

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

Floor Debate
April 10, 2014

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LB687A LB690 LB690A LB693 LB697 LB698 LB701 LB702 LB712 LB714 LB719
LB735 LB736 LB737 LB739 LB750 LB753 LB757 LB758 LB765 LB766 LB774 LB777
LB780 LB781 LB792 LB798 LB802 LB803 LB806 LB816 LB828 LB859 LB876 LB907A
LB907 LB930 LB937 LB961 LB964 LB989 LB994A LB994 LB997 LB999 LB999A
LB1008 LB1039 LB1042 LB1042A LB1044 LB1050 LB1072 LB1076 LB1089 LB1092
LB1098 LB1098A LB1115 LB1115A LR38 LR395 LR399 LR413 LR427 LR440 LR482
LR627 LR628]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the fifty-ninth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor MaryEllen Gaither, the First Presbyterian Church in Humboldt, Nebraska, Senator Watermeier's district. Please rise.

PASTOR GAITHER: (Prayer offered.)

SENATOR GLOOR: Thank you, Pastor Gaither. I call to order the fifty-ninth 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.

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

CLERK: Mr. President, bills read on Final Reading last evening were presented to the Governor at 10:42 p.m. (re: LB464, LB464A, LB565, LB719, LB994, LB994A, LB364, LB558, LB679, LB683, LB687, LB687A, LB693, LB697, LB698, LB701, LB702, LB712, LB714, LB735, LB736, LB737, LB739, LB750, LB753, LB757, LB758, LB765); reports received, on file and available on the legislative Web site; and the lobby report, as required by state law. That's all that I have, Mr. President. (Legislative Journal pages 1553-1554.) [LB464 LB464A LB565 LB719 LB994 LB994A LB364 LB558 LB679 LB683 LB687 LB687A LB693 LB697 LB698 LB701 LB702 LB712 LB714 LB735 LB736 LB737 LB739 LB750 LB753 LB757 LB758 LB765]

SENATOR GLOOR: Thank you, Mr. Clerk. We'll move to Final Reading. Senator Johnson, you and your coat are recognized (laughter), but you should return to

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seats...all members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB191. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB191]

CLERK: 35 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB191]

SENATOR GLOOR: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB191]

CLERK: (Read title of LB191.) [LB191]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB191 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB191]

CLERK: (Record vote read, Legislative Journal pages 1554-1555.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB191]

SENATOR GLOOR: LB191 passes. We'll now proceed to LB191A. [LB191 LB191A]

CLERK: (Read LB191A on Final Reading.) [LB191A]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB191A pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB191A]

CLERK: (Record vote read, Legislative Journal page 1555.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB191A]

SENATOR GLOOR: LB191A passes. We'll now proceed to LB907E. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB191A LB907]

CLERK: 38 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB907]

SENATOR GLOOR: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB907