end. However...and I'm...I am not standing today saying that I have the silver bullet... [LB976]

SENATOR KRIST: One minute. [LB976]

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SENATOR MURANTE: ...and that my solution to the extent that...I acknowledged from the outset that I do not have a concrete solution at this point. But my opposition to this bill is a little...is probably more nuanced than some of the other opposition that has been articulated. And I believe when Senator Harms gets on the microphone we'll talk about it in a little bit greater detail, about what I think is so important to be injected into redistricting debates. He asked me a great question the first time around on General File. He asked me a great question: What did I think was the biggest problem that happened with the 2011 redistricting? And I do believe there were a number of problems, from my observation. But I don't see how any of those...and we'll get into those a little bit later, but I don't see how any of those really are remedied... [LB976]

SENATOR KRIST: Time, Senator. [LB976]

SENATOR MURANTE: ...by LB976. Thank you, Mr. President. [LB976]

SENATOR KRIST: My pleasure, Senator Murante. Senator Janssen, you're recognized. [LB976]

SENATOR JANSSEN: Question. [LB976]

SENATOR KRIST: The question has been called. Do I see five hands? I do see five hands. The question is, shall debate cease? All those in favor vote aye; opposed, nay. Record, Mr. Clerk. [LB976]

ASSISTANT CLERK: 26 ayes, 1 nay to cease debate, Mr. President. [LB976]

SENATOR KRIST: Debate does cease. And to you, Senator Lautenbaugh, for closing. [LB976]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. Yeah, we, both sides of this, kind of cooperated on the bracket motion. I think Senator Karpisek and I met between General and Select and drafted it together and...that's not true, actually. But it was suggested that it would be a good thing to do to see where this is. So to...in a very real way we have an opportunity to move on here. And there are great things to come, I'm sure; I just can't find where we are in the agenda. Okay, there it is. Oh, yeah. There's all sorts of stuff coming up that's spectacular. So we do have the key to our own jail here, if you will. This bill does not have 33 votes. It won't have 33 votes three hours from now. If it doesn't have 25 votes now...and I'll clean that up when I'm telling you what to do at the end here. If it has 25 green votes now in favor of the bracket motion, that means we get to move on. If it has 25 not voting or reds on the bracket motion, that means we all keep plugging away on this. So I'm not going to make any sort of a policy argument. I'm just going to say it's very simple. We can either move on or we can spend the next three hours on this by my count. So please vote for the

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bracket motion because this bill will not prevail. It is not important to do now. I remember having the conversations with Senator Schimek. We used to torment each other way back in the day when she was the Government Chair and--wait for it--and I was an election commissioner. (Laughter) And I used to come down to the committee and testify against every awful proposal that came up every year in Government to make election day better. And one time she, in complete exasperation, said, why is it every time we have an election bill you election commissioners all come down here and testify against it? And my response was--as if you would ever call us ahead of time, we would tell you why it's a bad idea before you introduce it--although, this was, the instance I'm thinking of, Speaker Brashear's bill, who never thought to call me despite having a quarter of the voters in my little county. But Senator Brashear never consulted on election bills. But that's neither here nor there. So...(laugh) but I've gotten over it; time marches on. To that end, though, I remember talking to Senator Schimek when she was in the very same position I'm in right now, which is leaving, and she was meeting with Senator Erdman. And he brought me in to talk about what to do because she wanted to pass a bill to sort of put in statute how we handle redistricting because how they did it in 2001 was so great that we had to put it in laws so it would be done the same way in 2011. And the argument was, well, we just want them to know how we did it. And I said, well, then leave us a note, we don't need to put it in statute; just take good notes, and we'll pore over them when the time comes and act accordingly. So we all want to clean things up on a go forward. To that end, I had announced a meeting of the Rules Committee, which we're not going to have now because we don't have time to act on any changes of...in the rules anyway. So there's your non-Speaker announcement for the evening. In any event, please vote green on the bracket motion. Let us move on. Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Lautenbaugh. You've heard the closing. The question is on the motion to bracket until April 17, 2014. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Senator Lautenbaugh. [LB976]

SENATOR LAUTENBAUGH: I'd request a roll call vote in regular order and a call of the house. [LB976]

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. [LB976]

ASSISTANT CLERK: 42 ayes, 0 nays to go under call, Mr. President. [LB976]

SENATOR KRIST: 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. Senator Pirsch. Senator Coash, would you check in? Thank you. Senator Pirsch

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and Senator Chambers, please return to the Chamber. The house is under call. Senator Lautenbaugh. [LB976]

SENATOR LAUTENBAUGH: We can proceed with Senator Chambers present, so. [LB976]

SENATOR KRIST: Everyone is accounted for. Senator Pirsch, would you check in, please? Okay, to remind the body, we are voting on a motion to bracket LB976 until April 17, 2014. Mr. Clerk, please read the roll. [LB976]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 1475-76.) Vote is 23 ayes, 23 nays, Mr. President. [LB976]

SENATOR KRIST: Senator Lautenbaugh. [LB976]

SENATOR LAUTENBAUGH: I'd like to change my vote to "not voting." [LB976]

SENATOR KRIST: It was announced, sir, but I saw you standing. It's my fault for not recognizing you on the mike. [LB976]

SENATOR LAUTENBAUGH: It doesn't... [LB976]

SENATOR KRIST: You can change the vote to "not voting," please. Senator Lautenbaugh. [LB976]

SENATOR LAUTENBAUGH: I'd move to reconsider the vote just taken. [LB976]

SENATOR KRIST: Please, bring it in writing, please, to the Clerk. Thank you. Please raise the call. [LB976]

ASSISTANT CLERK: And, Mr. President, Senator Lautenbaugh would move to reconsider the vote just taken. [LB976]

SENATOR KRIST: Senator Lautenbaugh, you're recognized. [LB976]

SENATOR LAUTENBAUGH: Thank you, Mr. President. I was just advised we do have the 25th vote on this if we want to revote it. So, like my bracket introduction was short, my plea for reconsideration will be just the same. Please vote to reconsider this and bracket the bill. Thank you, Mr. President. [LB976]

SENATOR KRIST: Those wishing to speak: Senator Murante, Wallman, Burke Harr, Kintner, Larson, and Brasch. Senator Murante, you're recognized. Senator Murante waives. Senator Wallman, you're recognized. Senator Wallman waives. Senator Burke

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Harr, you're recognized. [LB976]

SENATOR HARR: Thank you. I hit my light earlier before the question was called. Guess what, I didn't have a chance to talk because the question was called. Sound familiar? Sometimes, those in the minority don't always get a chance to talk. So I'm going to take advantage of that right now. Earlier, on the opening on this bracket motion, Senator McCoy...or excuse me, Senator Lautenbaugh said--there goes Senator Harr smirking down the aisle because he knows...I don't know what he said after that. It wasn't true. Well, I don't know how he knows what I know. He doesn't know what I know, what's going through my head. But he put it on the record, so it's permanent there. Now the record knows what I was thinking even though it wasn't what I was thinking. That's the problem when we say, well, what happened two years ago. What Senator Lautenbaugh saw, and what others saw, differ because it's filtered through our brains. Senator Kintner got up, talked about, gosh, this is a great state, we really could have stuck it to you, but we didn't. Well, that's supposed to be reassuring? That's supposed to be a reason why we don't have Senator Karpisek's bill, because we didn't do it? We could have. Well, how about we introduce safeguards so that doesn't happen? Senator Murante was asked by Senator Harms, on General, are there things we could have done better, are there things we should have done differently? Senator Murante said, heck, yeah, there are. Here's the problem, folks: By the time we do this again, chances are none of us will be here. So you got to reinvent the wheel. Why do we want to do that? Why do we want to open ourselves up to bitter, visceral partisanship? It's bad enough it has to come every ten years. We're doing it here tonight? Why do we want to subject ourselves to that? We're above that. We're better than that, folks. What we're trying to do is find a way to have fair, free elections; not bitter, partisan elections. That's what this does. It opens it up to a procedure that's fair and impartial, that takes the partisanship out of it. Now I know, as we all do, Senator Lautenbaugh used to be an election commissioner. He knows a lot more than I do about elections--fully concede that. But what I do know about is fairness, and what I do know about is procedure. And when we have the chance and the ability to do something to make this great state better, why wouldn't we want to do it? Why? Political gain. Again, we don't live in a state of zero-sum gain. By working together we can achieve something greater so that we aren't dragged down into the mud, into our partisan base, but instead can focus on what's important. And that's running this state, not determining where districts are. We'll have a say on that even if Senator Karpisek's bill passes. We don't abdicate that. We can't. It's in the constitution. But what we can do is we can take some of that away. So it sounds like he has the 25th vote. I was glad I was...got the opportunity to get up and speak about this because I believe in a better America, I believe in a better Nebraska, and I believe Senator Karpisek is leading the way with LB976. Thank you. [LB976]

SENATOR KRIST: Thank you, Senator Harr. Senator Mello, you are recognized.
[LB976]

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SENATOR MELLO: Thank you, Mr. President, members of the Legislature. There was a number of senators who chose not to vote on the bracket motion. And I will try to speak to you who did not vote to convince you not to reconsider this motion because the reality is this: We will go four hours on this. That's fine. We went almost eight hours last night on LB799. Senator Harr just said what I haven't heard anyone else mention, that in 2020 none of us in this body will be here; there will be no historical perspective left in this body that dealt with the 2011 redistricting process. None of us will be here in 2020 after the 2020 elections. We'll all be gone. So why do we want to not do something on this issue at this moment in time? We haven't even been able to get to Senator Karpisek's rewrite of the bill that, once again, colleagues, addressed all of the issues brought on General File with the exception of the partisan argument that, I like having the Legislature be in control because my political party outnumbers yours. That's the only argument that was made in favor of this bill. Senator Karpisek went out of his way on General File to try to get every issue brought forward by Senator Lautenbaugh, Murante, McCoy, and others. And we haven't been able to get to his amendment where he can explain everything that we tried to address in regards to our staff rewriting the bill. And once again, the only argument for this bill right now of bracketing it is--we'll let the Legislature deal with it in 2021 and, you know what, let's just forget what happened in 2011 because it's not going to be like that in the future. Colleagues, that's not a very strong argument. And I think everyone in here who went through that process knows that. We expect more from ourselves when it comes to delicate partisan issues like redistricting. It's the only thing that we do where we naturally see more partisan inclinations. If there is a way for us to remove that from this ecosystem within this body, colleagues, that only strengthens our unique nature of the nonpartisan Unicameral. Senator Kintner gave an unfortunate example of what other states do. And, colleagues, that's what we're trying to make sure we don't do in the future as well. We don't need to be like an Ohio or like an Illinois where one political party gets to dictate to everyone else what occurs when it comes to districts. We can stop that here by moving forward with LB976 with Senator Karpisek's amendment that we haven't even been able to get to right now. So I'd urge you to not reconsider the bracket motion, let it fail, let Senator Karpisek's amendment come up, let us get an up-or-down vote on that. And if you don't want to support the bill after that, that's fine. But give us a chance in regards to the work that was done to try to address these myths of what's wrong with the concept, everything from it's violating your freedom of speech to, well, we just don't know how the process works because it's not spelled out in the rules. Colleagues, we can address all of those, which we have in the underlying amendment, but we just need to get to it. [LB976 LB799]

SENATOR KRIST: One minute. [LB976]

SENATOR MELLO: Nonpartisan independent redistricting commissions is what's occurring around the country. The reason why is because people believe the political

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system, as it is, is broken, that gerrymandering is the norm and not the exception, that people begin to lose trust in their government when they know something is going on behind the scenes that just isn't right. Senator Karpisek mentioned, what is wrong with putting transparency in the people involved in this process, more than what we've done before. I have yet to hear an argument against that. What are we afraid of in regards to letting people be involved and not have it be done behind closed doors with certain elected officials, with certain political parties? This is our chance to reform a political system to instill trust in a process that we know breeds distrust. Please, vote no on the reconsideration motion and let us get to Senator Karpisek's bill. Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Mello. Senator Schumacher, you are recognized. [LB976]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Sometimes you just got to look at the numbers. Senator Karpisek knows that I was on his side, and he had a very good proposal in redistricting that made a lot more sense than what we ended up with. But the votes weren't there; in fact, there wasn't even votes to pass it with...what we did pass with an emergency clause until it was very clear that his...Senator Karpisek's version was not going to pass and we needed to pass the other version with the emergency clause in order to get some judicial nominees cleared through it. Numbers speak. Elections have consequences. If you look at the vote, there were 24 votes yes; figure two of those were soft. So you had 22 votes that are against it. Twenty-two votes, subtract that from 49, you got 27 votes. Twenty-seven does not equal 30. And for all the merit in what is being said about--we could do things better, we're not going to do things better. And we have got precious time that we've got to move on with this evening. Senator Karpisek's amendment goes a long way but, granted, it's probably not perfect. And if there were sufficient votes to pass it, it would be worth the effort and worth the three hours. It's not worth it at this point when we have so many other things we've got to address in the next couple...three days. So I will support the motion to reconsider. I think, on this one, for as valiant an effort it is, it's time to throw in the towel and move on. I would give the rest of my time to Senator Lautenbaugh. [LB976]

SENATOR KRIST: Senator Lautenbaugh, 3:20. [LB976]

SENATOR LAUTENBAUGH: Thank you, Mr. President; and thank you, Senator Schumacher. And I'm not going to take all that time, either, because my proposal and pitch was to save time. I will say to Senator Mello, if it gives you any comfort, I'll only be gone for four years; then I'll be right back here to oversee the process next time around. So sleep easy--I'll be back. Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Lautenbaugh. Senator Karpisek, you are

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recognized. [LB976]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. And if Senator Lautenbaugh comes back, I will be moving to Kansas. (Laughter) And I may be moving sooner if some...it depends who is Governor of this state. So you may be rid of me soon, but don't worry, I'll e-mail you nasty e-mails like I'm involved in a fight right now with someone about mountain lions, someone real tough in their mom's basement chewing me out. (Laughter) So I'm sure that I will be the same guy, Senator Lautenbaugh, when you come back. But I don't know...well, I hope you're here soon enough so you can draw yourself a district because I doubt you'd get elected again, nor would I. I owe you one drink for that one. (Laughter) Look, I do appreciate getting up here and being able to talk about this. But throwing in the towel? No. I think you know me better than that. I don't think that, just because the votes aren't there, that we should stop. In fact, why don't we just get to my amendment and talk about that? And I'll promise to try to be good and not try to talk about 2011. Whatever notes that Senator Schimek must have left must have been completely lost, burned, shot into space, because if that was a good redistricting, nothing came out of those memoirs, I guess. But I don't recall that being a good redistricting process either because the same issue, actually, as the first time that the issue happened, when Saline County and Madison County got swapped at the last minute, I think it was a floor amendment. We talk about...we could...we have our maps drawn now. I know that we couldn't keep our hands off of those maps. If we got them here from Research, we'd have to, as someone said, get the crayons out and figure out how to make it better for us and worse for the other guy. And I'm not even pointing fingers at either side on that one; I'm pointing them at both. And when we talked about Gretna being in every map, I agree. The problem is, is how it looked. Senator Lautenbaugh and whoever was on the committee...because I, of course, didn't get to be on the committee because I was told who to vote for; and then, when I didn't vote for who I was supposed to, Speaker Flood about had me flogged because I about screwed the whole thing up--my god, we're going to have this thing padded; you about blew it. True story again. So when all that happened, people were put in place on purpose. Senator Langemeier was appointed Chair because he'd be impartial. That was less than...I fell for that one, by the way, shouldn't have. I have...my staff and Senator Mello's staff have really worked on that amendment. [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR KARPISEK: And I'd like to actually get to the amendment and talk about the amendment and see what is changed in there because I think it is a good bill. Now if you don't want to look at that, you're saying, no, things the way they are, are fine. Once again, people like to try to get us to vote on things that maybe we really don't want to because we'll try to get them in an election, in a campaign. Believe me, this will be a good one for someone to use in the next election. Thank you, Mr. President. [LB976]

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SENATOR KRIST: Thank you, Senator Karpisek. Senator Wallman, you're recognized. [LB976]

SENATOR WALLMAN: Thank you, Mr. President. Members, again, I want to thank Senator Karpisek for this. And we should get to the amendment. But if we truly believe in fairness, as Nebraskans, if we truly believe that, then we seriously ought to look at what he's putting forth here. And I'd like to ask Senator Avery a question if he'd answer. [LB976]

SENATOR COASH PRESIDING

SENATOR COASH: Senator Avery, will you yield? [LB976]

SENATOR AVERY: I will. [LB976]

SENATOR WALLMAN: Are there some individuals in here who are always trying to tamper with voter laws? [LB976]

SENATOR AVERY: They're on the Government Committee. (Laughter) [LB976]

SENATOR WALLMAN: And that bothers me. (Laughter) I'm on the Government Committee. (Laughter) And I try to make it easier for people to vote in where the voting booths are, where the boundaries are. And I am proud to be on the Government Committee. We never get anything out of there, you know, 8-0 or 6-0 or 5; it's always 2 or 3. So we're never unanimous, and that's not all bad. We hear both sides of the story, we have debate, and we have testifiers on one side or the other. We have some really...Common Cause and some of those people come in, and even Americans for Prosperity. And I'm for prosperity. I don't know about anybody else. But their testimony is definitely slanted. And so we have to discern what is true, what is not. And so I'm looking at this bill, and I cannot see why there should be any opposition. I don't get it. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Wallman. Senator Scheer, you're recognized. [LB976]

SENATOR SCHEER: Thank you, Mr. President. I'm the infamous 25th vote. Having said that, I do believe everyone gets their day and should have their time. I will vote to continue the debate if Senator Karpisek would like me to. The reason I was willing to move to bracket the bill is simply because we do, as Senator Schumacher said, have a lot to do tonight. We have a lot to do tomorrow. But that shouldn't get in the way of doing what we have to do now. I've always tried to be honest. If this comes up to a vote, I will probably not vote for it. I'm not inclined to do so. But I'm inclined and willing to let him

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have his time to develop whatever he has put forth and try to defend his position and try to sway those to move in that direction. So I can still be a 24 person or a no-vote person, and I can be the 25th vote. I will leave that up to Senator Karpisek to let me know what he would prefer to do for the next couple hours. I'll yield the rest of my time to Senator Karpisek. [LB976]

SENATOR COASH: Senator Karpisek, 3:30. [LB976]

SENATOR KARPISEK: Thank you, Mr. President. And, Senator Scheer, you have me dumbfounded now on what to do. Way to go. (Laugh) Yeah. Senator Christensen said that was easy to do. I don't understand why we can't get to my amendment. That's what I'd like to do. I'd like to get to that amendment, see that most of it deals with things that Senator McCoy's amendments do. Now if Senator McCoy's amendments make the bill better and they all get adopted--or, at least, three of them are in my amendment--then what's wrong with the bill? Well, I'm sure that he didn't do every...an amendment for everything he didn't like. That will be the...what we hear. We do have other things to move on to. I would love to keep moving on this bill, but we do have other things to do. Senator Scheer, I appreciate you asking and I'm going to say, you be your own judge. I appreciate what you said. I am not going to go kicking and screaming down the hall this time if it gets bracketed. But I'm still very upset with the people who have to try to filibuster it, especially when they know that the Governor will veto it because he's all about local control and letting the people have what they want--or so we hear. But he'd veto it. You know that; I know that. And Senator Schumacher was right, if we don't...I had 25 votes the first time. In all his adding and subtracting, I didn't understand all of it real quick. But there's enough votes to move this thing and let the Governor veto it and let him explain why this is a bad idea. [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR KARPISEK: I do appreciate the body taking this on. And I appreciate the Exec Board making this a committee priority bill. It is getting very short of time. But I will go back to the beginning of this session when we had to dilly dally around and try to filibuster lighters and all sorts of other crazy things that we thought was real cute when we were playing with the rule book again. If we wouldn't have been doing that sort of baloney, we could have had some of these other things done. And I hope, as some of you freshmen move up through this process and you get stuck in this and someone new comes in and wants to play around and get their name in the paper, they hold up your bills. Bet you're not going to like it very much. [LB976]

SENATOR COASH: Time, Senator. [LB976]

SENATOR KARPISEK: Thank you, Mr. President. [LB976]

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SENATOR COASH: Senator Lautenbaugh, you're recognized. Senator Lautenbaugh waives. Senator Bloomfield, you're recognized. [LB976]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, we keep saying there's nobody in the body that's going to be back for this. I believe, under the rules that we passed in Government and then on the floor, that that's going to depend on the voters of the 2nd District. Senator Kintner could well be back. And Senator Lautenbaugh will be here to help him, so I think we'll still be in good hands. (Laugh.) Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Bloomfield. Senator Wightman, you're recognized. [LB976]

SENATOR WIGHTMAN: Thank you, Mr. President. I think it's obvious that we're not going to get 33 votes or 30 votes or whatever to avoid carrying this on the rest of the evening. So I am planning to vote--I wanted everybody to know that--planning to vote yes on the reconsideration motion. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Wightman. Senator Chambers, you are recognized. [LB976]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I was not here the last time the redrawing of boundaries occurred. However, the debate is of value because a legislative history is being formulated. And if Senator...I don't know if he wants me to call his name or not. I looked back there because I don't want to draw him into something he does not want to be in. But had he not minded me mentioning his name, I would have said, Senator Karpisek indicates that he has an amendment that has merit and value. Senator Scheer said he would want to hear the amendment or give the opportunity for it to be heard. I still am not going to get into the discussion. But I have been following it. Some of it, I would agree with it. Some of it, I would disagree with. But one thing is crystal-clear: Power does not relinquish power voluntarily. So as long as this one-party state is in power, there will be the gerrymandering, then the protestations by people on this floor that everything is fair, that there was no shenanigan of any kind going on and everybody in this room is a politician. Let them say that. That's what's said in Washington, and people in Nebraska ridicule it. That's what said in Nebraska, and ordinary people ridicule it. But the fact is, for better or worse, the Legislature is going to be deeply involved in redrawing the districts. The party in power is going to draw the districts to favor themselves and try to gain control in that manner. If they can guarantee a large enough majority, then they can get anything they want through the Legislature. What will have to be done is to find somebody, or, if you have somebody, hope that that somebody continues, who will fight against overwhelming odds to try, to the extent possible, to prevent certain bad policies, bad bills, from going through simply because the party in power has the numbers. And I, for one, am willing

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to do that. If you want to throw in the towel now, fine. If you want to continue compiling a record, even better. But in the same way that Senator Karpisek was not going to tell anybody what he ought to do, we each, for whatever reason, will cast a vote. Although I'm not going to be involved in the discussion, I will not vote for the bracket motion. If I was doing this merely to take time, look how many bills are after this one. And it would be easy to take the time. Not every extended debate would I call a filibuster. Some matters require much time, much pushing, pulling, tugging, ripping, slashing, tearing. And as Terry Carpenter said: Politics is a dirty, backstabbing, double-crossing business. And he added, and that's why I love it. We all know how things are done. We do not deceive each other when we say anything is nonpartisan. We know that is not true. When the elections occur, both parties do what they can to strengthen the hold that... [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR CHAMBERS: ...or the position, at least, of their respective parties. So if there are things of value to be put into the record, that should be given the opportunity to be done. If nobody else reads what the Legislature does, I do. And I think what is being said is of value. I don't agree with it all, obviously, and some things that I agree with I would say differently, obviously. But there are certain principles, certain facts, certain ideas that are being presented and developed. So I will not vote to reconsider. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Chambers. Senator Lautenbaugh, you're recognized. Senator Davis, you are recognized. [LB976]

SENATOR DAVIS: Thank you, Mr. President and colleagues. I've sat and listened to this discussion. I voted green the last time because I'm frustrated and angry at our coming to the end, and we've wasted lots of valuable time, and now we're here and we're not going to let people's bills go forward because it's just too important that we move on. And I think that Senator Karpisek made some awfully good points. He deserves his time just as much as anybody else. So with that said, I'm just letting everybody know, I'll be voting red on this motion. Thank you. [LB976]

SENATOR COASH: Thank you, Senator Davis. Seeing no other lights on, Senator Lautenbaugh, you are recognized to close on your motion. Senator Lautenbaugh, you are recognized to close on your motion to reconsider. [LB976]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. I won't belabor the point. This is just the vote to reconsider. Please, vote to reconsider the prior vote so we can move on. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Lautenbaugh. Members, you've heard the

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closing on the motion to reconsider the vote last taken. Senator Lautenbaugh. [LB976]

SENATOR LAUTENBAUGH: I'd like a roll call vote in regular order and a call of the house. [LB976]

SENATOR COASH: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB976]

ASSISTANT CLERK: 40 ayes, 0 nays to go under call, Mr. President. [LB976]

SENATOR COASH: The house is under call. Senators, please record your presence. Unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Kintner, please check in. Senator Adams, please check in. Mr. Clerk, there has been a request for a roll call vote in regular order. Please read the roll. [LB976]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 1476.) Vote is 23 ayes, 26 nays, Mr. President. [LB976]

SENATOR COASH: The motion is not adopted. Raise the call. We return to discussion on LB976 and AM2792. Senator Kintner, you're recognized. [LB976]

SENATOR KINTNER: Well, you know, I guess we're going to talk about this for awhile. But I would take that vote as "Exhibit A." Yeah, the Republicans are really going to stick it to you, aren't they? We were all over the place. There is no ideological consistency in the Republicans here. We...(laugh) we're not going to stick it to anybody. This is a body that does what it wants. It doesn't do what political parties want. We're an independent body. You know, so to say that we need to protect the process is...I think the vote would say that, no, there is not going to be...there is not going to be anyone taken to cleaners here in this entire process. I think it's laughable to think that the Republicans are out here sticking it to the Democrats. And I just...I don't think there's any basis for that at all. But I would like to yield the remainder of my time to Senator Murante. [LB976]

SENATOR COASH: Senator Murante, 3:50. [LB976]

SENATOR MURANTE: Thank you, Senator Kintner. So it looks like we'll have a little bit more time today to have a more long-winded discussion. I think it's been fairly well pointed out that I'm confident that...or it certainly appears, anyway, that LB976 will not be advancing today. So at least, as Senator Chambers correctly stated, we should get into the record what, in my view, is lacking in the bill and what's the best way to create public policy going forward, because that's where we're at right now. And I respect those people on this floor who, regardless of their opinions on the bill itself, felt that

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Senator Karpisek deserved some more time to discuss his particular amendment. I can tell you that Senator...that I have begun reviewing, I haven't been able to get all the way through it, I have begun reviewing Senator Karpisek's amendment, and I do think it is a step in the right direction. I think there are a number of technical questions which were characterized on General File as being "nitpicky" in nature, which seemed to be realized as being legitimate and were addressed in the amendment. And that makes it a better bill. But ultimately, the question on the table is, if the stated objective is to remove partisanship from the redistricting process, does LB976 do the trick? And I'm going to continue to maintain that there are better solutions being used in this country. And I'll bring up Iowa again, who I believe uses, arguably, the best model in the country, a model which, I think, can be crafted into a form which can be applied to Nebraska. But that's not what LB976 proposes. The two concepts are fundamentally different. And there is a solution out there. I'm committed to getting answers to those questions. And we will have, apparently, about two more hours to discuss... [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR MURANTE: ...a little less than two hours now to discuss exactly what those solutions look like and how we can best make this process work for the state of Nebraska, because it's not enough, simply, to point out that 2007 was a dysfunctional process, if that's your opinion. And in many ways, I think, it was certainly a controversial process and a process that left a sour taste in the mouths of many. But we are talking about a specific proposal with specific downsides. And in my view, it is going to create a problem...it might not be a problem, but it is going to create a new reality for the Nebraska Legislature going forward. [LB976]

SENATOR COASH: Time, Senator. [LB976]

SENATOR MURANTE: Thank you, Mr. President. [LB976]

SENATOR COASH: Mr. Clerk. [LB976]

ASSISTANT CLERK: Mr. President, I have a priority motion. Senator Lautenbaugh would move to recommit the bill to committee. [LB976]

SENATOR COASH: Senator Lautenbaugh, you're recognized to open on your motion. [LB976]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. Simply put, this is the other motion you file at times such as this. I can remember earlier in the session I told a story about my experiences with firearms, which was a limited experience by any reasonable measure. And I mentioned that I wasn't much of a fisherman either. I just don't have the patience or the temperament for it. But I did go fly

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fishing once--once. And it was in the '90s, I recall, and I decided to join in on a trip. A bunch of guys always went to southwest Montana, to some lodge there, and one of the guys had backed out. And they said, hey, why don't you come along? So I did. And I had just bought a new car at the time. It was a Grand Prix, supercharged. I loved that car. And so I just set off, on my own, driving towards southwest Montana. And that was a great experience just...you got to be by yourself on the open road. And I'll tell you what, back then, Montana did not have a daytime speed limit. And that was spectacular. This is something Senator Chambers and I can probably make common cause on. Speed limits are overrated. And Montana's, you know, no speed limit back in the day, I took full advantage of that because there are a lot of long, straight roads in Montana surrounded by beautiful country. But, you know, all good things must come to the end, and that drive was one of them. This floor debate won't be, but that drive was one of them. It came to an end. I spent the night in Billings, drove all the way from Omaha to Billings in one day and then continued on to...I think was outside of Dillon, Montana, very southwest corner. It was called the Sundance Lodge. I think it's since burned down. And the guys I met there had the pleasure of trying to teach me how to go fly fishing. And it was a rustic place, I remember. And the car was black, shiny black car. And the lodge had peacocks, which I hadn't anticipated in Montana. And, apparently, there aren't a lot of shiny black cars in Montana because those peacocks were fascinated by my car. And they would go up to the door and look at their reflections in it and kind of pick a fight with themselves. And they scratched the heck out of my car. So I had the pleasure of going home and telling my insurance agent, Chuck Sigerson, that I'd driven to Montana and my car had been set upon by peacocks, as would happen to anyone. So I had to have an insurance claim. But I digress. It was State Farm. They took care of it, to whoever asked that back there. So where was I? Okay, we were in Dillon. We were getting ready to go fishing. So we headed out, and the fishing was terrible the first few days. I was a novice but even I knew what terrible fishing meant. That meant when you don't have any fish. But they took me out one day in this park, in this beautiful, beautiful park, and we found the most isolated stream you could find. And, you know, it's a "bendy" one, and you want the bends because that's where the good fish are. Where the bends are, that's where it's deep, and the fish will be down low, I was told. And we all kind of split of. The four of us, we went our separate ways and each found our own bend in the river--the stream, if you will--and set about to fly fishing, being alone with my thoughts. And fly fishing, for me, largely consisted of constantly trying to cast back and losing all of my flies in the willows and the reeds behind me. So I was not a success. I found the perfect place. I could see the fish coming up and just snacking on things on top of the water and going back down. I mean beautiful. They were there for the taking, but I was pretty quickly out of flies. And I turned around to walk away, thinking, well, I'm just standing here looking at the fish, this is kind of vexing for everyone involved. And I stepped in a sinkhole. And one leg just sunk all the way down in to the point where the water was almost coming in the top of my hip wader. And I was sure I'd broken my leg. I mean, there was just no way that I didn't. And I waited for the pain to start, but it never did. And I looked over beside me as I was trying to think, how am I going to extricate

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myself from this and who is going to find me out here, and there was a big, dead moose that was half eaten. And I started to wonder, well, when is whatever ate it going to come back for the second half and find me here as the, you know, extra snack, because even...the moose was bigger than me, even, and...what was left of it. But I managed to get my leg out of that sinkhole. And you don't just start yelling for your friends--hey, I'm out of flies--you know, because you're not supposed to make noise; you're fly fishing; you're communing with nature, being quiet. So I just started kind of quietly walking along the banks of the stream until I could find the other guys. And some of them were, apparently, as bad at this as I was because pretty soon everyone was out of flies. And then it fell to us to find our way back to the car, the truck, which was another adventure in and of itself. But we all made it out alive. I never saw anything come back to finish that moose. It's probably for the best. I know about as much as what was eating on that moose as I do what horses eat. You've heard me talk about them (inaudible). Horse food would be the answer. So I just spent the rest of the trip, you know...I can say I've done it. I can say I've gone...I went fly fishing. I wasn't successful at it, but I have the experience, at least, and I kind of spent the rest of the trip just tooling around in southwestern Montana. And it's beautiful country, and I don't regret a minute of it. And I can say I have been fly fishing now. But it really didn't take because I just don't think I have the temperament or the patience for that. And maybe I'm a social animal. I like having people around. And being out there by myself, even without one leg stuck in a sinkhole, was not my idea of a good time. Maybe after this session I'll feel differently; maybe I'll just get in my car and drive out there again and look for whatever ate that moose. But...and that might illustrate some of what we're talking about tonight in a roundabout way. I guess we have to have patience for the process, as well, because we had a way out of this that we didn't take. And I think, oddly enough, you're saying, well, you're the one who's putting us through this. I'm one of the ones, that's true, and I think people after this are making decisions too. If we keep him talking about the redistricting bill, we won't get to the things after it. And some people don't want to get to the things after it. And that's okay too. When I was talking about the great things to come on the agenda before, I really hadn't read it. I think I need reading glasses now. I couldn't see what was on the agenda. I was bluffing. It may all be terrible things. We may be better off listening to me for the rest of the evening. Ha. I see you over there nodding, Sue, but...for the record, she was not nodding. But that's the story of me and fishing. I like to keep my promises. And earlier in the session I did say, I've got a fishing story, too, but there's not time to tell it this morning. But this evening we apparently have nothing but time. So the fish won the day, I would have to say. They got past me. But the old saying, "There are no bad experiences," ... [LB976]

SENATOR COASH: One minute. [LB976]

SENATOR LAUTENBAUGH: ...that would surely count, because I enjoyed myself up there. And I enjoyed the ride home, honestly, just as much as I enjoyed the ride there. And how often can you say that? Usually, the way home from a trip is just drudgery.

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You've had all the fun you think you're going to have and...oh, well. But I did love that car, and it was pretty much just like the one I killed in 2008 driving down here on that snowy morning that I totaled out by Waverly. I had three Grand Prix in a row. And by the time I wrecked that last one, they didn't make them anymore. So now they don't even make Pontiacs anymore, so I guess that day is done--and we're poorer for it. Now I have a big, slow 300 and I still don't fish. So I'm not sure what you take away from this story, but (laugh) you can't say you weren't told. Thank you, Mr. President. [LB976]

SENATOR COASH: Thank you, Senator Lautenbaugh. Members, you've heard the opening to the motion to recommit. Senator Lautenbaugh, you're recognized. [LB976]

SENATOR LAUTENBAUGH: Thank you, Mr. President. But hunting, hunting is another story. I've never been hunting. But I would like to talk a bit about redistricting. And I do oppose going forward in this way on this bill, and let me be clear why: because, as Senator Murante said, the amendment that we're being asked to get time to talk about, if we ever get to it, well, it makes it better, but it isn't right yet, and it isn't going to be right this session. And something that was mentioned on General File and kind of just ignored was the fact that we do have time to get this right. I'm not sure why this bill came out to the floor the way it was. Senator Murante did a very stellar job of pointing out things in it that don't...didn't mean much of anything at all, had no real reference to Nebraska law. I was...actually, that was one of the evenings where I was elsewhere with my father, I think, last week, and I was...but I was watching on TV and the image of the Clerk..I'm sorry...the Speaker having to immediately submit a new resolution or...that wasn't the right phrase. And it's not "instantaneously" either. No, "expeditiously" was in...that wasn't it either. At once...the Speaker shall at once submit a new resolution. Well, and then what happens? And Senator Murante was derided as nitpicking. Well, I'm sorry, folks, that bill came out of committee, and it didn't make sense. In a lot of very material ways it did not reflect how we operate with resolutions and the passage of bills and the passage of time and everything else. It did not fit our system, and that doesn't mean that he was being picayune or somehow hypercritical to point out the many, many failings of that bill as it existed. And so it's fine that it's undergone a rewrite. It's instructive to note that the rewrite actually reflected a lot of the things that he suggested and was derided for suggesting in his own, again, picayune way of focusing on minutiae. Well, this is important. And to say that, well, it's almost good now, if we get to this amendment it's almost going to be good...well, when is it going to be good enough this session? It isn't. It will never be good enough. And if we pass it for the sake of passing it, it'll be vetoed. So what on earth are we doing? There is not time to make this right; the amendment doesn't make it right, 100 percent, even if you support the concept, which I don't know that I do. And there is no fire. We had the talk earlier about, well, gee, we've got to get this done before we're all gone. Folks, there is no...there's nothing about the past experience that makes us better informed to judge what's going on elsewhere and how other states are pursuing redistricting. What I do know is that we're apparently hurrying to pass something that everyone concedes we won't need

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until 2021. That's remarkably forward-looking for our body. [LB976]

SENATOR SULLIVAN PRESIDING

SENATOR SULLIVAN: One minute. [LB976]

SENATOR LAUTENBAUGH: We aren't going to have any use for this next year or the year after or the year after, but, by God, we have to act now. I don't get that. I don't understand that. I don't understand spending another minute of the time we have left on this. But we're apparently going to, and several more, and it is never going to make a difference. All we will do is chew up this evening. And it's not going to pass; it's not going to be right. And if it ever did get that far, it would be vetoed and not overridden. We are fooling ourselves with what we're doing, and we're burning time for the sake of doing it, which was maybe okay in January, some thought. But it's not January. Thank you, Madam President. [LB976]

SENATOR SULLIVAN: Thank you, Senator Lautenbaugh. Those senators in the queue: Larson, McCoy, Brasch, Janssen, Murante, Bloomfield, and others. Senator Larson. [LB976]

SENATOR LARSON: Thank you, Madam President. We've heard a lot about time and how much time we have tonight--about three hours and 54 minutes left, 53 minutes. And I look at the agenda, and I see two bills following that I very much support. Senator Crawford has one that has nurse practitioners, a scope-of-practice bill. And we all love scope-of-practice bills, one of my favorites. And Senator Howard has one on the optometrists, another scope-of-practice bill. I support both of them. Both of them could be vetoed by the Governor, possibly. And if we don't get to them tonight, we will get to them tomorrow. But then there will be no chance for us to override a veto from a Governor. So, yes, they could still pass. But he could...well, I guess it's not technically like a pocket veto, sort of. And that's concerning, because I would really like to see both of those get done. Speaking of the optometrist bill, I had a funny e-mail from one of my...from an optometrist that has a father and...well, he lives in my legislative district, too, on the eastern side. And the...his dad lives more on the western side, and he sends me an e-mail. And he says, the ophthalmologists did a robocall and they called my dad. And they told my dad that I was going to...I was...that optometrists were unqualified to do X and Y and Z, and they're going to kill people and everything else, and the robocall...and they convinced my dad, I'm his kid, and I'm an optometrist, I had to work him the other way. I thought that was funny. (Laugh) [LB976]

_____: Good for you. [LB976]

SENATOR LARSON: (Laugh) I don't think the optometrists are going to kill anybody or cut eyes out or do anything to endanger their patients, just as I don't think the nurse

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practitioners are going to do anything to endanger their patients. I view both bills as rural-access bills that will help people in rural Nebraska get the care that they need. I believe that any optometrist that doesn't feel comfortable with the issue will refer them to that ophthalmologist--after the robocall, maybe, not to any Nebraska ophthalmologist, but an ophthalmologist at the very least. Yankton is pretty close to Hartington, so probably will send them there. [LB976]

SENATOR SULLIVAN: One minute. [LB976]

SENATOR LARSON: This kind of reminds me of 2010, I think it was. And they had a lot of...we had a lot of rain in Holt County that year, and there were three different times, I think, we had over four inches of rain. Once, we had over ten inches of rain. And I had to...we have a creek that runs through our ranch ground. And every time it would rain that much, it would wash the fence out. I'd plug along out there and I'd wade across that river and I'd build the fence over again. A week later, washed that fence out again. Felt like I was beating my head against a wall. You know how hard it is to build a fence across a creek? It's terrible. That's what we're doing: We're trying to build this bill across this river, and it's just not going to happen because it's going to rain next week. [LB976]

SENATOR SULLIVAN: Time, Senator. [LB976]

SENATOR LARSON: It's not going to pass. Thank you. [LB976]

SENATOR SULLIVAN: Thank you, Senator Larson. Chair recognizes Senator Brasch. [LB976]

SENATOR BRASCH: Thank you, Madam Chairman, and thank you, colleagues. This has been a very interesting, ongoing discussion. And I...my perception is that it's out of dissatisfaction, dissatisfaction from redistricting. This is my fourth year and, as I became a newly elected senator running from county to county...at that point there were five, a little of Washington. I had Stanton County. I had Thurston County, Cuming, and Burt. And I'm in office and, all of a sudden, we're redistricting. And others of us went through that as well. There was a little bit of a shock factor as to change. Change is frightening. It's unknown. And the committee that was in here, I didn't know those senators that well either. I was new. So there is a lot of trust and faith, just like we have in our committee system. And when we're talking about fairness, I look at the rule book. And if you...I'm not going to read you the rules. It's on page 18. But it talks about nine members and how it's structured and trying to have both parties, and it's very well out...the outline here seems that there can't be such terrible bias. And so I'm curious on the dissatisfaction. So I'm going to ask a few senators if they'd yield to a question. Senator Davis, will you yield to a question? [LB976]

SENATOR SULLIVAN: Senator Davis, would you yield for a question? [LB976]

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SENATOR DAVIS: I will. [LB976]

SENATOR BRASCH: You were a new senator coming into a newly redrawn district, is that correct? [LB976]

SENATOR DAVIS: That is correct. [LB976]

SENATOR BRASCH: Do you have dissatisfaction with the district that you have...are serving currently? [LB976]

SENATOR DAVIS: I am very happy with the district I serve, but I know a lot of my constituents were very unhappy with the restructuring that took place. [LB976]

SENATOR BRASCH: Thank you, Senator Davis. I'm also curious...I don't know who else here. Senator Seiler. [LB976]

SENATOR SULLIVAN: Senator Seiler, would you yield? [LB976]

SENATOR SEILER: I will. [LB976]

SENATOR BRASCH: Okay. You are also in a district that's been redrawn. Are you dissatisfied with the action taken by the redistricting committee? [LB976]

SENATOR SEILER: I didn't have any choice; it was already done before I got there. [LB976]

SENATOR BRASCH: But do you find it problematic, the district you're serving? [LB976]

SENATOR SEILER: No. [LB976]

SENATOR BRASCH: No. I don't...I'd like some colleagues to talk to me about what is problematic here about the committee. I would rather have colleagues...when I did have questions, I knew who the committee was. They were right here. I knew their office numbers. I had access to them. I didn't have to make an appointment. We didn't agree. We absolutely didn't agree. Did I love my prior district? Absolutely. Do I love my current district with the changes? Absolutely. I didn't lose the old counties. They didn't disintegrate or disappear. They're still there. And I imagine that everyone else experiences that too. We come in here and we are saying that we are state senators, that we serve the state. We serve our districts and the state. So when the district grew, when it changed, we served more. I once worked for an office that there was a change-your-office-seat day that everyone had to go take a different position in a different place and get to walk in someone else's shoes, learn their tasks, to get to know

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what the whole company is about. And I think that's a good idea. I don't know who was harmed, what the malice is here. As I talk to my colleagues, I think everyone loves their district. And most of us want to come back and serve our district and continue serving even though lines were... [LB976]

SENATOR SULLIVAN: One minute. [LB976]

SENATOR BRASCH: ...were withdrawn. Thank you, Madam President. Thank you, colleagues. [LB976]

SENATOR SULLIVAN: Senator Brasch, that was just your one minute, in case you had... [LB976]

SENATOR BRASCH: Well, I could ask that of several others, and I may get back on line. For the people who did not want to...who want to see a change here, I want to know why. Is there a problem with who you're serving? I imagine there is not, and I imagine you take calls and e-mails from individuals all across the state. And we're not asking, you know, what political party are you? There's numerous parties. There's many, many parties. There's Republican, Democrat, Independent, Tea Party, you know, it goes on and on. We serve 1.8 million souls in our state, and I think that having the redistricting committee right here, under this grand Rotunda that embodies this whole state, is a good idea. I'm against having it go to someone independent. [LB976]

SENATOR SULLIVAN: Time, Senator. [LB976]

SENATOR BRASCH: Thank you, Madam President. Thank you, colleagues. [LB976]

SENATOR SULLIVAN: Thank you, Senator Brasch. The Chair recognizes Senator Janssen. [LB976]

SENATOR JANSSEN: Thank you, Madam President, and thank you for sitting in the chair tonight. That was something I did my second year and I guess we're classmates, so they tried different people out and we could see by how many times you've seen me in the chair that I did not make the cut to be up in the chair as often as yourself or Senator Coash, and, of course, Senator Krist came a year after, but it's still there. And in kind of a...well, I don't know if it's a funny story and I don't know if it's totally factual but it's the way I remember it, sitting here, Senator Flood would try out the newer senators. It was our second year, and said that, Senator Janssen, we want to try you in the chair. So I was up in the chair and I remember the debate, it was going late. It was dealing with texting. I think it was Senator Rogert had the bill to make it a secondary offense; so that I do recall. So I'm sitting up there and the Clerk or the Assistant Clerk are working with me trying to help me with this, and Flood is working with me on this to make it work, and I'm calling out, just much like it's probably right now. And I missed

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somebody. And I think the Clerk came up to me and said, Senator Janssen, next person please; so I did that. And then Flood comes up: Well, what were you doing? And he looked at his phone and he realized I was texting him that said: Get me out of this chair. I was texting him during the text debate on secondary offense. So it was secondary and I was penalized secondarily for texting while in the chair of the president's office. Long story. That was a short story made long. Sorry. I do want to apologize actually, and...well, it's a semi apology. I already apologized, but I wanted to do it at least publicly when the last vote came up I looked at this as just kind of wasting time for an end to basically waste time and continue to waste time, which is what we're doing. And as I was leaving the rest room I was having a spirited discussion...not even spirited, I was talking to Senator Wallman and I was saying something about how something was dumb, and I walked out in the lounge and I just keeping saying dumb, dumb; and Senator Watermeier was there, said that; and I walked by Senator Davis, I said that; then I realized I sat down and I'm like, I wondering if they thought I was calling them names as I was leaving. So as I sit here thinking, wow, we're going to waste a lot of time, like, well, I don't want them to think I was calling them a name or whatnot. So I circled back and it had nothing to do with them personally, it was just the fact that we were spending more time here and wasting time, precious time. So I apologize and I hope they had accepted that even though it was not intended directly to them. And basically what it started with is I was saying we have a lot to do, and, you know, I might be odd in the fact that I like...I go home every night, I love to see my children every night if possible, although I've only seen them asleep for the last couple of weeks. But last night I did drive home a little bit early. I missed one vote down here. So I apologize, it wasn't a vote that meant anything. We all saw how it ended. I saw it on TV, as a matter of fact. But as I was driving home and somebody was telling me about this and I think we'll probably talk about it eventually tonight, but I thought I saw a mountain lion on my way home. And I was driving and I see this yellow creature or critter running at me on a road, just...it was in Senator Johnson's district which I trespass through every night... [LB976]

SENATOR SULLIVAN: One minute. [LB976]

SENATOR JANSSEN: Thank you...and I see it coming up through the ditch. It's the old Highway 77. I know Senator Johnson knows it and most of you do. And I thought to myself, oh, my god, I'm going to kill a mountain lion, and imagine what Senator Chambers is going to say about me when the media gets ahold of this if I run over this mountain lion. It was a small deer. I did not run it over. I missed it. That said, I would say earlier this session I had winner take all vote. I knew that was a partisan vote. I chose to not take everybody's time on that. I could have done what we're doing right now and taken 8 hours, 4 hours, and possibly 2 hours. I've been here long enough, even in my six years, to know sometimes it's okay to lay down arms, because it's going to go nowhere and out of respect for the time of the entire body. And that was very, very early in the session. [LB976]

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SENATOR SULLIVAN: Time, Senator. [LB976]

SENATOR JANSSEN: Thank you, Madam President. [LB976]

SENATOR SULLIVAN: Thank you, Senator Janssen. The Chair now recognizes Senator Murante. [LB976]

SENATOR MURANTE: Thank you, Madam Chair. Members of the Legislature, good evening. As we progress further in this debate it appears that I'm only capturing the attention of Senator Johnson at this point, but it's good to have eye contact with someone. Oh, Senator Bolz turned around, so she's listening too. That's good. I figure we have gone down a number of digressions from hunting and fishing to all sorts of stories, but I want to talk a little bit...I was asked a great question by Senator Harms and I'd like to give at least as much of a response as I can give in the time that I have. And he asked me a great question. What was it about the 2000 redistricting that I found objectionable? It's a great question, and it's...it comes from the perspective, not of a state senator, but as a legislative aide, because it's important to note that I think sometimes during this discussion my role in the process was certainly exaggerated at times, but I was brought in at the end. And with respect to legislative districts, what troubled me the most, and it's important to note that before we even got to the legislative districts, the Legislature had an opportunity to redraw the lines of the Board of Regents, the State Board of Education, the Public Service Commission, judicial districts, important constitutional offices. Those maps passed unanimously. And in the case of the legislative district maps, there were only 9 dissenters, and I think part of the reason that there was so much support for those legislative districts--although admittedly there was consternation about moving a legislative district--was that the members of the committee and the members of the Legislature as a whole clearly made a priority in giving the members of the Legislature's districts that they wanted. And I won't name names and I'm not going to call anybody out, but there were specific examples that to me didn't make a lot of sense. The person wanted their district this way because that's where they went to church, so their district should go north of a street so that it would...the church that they go to. I remember that one. Another member had a park that they really wanted in their district, it's a beautiful park. Another person had an entertainment district that they wanted in their district. So the map was drawn that way. And that is what left a sour taste in my mouth. That is what led me to believe that reform is needed. I didn't...on the legislative districts, I didn't see the partisanship that has been suggested. The congressional districts, which I wasn't really a party to, I get it. But the legislative districts, I didn't see it that way. And the self-interest, which is understandable, but I think also regrettable, and I do think there's a better way... [LB976]

SENATOR SULLIVAN: One minute. [LB976]

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SENATOR MURANTE: ...to do it because the districts certainly don't look like they would if an independent agency was drawing it, because those superficial desires to have the church that you want or the park that you go to or the entertainment district, those aren't going to be taken into consideration at all, and I think that's a very good thing. In my next time on the microphone I will detail why LB976 is going to have a dramatic impact in what I believe to be what certainly some will perceive to be a detrimental way. [LB976]

SENATOR SULLIVAN: Time, Senator. [LB976]

SENATOR MURANTE: Thank you, Madam President. [LB976]

SENATOR SULLIVAN: Thank you, Senator Murante. Those next in the queue: Senators Bloomfield, Chambers, Mello, Karpisek, Nelson, Conrad, and others. Senator Bloomfield. [LB976]

SENATOR BLOOMFIELD: Thank you, Madam President. Colleagues, my name was brought up several times during General File when it came to the redistricting. But let's not operate under the illusion that it was politically moved. I don't suppose it's any great surprise to anybody in there that I'm a registered Republican. The fact that I was chairman of the Republican county...or the Wayne County Republican Party wouldn't have given anybody that clue. But when my district was changed, I lost a very strong Republican county and was moved to a historically Democrat county. That's all right, I carried the county. But let's not pretend that that was done for a political reason. It was done because we wanted another senator in Omaha. It wasn't done because I was a Republican or I was a Democrat. As it turned out, I and my final opponent were both Republicans. One of us had to carry that Democrat county and it was me. Now, if Senator Karpisek would like to help us filibuster his own bill, I would yield the remainder of my time to him. [LB976]

SENATOR SULLIVAN: Senator Karpisek, 3 minutes 17 seconds. [LB976]

SENATOR KARPISEK: Thank you, Madam President, and thank you, Senator Bloomfield. Why not, right? And I appreciate what you said about the redistricting, but I think, Senator, what I would think happened is that they tried to dilute those Democrats a little bit with a Republican county. I'm going to try very hard to get off of what happened and move forward. I know that's hard and I said I've done it before...I would do it before and I didn't. What I'm talking about is mainly the way things looked. Perception is reality a lot in here. And the perception was that things didn't look right, and this is why I would like to change it. I now filed my amendment to Senator McCoy's AM2792. So now we're right there. If we can get rid of the recommit to committee motion, we can talk about my amendment and how it fixes the bill. But I don't think that

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we want to...some of us don't want to do that, because gosh, then we might not be able to say that it's a bad bill anymore and it needs to be rewritten; we might have to read the amendment. I'm not the one holding this process up. Senator Lautenbaugh said that this is just futile because the Governor is going to veto it and it won't be overridden. Then why are we going to 33? If you're so sure about that, let's go; let's vote. Let's vote. Let me get my 25, same on Select...or on Final Reading. Let the Governor veto it. Why are we holding things up then if you're so sure that that's what's going to happen. I picked up a couple votes on that last one. You better be careful, I might keep going. I don't want to take up any time. [LB976]

SENATOR SULLIVAN: One minute. [LB976]

SENATOR KARPISEK: I want to get to these next bills too. I like those bills too. So if you're so sure of what's going to happen, and it's my fault, put your money where your mouth is, get rid of all...everything except for my committee amendment. Let's move it and let's move the bill and get on to the next bills. Thank you, Madam President. [LB976]

SENATOR SULLIVAN: Thank you, Senator Karpisek. Next in the queue: Senator Chambers. [LB976]

SENATOR CHAMBERS: Thank you, Madam President. Members of the Legislature, Senator Murante was talking. He said he didn't have the attention of anybody except Senator Johnson. Then he said Senator Bolz turned around and made eye contact and it was good. Well, I had eye contact with Senator Murante but he didn't have eye contact with me. So sometimes we are seen without being able to see those who are doing the seeing. I had told Senator Lautenbaugh, and this is probably why he scooted out of here, that the last time he spoke he was giving a story and said there was a fish story but he didn't have time to tell it. That part was correct. And I told him at that point, if you ever tell that fish story I'm going to sing again. And I reminded him. He said he didn't remember then but he remembered now. And I look back and I see his seat is empty. But you know, they say fish stories...when you say somebody is telling a fish story or a fish tale, that means usually they're not telling the truth. So I thought when Senator Lautenbaugh said that he went fly fishing, he was going to say he caught some flies, which maybe he did based on the way his story went. And when he said that he stepped in the sinkhole and he looked over and saw a half-eaten moose, I thought the next thing out of his mouth would be "and he saw a mountain lion peering over the top of it, looking at him as if he were an uncooked pork chop." But mountain lions like uncooked pork chops anyway. None of that did he say. And I don't know what the point of his story was, but it was interesting and maybe he could be a stand-up comic somewhere. But I think his material would run out fairly quickly. Now here's what I'm going to say about the discussion. I mentioned that a legislative history is being compiled. Much that's said will be of not great value. If you're trying to find gold, you

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crush a lot of rock before you find a few kernels, grains, or even lumps of gold. The same when you're searching for precious stones. It wouldn't be precious if it were plentiful. And when you're reading literature, the ones who are considered the best writers are the ones who make you dig deep and concentrate before you can get the sense of what it is they're trying to tell you. They exercise your mind. So when you go through these transcripts of legislative debate, there is a lot that will be discarded. And as I say, you eat the fish, you throw the bones away. There are things which some of the people who are saying them will not realize the significance or the value that might be in them. And here's why. Everybody is familiar with his or her own thoughts. Familiarity breeds contempt. There is a tendency not to place as much stock in or value on what it is you think as you do on what somebody else thinks. So like the little thing about the meadowlark that I gave out this morning, I don't know if you read it or not, you are looking and seeing something worth looking at and think maybe you're not worth looking at, but what you're looking at feels the same way about you with the same sense or lack of self-confidence or feeling of self-worth. So I listen to what people say. I can find things of value. And despite what Senator Murante and others who have talked about Senator Karpisek's efforts, who have been critical, when they take the time to whether you call it nitpick, analyze, it provides a type of road map... [LB976]

SENATOR SULLIVAN: One minute. [LB976]

SENATOR CHAMBERS: ...to get you from where you are to where you want to go. Not everything that one doing the analyzing is going to have great value, but as you pick out the flaws, if you are correct, then what you offer is the better way. And if you can take the time to plow through all of this verbiage, you can find a kind of thread of sense--a lot of nonsense but there is some sense. And for those of us who are not here during that last redistricting, and I won't be here for the next one, we might be able to put something together in the way of a suggestion that might be at least considered. Thank you, Madam President. [LB976]

SENATOR SULLIVAN: Thank you, Senator Chambers. The Chair recognizes Senator Mello. [LB976]

SENATOR MELLO: Thank you, Madam President and members of the Legislature. It's been some interesting floor debate tonight in respects to not, first off, letting us get to Senator Karpisek's amendment, which I believe hopefully someone will call the question so we can get there. But generally, some of the logic and arguments made in regards to the redistricting process, with all due respect to Senator Brasch, I don't know a senator who is going to say they hate their district and their constituents. Whether it's Senator Davis, Senator Seiler, or anyone, no one is going to stand on this floor and say, I hate my legislative district; oh, they're my...no. But we do know that people in Nebraska City were upset that we split the city in half. People in Alliance were upset because we split Alliance in half. People in Bellevue were upset that we flip-flopped a Congressional

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district and there was no rhyme or reason to do so except that, well, because we wanted to. So there are angry constituents, colleagues, that came out of that 2011 redistricting process, the same way Senator Karpisek mentioned it happened in 2001. I don't think any senator is going to stand on the floor and say that they're not happy with their district, because to some extent Senator Seiler said he didn't even get to participate. So I hopefully think that's not really a logical argument to use of why we shouldn't move forward on LB976. Now it's ironic that members would stand on the floor and say we're wasting time when if we just let us get to Senator Karpisek's amendment which addresses a considerable number of aspects of the bill that will allow us to move the bill forward, we could get onto other items on the agenda. But that's not what really the opponents want to do and that's okay. You don't want this bill to move forward. It's okay to say it. But you can't defend a process that we know was not perfect in 2011. And whether or not you talked with members of the Redistricting Committee or you didn't, there was more dissent, there was more heated conversations, and yes, members may of voted for the bill at the end of the day, but I know a number of members voted begrudgingly because there were told they had to, because there's a political pressure applied that goes beyond sometimes this body when it comes to drawing political boundaries. And as I mentioned, I can only mention it so many times, when you have the Governor, congressional members, and others who are weighing in on what they want to see get done, colleagues, that's an awful lot of pressure for a lot of people. This motion to recommit to committee isn't serious, and that's fine. Senator Lautenbaugh doesn't support the bill. He's said it. There is no seriousness to take involved with it. He wants the bill dead. His argument is that why are we trying to rush something now when we've got plenty of time to figure it out in the future. That's an argument, colleagues, that has been used for 20-plus years when it comes to redistricting. And where are we at? Right now, on Select File, with LB976 is the furthest we've come of trying to actually do redistricting reform. And the opponents' argument is, well, the bill is not perfect; why are we moving forward with anything? Then let's spend the time and work on it. Senator Murante didn't work with Senator Karpisek or my office on the bill between General and Select. Senator McCoy didn't. None of the opponents have. It was...we offered an olive branch of good will in trying to work towards compromise and consensus, and there was no offer back. That was never the intent. Why? Because press accounts show that the Governor opposes this and the Nebraska Republic Party opposes it, which was enough for enough members to say, well, I'm not supportive of it. Now let's be mindful, colleagues, so far on LB976 we've had members of all ideologies and all political parties vote for it, so it's not a quote, unquote, partisan approach that's going on here. [LB976]

SENATOR SULLIVAN: One minute. [LB976]

SENATOR MELLO: The issue is whether or not we really want to try to change a system and make it better. There has been no other proposal that has gone as far as we have. And with Senator Karpisek's amendment, which I think we'll get to before

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cloture comes, improves the bill and makes it a good, workable, usable format for the next five years until we actually start the process. If you're afraid of moving forward on that, that's left up to you. But there has been no coherent, rational, reasonable argument to oppose this, with the exception that we've just got to forget what happened a couple of years ago and we've got five years or six years till we have to do this again. Colleagues, that's not a good argument of not trying to make significant reforms to a broken political system of redistricting. Thank you, Madam President. [LB976]

SENATOR SULLIVAN: Thank you, Senator Mello. The Chair recognizes Senator Karpisek. [LB976]

SENATOR KARPISEK: Question. [LB976]

SENATOR SULLIVAN: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Senator Karpisek, for what reason do you rise? [LB976]

SENATOR KARPISEK: Madam President, I would like to request a call of the house. [LB976]

SENATOR SULLIVAN: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB976]

ASSISTANT CLERK: 29 ayes, 0 nays to go under call, Madam President. [LB976]

SENATOR SULLIVAN: The house is under call. Senators, please record your presence. All 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. Senator Nordquist, Senator Pirsch, Senator Chambers, Senator Garrett. Senator Lautenbaugh, would you check in, please. Senator Nordquist, would you please check in. Thank you. Senator Pirsch. Senator Chambers, would you please check in. Senator Karpisek, how would you like to proceed? [LB976]

SENATOR KARPISEK: I would like to ask for call-in votes, please. [LB976]

SENATOR SULLIVAN: Yes, we are authorized to accept call-ins. Thank you. [LB976]

CLERK: Senator Campbell voting yes. Senator Nordquist voting yes. Senator Bolz voting yes. Senator Dubas voting yes. [LB976]

SENATOR SULLIVAN: Record, Mr. Clerk. [LB976]

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CLERK: 26 ayes, 8 nays to cease debate. [LB976]

SENATOR SULLIVAN: Debate has ceased. Senator Lautenbaugh, you are recognized to close on your motion to recommit LB976 to the Executive Committee. [LB976]

SENATOR LAUTENBAUGH: Thank you, Madam President and members of the body. And I don't know that I've ever closed on one of these motions before, so please vote green so it will do whatever it does. This reminds me of the election of 2000, I have to be honest. And I was the election commissioner at the time in Douglas County, and I will never forget that night. I know. Well, it's true, Senator Coash, I was an election commissioner. I alluded to it before. It was a stressful night. I mean, we were counting ballots as fast as we could, and back then the scanners were...I think we had a half-dozen of them, and you had to go pull disks out of them, those old floppy disks, every now and then. So periodically we would go pull a floppy disk out of every scanner and put it in the accumulator, which was just a PC that we put all the disks in. And voila, you had updated vote totals. And there was a tech from the ballot counting company that ran the accumulator, and there was one point where, you know, we're releasing totals periodically as time goes on, and people are watching the totals roll in from Douglas County. And one of those people watching was my friend Neal Erickson in the Secretary of State's Office, who called me up and said, hey, Scott, with your last release some of your totals went down; that usually doesn't happen. And he was right. In my experience, usually you don't lose votes over the course of the evening. You'd have to be a horrible candidate to do that. So I went to look into it, and what had happened was the tech running the accumulator had put one of the disks in twice, released a report, realized her error, and backed it out without telling anyone. So when we did the next release, some of the results were lower and no one knew why. And once we found out that's what had happened, the only prudent thing to do was to make her recreate the error so I could be confident that was exactly what had happened. So we had to back all the totals out and start from scratch and get to that point where we had gone awry with the erroneous totals, back out the one disk that she thought she put in twice, to demonstrate that were, in fact, back on track again. And that took about two hours to do. And in that time there were no results coming out of Douglas County. And you all may know people who have run for elective office. They're all crazy on election night. So people were getting antsy about that, including a man named Gore, who was watching, casting a covetous eye on our one electoral vote in Douglas County and wondering why, all of a sudden, silence was coming from Douglas County. So I had to explain a delegation from the Democratic Party and then from the Republican Party as to what happened, and then we plowed on ahead. And it took forever. That was a huge election. And when we got to the end of the night, back then Douglas County had 378 precincts, and it was ridiculous. Some of them had just a couple hundred voters in it; some had way too many. So, thank goodness, we fixed that. Thank goodness. But anyway, we used to have way too many precincts, so. And as we were doing the final check-in of the night--I'm killing Senator Gloor, I'm dying in the rest of the room here, I've got to be

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honest. (Laughter) As we did the final check-in of the night, we were missing one precinct's late totals. [LB976]

SENATOR SULLIVAN: One minute. [LB976]

SENATOR LAUTENBAUGH: And election night in Douglas County was a sight to behold. There would be cars lined up for blocks trying to get to the election office to drop off their ballots. And we went and had to shake every ballot box in the storage room to see where those missing ballots were. How did we get...where were those one precinct's final ballots? And about 4:00 in the morning I heard the phone ringing, and I went up front and it was the inspector from a polling place calling and saying, oh, I'm so sorry, Mr. Lautenbaugh, the ballots are in the trunk of my car still. So I got in my car and drove to go get those ballots. And so the results weren't complete that night. But we made up for it later. We got them in the totals with the late returns and the absentees that we added in later on, and the conditional ballots and what not. And that's what we could do here by fixing this bill a year or two down the road, because it isn't ready even with the potential amendment coming. So I would urge you to please vote to recommit this to committee. [LB976]

SENATOR SULLIVAN: Thank you, Senator Lautenbaugh. [LB976]

SENATOR LAUTENBAUGH: Thank you. [LB976]

SENATOR SULLIVAN: The question is, shall the motion to recommit LB976 to the Executive Board be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish to? Senator Lautenbaugh, for what purpose do you rise? [LB976]

SENATOR LAUTENBAUGH: I'd like a roll call vote in reverse order. [LB976]

SENATOR SULLIVAN: Mr. Clerk, please call the roll. [LB976]

CLERK: (Roll call vote taken, Legislative Journal page 1477.) 21 ayes, 26 nays, Mr. President...Madam President, excuse me. [LB976]

SENATOR SULLIVAN: The motion fails. Items for the record, Mr. Clerk. [LB976]

CLERK: I do. Thank you, Madam President. Senator Ken Haar would like to print amendments to LR482. (Legislative Journal page 1478.) [LR482]

Mr. President...excuse me, Madam President, Senator Lautenbaugh would move to reconsider the vote just taken to recommit to committee. [LB976]

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SENATOR SULLIVAN: Senator Lautenbaugh, you're recognized to open on your motion. Raise the call. [LB976]

SENATOR LAUTENBAUGH: Thank you, Madam President and members of the body. Boy, I should have spent more time explaining the lights on that one, I think. But in any event, we're all over the map there. Well, again there are no bad experiences, and that election night did teach me one thing and that was to have someone out listening to the phones until 4:00 a.m., because that poor inspector had said, I had been trying to call earlier but I couldn't reach anyone. Well...and she was correct, because we were all in the back shaking the ballot boxes that we'd already put away to see where those missing ballots were. So in the end we found them, and all was well that ended well. And that was the election of 2000. But I can remember, as I was driving out to that inspector's house, I was...you know, 4:00 in the morning by then, I was alone, I was running out of gas so I'm stopping at some lonely self-serve gas station. Back then they didn't all take credit cards. That was relatively new. So I was hopeful...glad to find one that would...didn't need an attendant and you could use a credit card at. And I'm sitting there, gassing up my car and listening to the chaos that was raging down in Florida, and I thought to myself, well, you know, one missing ballot box wasn't that bad; and more to the point, we found it. So good on us. I mean, that was even better. And the other thing that you learned or I learned from that, I guess, is that there's never been a perfect election. We used to have a creed among the election commissioners, an old saying: We don't care who wins as long as it isn't close, because wide margins wash away all sins. And there were times when we made mistakes. I know it sounds crazy, but it's true. I can remember one time there was an annexation where I think part of the...maybe it was the Arlington school district was taken into Elkhorn or maybe part of Elkhorn was taken into Millard, I don't remember which. There are so many school districts in Douglas County, even within the city of Omaha. Maybe we should only have one big school district. But anyway, and that superintendent had surely sent the corrected maps to the election office, showing the new boundaries for the district, and we had not updated the map. So there was a little neighborhood that had not been added to, I think it was the Elkhorn school district, now that I think about it. And so that was how I got to know Roger Breed back in the day--a very angry Roger Breed, who found out that some of those people were not getting to vote on a bond issue they had despite the fact that they had updated their boundaries in our election office. So my deputy and I made up little supplemental ballots that had that one race on them. And we caught this before election day so it was not a problem on election day itself, but for all the people who voted by mail, voted early, we had to drive out to their house on the night before the election and hand them little supplemental ballots and ask them if they wanted to vote them. Now imagine how that was going. It was a Monday night, it was snowing, and we're knocking on doors in a neighborhood that's within Omaha but the streets aren't paved and I don't think it had streetlights and it's getting late because there are plenty of houses. And we're knocking on these doors and saying, you know, hello, I'm your election commissioner. That's something you don't hear every day. Then

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you have to spend time explaining what that is. And you voted early through the mail, and sometimes people don't like to hear that either. How do you know how I voted? I don't know how you voted; I know that you voted. And we left one race off the ballot. It's a school bond issue in Elkhorn. Well, we're not in the Elkhorn district. Well, yes, you are. No, we're not. Yes, you are. No, we're not. So this would take time. And I'd say, okay, well, here's that ballot. Would you like to vote it? They would say, well, when? Like, well, right now. I'm content to wait. I'll turn my back. So, you know, they would vote that ballot. Sometimes they would just say, look, I'm just not interested. But most of them would think, well, gee, if you took all the time to drive out here and come to my door with this little slip of paper and tell me this ridiculous story about how you're some government official I've never heard of before and you're bringing me a ballot to vote in a school district that I don't think I live in, well, by god, I'll oblige and do it. So we took care of it that way. And then we went and watched the end of the Monday Night Football game. And I thought I would never forget that game. It was the Packers and I think the Vikings, and it was a remarkable finish. And for some reason, it was one of those rare occasions where someone knew what the election commissioner was and what the chief deputy was and that we were the opposite party and that we were sitting there watching the football game together on the night before the election. And they just thought that was the greatest display of bipartisan spirit and, you know, getting along that they could possibly imagine. That didn't happen a lot. I mean, the bipartisanship and the working together happened, but running into people who actually knew who we were, that didn't happen. So we enjoyed the football game and the next day we had the election that was very long and difficult, but...and then it went on and on nationally after that as you might recall. So I've spent a lot of time involved in election issues. And I was a natural, I guess, to be on the Redistricting Committee here because I had some experience with that too. And we've come a long way since how I did the city council districts in Omaha when I decided that I would just do that of my own accord. I didn't want the office involved. I didn't want politics involved. And the statute was very plain back then. The election commissioner just draws the district and maintains them in substantially the same balance. So I just reshuffled the precincts into better city council districts that were closely approximated a balanced population. It wasn't precise, and I think I did it on a PC in my law office because it was better than the ones we had in the election office with some free software I downloaded from some mapping company. But it worked. And the districts were not perfect, but at the city council level, you don't have to be. They were much closer to being in balance populationwise and we were not committing a constitutional violation by going forward with that election. And there was a city councilman at the time--I didn't really draw them with an eye toward where the incumbents were. I drew them so there would be a downtown district, a south Omaha district, a north Omaha district, a southwest, a northwest, a west Omaha district, and kind of a midtown one that wrapped around the north Omaha district. And there was a city councilman at the time who ended up drawn in with another city councilman and he won. The other city councilman obviously did not. And after the fact, one of my partners who went out to dinner with him from time to time said, partners at the law office to be

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clear, said, you know, Scott thinks that the only reason you won is because he drew you in with a weaker opponent, incumbent; and he also thinks you'll never thank him for it. And the response was: Well, he's right; and he's right. So I never did get a thank you for that. But that guy, I think, was one of the two of the seven that actually got reelected out of that city council because Omaha had kind of a tumultuous past back then as far as city government went. I can remember looking through some press clippings I found in one of my drawers in my desk in the law office the other day. I don't clean my desk out very often. And I was reading of the committee that that city council back in 2000 sent to discuss redistricting with me when I announced I was going to do it. And I could not believe--I just did not remember I guess--that that was the city council at the time. It was a very different... [LB976]

SENATOR SULLIVAN: One minute. [LB976]

SENATOR LAUTENBAUGH: Thank you, Madam President. It was a very different group, and you can take that however you want. But it was a very different group from what we have now, I'll say that too. So I guess what I'm saying is we do manage to get it right. And to say that we need to somehow do something because just trusting the 2000...I guess it would be 2021 Legislature to do what we did in 2011. Well, in 2011 we did what we did in 2001 and, honestly, it did work. It really did. I mean those bills passed with lopsided margins in the end. But if you're looking for perfection, you're never going to find it. But what we did worked. And this bill isn't ready to make a good, solid change yet even with the amendment that's proposed. [LB976]

SENATOR SULLIVAN: Time, Senator. [LB976]

SENATOR LAUTENBAUGH: Thank you, Madam President. [LB976]

SENATOR SULLIVAN: Thank you, Senator Lautenbaugh. Those senators in the queue: Senators Nelson, Conrad, Schilz, Lautenbaugh, Brasch, Wallman, and others. The Chair recognizes Senator Nelson. [LB976]

SENATOR NELSON: Thank you, Madam President, members of the body. This is the first time that I've risen to speak on this redistricting issue on LB976. I don't know that I can be as entertaining as Senator Lautenbaugh is. His memory is a lot better than mine in many respects with regard to previous elections. But then it's been sooner in time, his experience has. I go back a little farther when I was in the election office in Douglas County and had some great experiences myself there. First of all, let me say that I was there at a time when we were switching from the punch cards to scanning of ballots. Used to be a card, type of card, I guess, that they're still having a lot of problems with, or did at least in Florida and other places around the country. We were sort of a test...we were the test spot for the new scanning machines that were coming out at that time, and the trials were there in the Douglas County Election Office. And it was in

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the...at that time in the current Hall of Justice. It covered about half of the first floor and took up the entire basement. And those machines were installed in the basement, and there were a few glitches back then. But by and large where we went to a ballot, a sheet of paper that was 8.5 by 11 and you marked it with a pencil in the ovals, it was a tremendous improvement over what we had before that time. First of all, they were counted with almost 99.9 percent accuracy, and they were counted by machine. And there was a verification process--you could run them back through easily. That really cut down the time as far as getting the election returns when you have a very impatient press and media wanting as much in the way that they could get the results as the earliest possible time. I also will take credit for the system that's still in use. Used to be that prior to my time that on election day you didn't get any of the ballot boxes in until 8:00 in the evening. And let me tell you, that was when we were there until 2:00 or 3:00, 4:00, in fact, there were a couple of times I got home at 6:00 in the morning. It occurred to me, if we could do it, that it would be good to pick up the boxes at an earlier time, perhaps around 2:00 in the afternoon or perhaps 4:00. And that we could expedite the collection of those ballot boxes with the partial count in them by having central stations or delivery spots around the city of Omaha. So that's what I did. I covered the entire area of Omaha and selected a fairly central spot within a number of precincts, and at 2:00 the inspectors took the ballots that they had, they were locked in the box, and took them to that collection station. And then they were brought down to the election office and we started the count which, of course, the early... [LB976]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: One minute. [LB976]

SENATOR NELSON: ...returns were kept confidential, not published until 8:00. That expedited things a great deal. But as Senator Lautenbaugh said, we had glitches. Once in awhile, we had some problems. Believe it or not, there weren't very many cell phones at that time. And I can recall going out on North 16th Street in north Omaha at 2:00 in the morning because no ballot box had come in from that precinct. And we tried by phone...and the location, the polling location was a church, a two-story church made of stone. I don't remember what kind of stone it was. I just remember that it, more than anything else, resembled a fortress. I went out there, found the church, every door was locked. And there was a light in an upper story window. [LB976]

SENATOR GLOOR: Time, Senator. [LB976]

SENATOR NELSON: Thank you. [LB976]

SENATOR GLOOR: Thank you, Senator Nelson. Senator Conrad, you are recognized. [LB976]

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SENATOR CONRAD: I'd yield my time to Senator Karpisek, please. [LB976]

SENATOR GLOOR: Senator Karpisek, 4:55. [LB976]

SENATOR KARPISEK: Thank you, Mr. President; and thank you, Senator Conrad. I'm going to start going over my amendment which I'm sure that most people who say it isn't far enough haven't read. The amendment adds definitions of cracking and packing from the NCSL 2010 redistricting guide. That was, Senator Murante thought, and a good one, replaces three single-member districts for congressional seats with the number of districts appointed to Nebraska by the U.S. Census Bureau. Deals with if we don't have three congressional districts anymore. Clarifies language regarding data that is made available to the Independent Redistricting Commission to address concerns raised on General File. It establishes a ten-day period for legislative approval of redistricting plans received from the Independent Redistricting Commission. New plans would be drawn if the bill was not approved within ten days or was vetoed and not overridden. It does eliminate Supreme Court drawing of replacement maps. Independent Commission continues to draw maps until one is adopted by the Legislature and signed by the Governor, exactly the amendment that we are on by Senator McCoy if we ever get past the recommit motion. It adds a definition of legislative caucus. Clarifies that chairperson of Independent Redistricting Commission must be a registered nonpartisan or third-party candidate...not candidate, but person; also something that Senator McCoy brought up. I think we took care of that. It codifies the creation of base maps by the Legislative Research Office and requires that the Independent Redistricting Commission must report any changes from either the base maps or initial maps drawn by the commission. That is what the amendment does that if we can get past the recommit motion that we will talk about. I know it's obvious that no one on the other side wants to get to this amendment. Because even though they say it doesn't go far enough, they haven't read it. And that...Senator Murante may have so I don't want to say no one has read it. But it gets us a long way. And obviously if they really cared about doing anything, they'd be trying to help the bill. But they don't want to do that because they don't want to lose their ability to redraw the lines. I do have to say Senator Brasch talked about liking our districts. Of course we do. What I'm talking about is the gerrymandering of districts and why those lines are moved so it either puts more Rs or Ds in or out of a certain district. Going back to the congressional drawings, we all know the whole reason that things were switched around in Sarpy County was so President Obama would not get that electoral vote. We know that. That is the kind of thing that we should not be doing on purpose. [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR KARPISEK: That was done on purpose. I don't know so much about what was done on the legislative drawing. But I know that it was all an orchestrated process by which people who were in charge told people what to do. Going back to that, I

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filibustered that bill, and there were 33 people, there were 33 Rs that had to get here. I think Senator Wightman had to come in, in a wheelchair. Someone else was sicker than a dog; they came in, voted and left. They found Senator Pirsch and there we go. Well, we couldn't find him for a while, that was true. But that's what this amendment does. It... [LB976]

SENATOR GLOOR: Time, Senator. [LB976]

SENATOR KARPISEK: It takes up... [LB976]

SENATOR GLOOR: Time, Senator. [LB976]

SENATOR KARPISEK: ...what people have been not liking. Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Karpisek. Senator Schilz, you're recognized. [LB976]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. Good evening, everyone, and here we are at 9:15 at night. I commend Senator Karpisek for looking at things and trying to find better ways to do things. And I also remember during the redistricting and I had...I was fortunate to be able to serve on that committee, and I say that laughingly because it was one of the hardest, most trying times that I've had in this Legislature. It wasn't easy. It wasn't simple. But it was interesting because it really is funny how we all remember different things, how we all remember different things happening. You know, when I ran for office in 2008, everybody said, oh, my gosh, who knows if we'll even have a Third Congressional District because of population decline. And guess what? We were fortunate enough to keep that. Did the Third District grow? Yes. Does everybody know why the Third District grew? Does everybody know why these other legislative districts grew and why we lost one in western Nebraska? It's because of population decline, folks. And there's not a heck of a lot you can do about that unless you change that. We can talk about how the best way is to represent folks and the best way to do this. But unless the numbers turn around, districts out west will continue to get bigger. More and more senators will continue to have influence because they'll come from the urbanized areas unless population decline turns around. That's just the way it is. You know, it's funny, we talk about late nights and doing this, and I remember a lot of late nights when I used to manage our feedyard back in Brule, Nebraska, especially in the fall when we would wean calves. It was some of the hardest work, some of the toughest times and you'd get downright tired. I remember going out into the pens, into the holding pens where there would be 2,000, 3,000 head of calves, weaning calves; every one of them bawling at the top of their lungs looking for their mamas. And I could tell you this, when you get out there in the midst of them and you're sitting there amongst them, you can't believe how hard it is to even hear yourself think.

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So this is a lot easier here than doing that. But I had a lot more fun when I was done working out there than it seems to when I get done here at night. And I can tell you this, when we were out there, every second that we worked we were doing something productive because we didn't have time to waste because those calves had to be taken care of. They had to be vaccinated in time. They had to be fed in time. They had to make sure they had clean water, all of that stuff. Now I know those rules don't apply here in the Legislature. But, guys, there's things that can be done. There's things we need to move on. Rural Nebraska again, let's talk about it. If we talk about optometrists and ophthalmologists, I don't even think my district has an ophthalmologist in it. Nurse practitioners--rural Nebraska needs those. Six years from now we will do redistricting again, and I will be happy not to be here, unlike Senator Lautenbaugh. I can't understand where that morose sense of wanting to do that comes from. But here we are, folks. And I don't know, I guess we've got what, maybe 25, 30 minutes left? Okay, that's fine. And I don't disagree with Senator Karpisek of wanting people to hear his amendment. Of course, he could have started on that the first time he spoke. [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR SCHILZ: Not blaming him for anything, but just saying that could have been. And I understand that there's folks that are term limited. I get that. But eventually we're all in that position. And one person can only do what one person can do. And one person can only do what 24 others will let him or her. It's the end of the session, folks. We're down to the wire. And I guess we'll just see where we end up... [LB976]

SENATOR GLOOR: Time, Senator. [LB976]

SENATOR SCHILZ: Thank you very much. [LB976]

SENATOR GLOOR: Thank you, Senator Schilz. Members wishing to be heard: Brasch, Wallman, Janssen, Murante, Larson, Carlson, and others. Senator Brasch, you're recognized. [LB976]

SENATOR BRASCH: Thank you, Mr. President, and thank you once again, colleagues, friends all. Where I'd like to start is when Senator Mello made the comment that as I was calling out to senators that no one will say they're unhappy with their district, and I'll agree because we have wonderful districts. These are great districts. It's a privilege to serve our districts. No, no one will; but my point was that we have wonderful districts, 1.8 million souls that we serve from Benkelman to Bancroft and all across the state. And each one of us is called to serve them. And my point was that however the process is done outside of this body with an independent commission, do you think everyone will be satisfied and happy with what the outcome is? I would be highly surprised if that does happen. What I did appreciate was that when it was done, according to our Rule Book, clearly outlined, time tested to be a committee that has restrictions within it that

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we do have a process we work with. And each of us could talk to someone on that Redistricting Committee. What probably could have been done better is our community outreach. When the comment was made about Nebraska City and where lines were cut, and I also questioned about lines cut and we did make an effort. That committee had said they made an effort to keep counties whole, and that's what happened with Washington County. And I believe it was a good redistricting move made to put all three districts in one and into District 16. When I learned what was happening initially, I did not understand because I was not on that Redistricting Committee. Many of us who are not on a committee that we serve we may second-guess or question. But at some point, we do need to understand that the committees are there for a purpose. This is not the first nor the last redistricting the state will experience. It's done every ten years according to the census. But I did want to be clear for those who are not within our body, why are we so concerned about redistricting? It's not about who we serve and a lack of trust in who we serve or the committee process. So I do stand in support of the reconsideration. And I did speak with Senator Karpisek and he outlined to me what could be done better is in the congressional redistricting, not specifically the legislative districts. And on one final note here, I did want to recognize that I do have a constituent that is sitting in the balcony there. He's been here for hours, hours and has not left his seat; and he is one of our trusted optometrists in the district. And I was telling one of my staff people here that he does a great job. But I'm thinking this may be similar to the...and I...Jimmy Kimmel show where there is a Ford pickup going to be sold. And whoever keeps their hand long enough on that pickup is going to end up selling that Ford. Well, I don't think anybody's had their hand longer on this bill than... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR BRASCH: ...good Dr. Lauritzen in the balcony. And I appreciate his presence here this evening. Thank you, Mr. President and colleagues. We have a bill here that we do need to decide the priorities of what we have before us. I know that Dr. Lauritzen has had his hand on that pickup a long, long time so I'd like to get to that particular bill so we can put that issue to rest. Thank you, colleagues and Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Brasch. Senator Wallman, you're recognized. [LB976]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. What part of "no" don't we understand? What part of "no?" I'll yield the rest of my time to Senator Karpisek. [LB976]

SENATOR GLOOR: Senator Karpisek, 4:50. [LB976]

SENATOR KARPISEK: Thank you, Mr. President. I don't need a mike. Thank you, Mr.

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President, and thank you, Senator Wallman. This will probably, maybe, be my last chance to talk on LB976. We'll be going to cloture fairly quickly so what I want to say is this is a bill that the majority of this body does support. If we didn't have the filibuster going, this bill would move. It moved to Select File, but the people against it are so worried that it might actually pass they won't even make sure, won't trust that the Governor's veto will stand. So they're going to take it to the 33 votes. I wish that I could get to my amendment. We put a lot of time and work into it trying to appease the people against the bill, but then they won't even let us get to it. It's probably my own fault. I should have put a placeholder amendment in, but I thought that we were dealing in good conscience and we were going to work on the bill and make it better and hopefully pass the bill. I didn't see the filibuster coming and I should have. We've never gotten this close before on changing redistricting. And I would probably say that it's been a problem ever since it started in this body. I think that this is a good way to go. I think that the people of Nebraska would be glad to get it out of politicians' hands and quit gerrymandering and making sure that their friends have safe districts and to send people to Washington in the congressional districts that don't have to...they don't have to work together like we do here, try to, because they're in safe districts. They don't have to try to appease the other side because it doesn't matter what they do, they're going to get reelected because they have the votes, unless someone from their own party cannibalizes them, which doesn't happen very often. To say that the redistricting process, the way it is, is not right, the way it is okay, everybody knows that it's not right. But when you win, things look a lot better. And when you don't have to give one iota, things look really good. When you have the votes and whatever you do you can push through, why would you compromise? I would think that you just should, but it didn't happen. It did not happen. And my point again is the congressional districts. That is what I think really needs to be done in a different body; obviously, the legislative districts too. [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR KARPSEK: What can it hurt to let an independent, nonpartisan group sit down and do this? The Legislature would still, in my amendment, would still have the final say and the Governor. I don't know what would happen...or would have happened in '11 if I would have had one more vote. We would have gone round and round and on and on and on until somebody changed their vote, I suppose, and was okay. I don't expect that I'm going to have the vote for this, but I sure would like to. If somebody thinks that it's an all right idea or even to give me a goodbye present, I'll take it. I think this is a good idea, and it can only improve this body and our state's voting. Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Karpisek. Senator Janssen, you're recognized. [LB976]

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SENATOR JANSSEN: Thank you, Mr. President and members. I'm thinking about a departure president...president, present for Senator Karpisek, and I was sitting here holding this pen. And it's my favorite pen, it's a blue pen. And then I realized as I looked to my left I saw Senator McCoy standing over there and I realized that I have stolen this pen from Senator McCoy some time ago this session and I'm still holding onto this. So if you're looking for your pen, Senator McCoy, I'm the one that has your pen. I was wondering if Senator Hansen would yield to a question. [LB976]

SENATOR GLOOR: Senator Hansen, would you yield? [LB976]

SENATOR HANSEN: Yes. [LB976]

SENATOR JANSSEN: Senator Hansen, were you involved in the redistricting? [LB976]

SENATOR HANSEN: To some extent, yes. [LB976]

SENATOR JANSSEN: Were you happy with the way it came out? [LB976]

SENATOR HANSEN: Very happy. [LB976]

SENATOR JANSSEN: Are we still good? [LB976]

SENATOR HANSEN: Happy, happy. [LB976]

SENATOR JANSSEN: I have no further questions. Thank you. And the reason we say that is it was...as stressful as it was for everybody and many people on this floor, Senator Hansen and I both had the exact same district. It stayed the same. We're one of now three people that have exactly one entire county as our entire district. And if you don't think that's important, it really is. Because if I look at Senator Davis' district, if I look at Senator Krist's district, I look at some of the districts out west, there's a whole lot of county fairs out there that you have to go to. I have to go to Dodge County's. I went to quite a few last summer; that's a different story, different topic, different day. Senator Hansen has Lincoln County. Senator Harms has Scotts Bluff County. I think he was newly arrived to that, and that's when we took Senator Flood out of just having Madison County alone. So I didn't get to partake and I was not on the committee in the redistricting, and perhaps I should have been because it looked my district was going to stay the same. I have to apologize. I have not fully read Senator Karpisek's amendment. I've been having...well, it's dark in here and I've been having some issues with my eyes lately. And I don't know if I want to go to an optometrist or an ophthalmologist, and I'm just kind of waiting for somebody to help me with that. So I haven't really decided what to do until I can fully see this amendment and read it and comprehend it totally. So I'll take another look at that perhaps later under the light as we continue on. I was also surprised to hear that Senator Lautenbaugh has announced that he will be running for

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reelection in four years to the State Legislature. Surprised also that I may have to come back here when we have what we refer to as, well, past senator, old senator day, the day we come down and recognize everybody that has served here before and when we look forward to seeing all of us come back some day. And I said I would probably never come back for that, but then I had to change my mind because I talked to Senator Schilz. And I said, are you ever going to come back for that? And he said, well, if I ever come back for that you better shoot me in the head. I said, well, I guess now I have to come back if you come back one day so I can carry out that promise. Now we were kidding and I'll say that again--I was kidding about shooting Senator Schilz. Of course, we did have that conversation. It was joking. And the reason I put that on the record is because the other night when we were sitting here and, Senator Harr, we were talking about I would say the veterans license plate bill... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR JANSSEN: Thank you...which is actually on the agenda on the other side of the agenda tonight, maybe--probably tomorrow hopefully. Senator Burke Harr asked me about the Nebraska Navy and admirals being able to have these military recognition license plates. And we joked back and forth, a brief moment of levity, and that next morning I had a veteran send me an e-mail, and he's probably watching now because he was watching then, and told me: I can't believe you're going to allow this fake Navy to have this. I'm a retired Navy person and I need to have my own license plate, and you're going to allow this fake Navy to have this. That's an honorary position and on and on and on. So it made me realize somebody other than my wife is watching us late at night. So kidding about Senator Schilz this moment. The military license plate does not include Navy admirals of Nebraska, the fictitious Nebraska Navy or flotilla as I heard earlier today... [LB976]

SENATOR GLOOR: Time, Senator. [LB976]

SENATOR JANSSEN: ...or whatever (inaudible), thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Janssen. Senator Murante, you're recognized. [LB976]

SENATOR MURANTE: Thank you, Mr. President. Members, good evening. I support the motion to reconsider, the motion to recommit, and remain steadfastly opposed to LB976. But I do have to say I have reviewed Senator Karpisek's amendment and there's something that I have to appreciate. And that is that on General File discussion I probably stood on this microphone for four hours going through line by line all of the technical defects that I felt were contained in the bill. And as I mentioned previously, it was brought to my attention that no one was listening, although Senator Chambers has informed me that he is listening somewhere in the Nebraska State Capitol Building. But

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I can't tell you how frustrated I was. It was the single-most frustrating experience of my legislative career thus far when after outlining all of the problems that I saw, not really having any rebuttal to those defects as I articulated them. Nobody really said I was factually inaccurate. Some said we should proceed anyway, but nobody said, you know, Senator Murante, you're just off base. This bill is just perfect in the form that it was drafted in. And I was extremely frustrated when this body advanced the bill to Select File. But I have to say beyond all of that the fact that the amendment is evidence that the people who care about LB976 and about reforming the system and improving what we have, they were listening. They took those considerations seriously and they attempted to improve LB976. Now as I've mentioned, there are better alternatives that are being used around the country than LB976. It occurs to me that we have not done the proper analysis in this Legislature of all of our options, weighed the pros and the cons of the multitude of systems that are done around the state of Nebraska. LB976, as Senator Karpisek has stated before, was not his original draft. It was something that was introduced before. And I don't think that the Legislature, to this point, properly vetted it, and I think there are better solutions out there. Now Senator Mello said to me off the microphone that he is committed to working with me to come up with something for next year because the one thing that I can agree with him on and with Senator Karpisek is that improvements can be made. And that is a commitment that I am willing to make. LB976 is not the answer in my opinion. I understand Senator Karpisek's desire to include citizens in the process of actually physically drawing the map. In my view, trained professionals would be... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR MURANTE: ...a better solution. Okay, my next time on the mike, if I get a next time on the mike, I suppose we only have ten minutes left, but case law on this subject matter of redistricting can sometimes conflict. It is difficult to interpret, difficult to understand. We heard it in the redistricting debate of 2011 that terms meant different things to different people. And in my view, the redistricting commission, and Senator Karpisek's amendment really doesn't address this, if there is to be an independent commission outside the Legislature, those people ought to be trained professionals with a thorough understanding of redistricting case law... [LB976]

SENATOR GLOOR: Time. [LB976]

SENATOR MURANTE: Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Murante. Senator Larson, you are recognized. [LB976]

SENATOR LARSON: Thank you, Mr. President. I think I kind of got cut off the last time I spoke on this an hour and a half ago. I was talking about building a fence across the

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Eagle Creek three or four times that one summer. And every time...the first time you go out there and you build that fence and it's just a pain crossing there. You've got your mud boots on and you're driving stakes in the middle of that and tying the wire to the tree, tightening it, all of it. It's really disheartening when you go out a week later and it's all gone, got to redo the work because it rained four inches. By the third time you have to go out and do it, it's really disheartening. And by that time, you're thinking to yourself, am I just building this for nothing? And that's kind of how LB976 is at this point is we're going for another three minutes, four minutes, five minutes, can't be much more than that. And it could have been a lot easier if we'd just left that fence down and never rebuilt it. But Senator Karpisek chose the hard way and I respect him for that. He wanted to rebuild the fence, keep going, plow through the four hours so we did. When I was knocking on doors--I know Senator Lautenbaugh has told a number of great stories tonight--I was in Page, Nebraska. You know, I had my list of voters and I walk up to this door...this house and it's kind of a rickety old house, still standing good, and I look down at the...and you can kind of tell as you get going to enough doors, you know, you can tell if the person that you're expecting to live there actually does live there. And I looked at this house and it had a brand new pickup in front of it, brand new. And I looked down at the voter list, and this was 2010 and I'll never forget--it said 5-28-09 for a birthday and this is 2010. So I realize and I said oh, my god, this guy is 101 and there's a brand new pickup in the driveway? I was skeptical. I didn't think that...I was like, I'm going to knock on the door anyway. But I'm guessing since there's a brand new pickup the 101-year-old guy doesn't live there anymore. So I knock on that door and I hear someone yell at me to come in and... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR LARSON: ...sure enough I walk in and there's that 101-year-old guy sitting there, western channel turned on, on the TV full blast, eating his dinner of crackers and peanut butter. And he looks at me and he asks, why are you here? Actually he didn't ask; it was more of a yell. And I said I was running for the Legislature and he asked against who. And I said, I'm running against Senator Dierks and the 101-year-old...and Senator Dierks was 78 at that point, and he goes, I remember that kid Dierks. And it really put things in perspective that this guy remembered Cap when he was a little kid and here he is at 78 now. And I went out and I told that story that, you know, he had a brand new pickup in his driveway and turns out that ol' boy... [LB976]

SENATOR GLOOR: Time, Senator. [LB976]

SENATOR LARSON: Oh, and I don't even get to finish the story. [LB976]

SENATOR GLOOR: Thank you, Senator Larson. Mr. Clerk, you have a motion on your desk. [LB976]

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CLERK: I do, Mr. President. Senator Karpisek would move to invoke cloture pursuant to Rule 7, Section 10. [LB976]

SENATOR GLOOR: It's the ruling of the Chair there's been a full and fair debate accorded to LB976. Senator Karpisek, for what purpose do you rise? [LB976]

SENATOR KARPISEK: Mr. President, I would like to request a call of the house and a roll call vote in regular order. Thank you. [LB976]

SENATOR GLOOR: 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. Record, Mr. Clerk. [LB976]

CLERK: 42 ayes, 0 nays, Mr. President, to place the house under call. [LB976]

SENATOR GLOOR: 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 Pirsch, Smith, Chambers, Lautenbaugh, and Coash, please return to the Chamber. Senator Chambers, please return to the Chamber and record your presence. Members, the first vote is the motion to invoke cloture. It requires 33 votes. Mr. Clerk, call the roll, regular order, please. [LB976]

CLERK: (Roll call vote taken, Legislative Journal page 1479.) 27 ayes, 22 nays, Mr. President, to invoke cloture. [LB976]

SENATOR GLOOR: The motion fails. Raise the call. Mr. Clerk. Speaker Adams. Mr. Clerk. [LB976]

CLERK: Mr. President, Enrollment and Review reports LB191A, LB961, LB1042, LB1042A, LB1076, LB1092, LB1098, LB1098A, and LB1115A all correctly engrossed. I have amendments to be printed: Senator Chambers amendments to LB526, LB390, LB383, LB383A, LB788, LB373, LB810, LB700, LB811, LB923, LB923A; Senator Nordquist, LB276A; Senator Schumacher to LB788; Senator Karpisek to LB976. Mr. President, name adds to LB961, Senator Mello. (Legislative Journal pages 1479-1483.) [LB191A LB961 LB1042 LB1042A LB1076 LB1092 LB1098 LB1098A LB1115A LB526 LB390 LB383 LB383A LB788 LB373 LB810 LB700 LB811 LB923 LB923A LB276A LB976]

Mr. President, I have a priority motion. Senator Wightman would move to adjourn the body until Wednesday, April 9, at 9:00 a.m.

SENATOR GLOOR: Members, you've heard the motion to adjourn until tomorrow

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morning at 9:00. Those in favor say aye. Those opposed say nay. We stand adjourned.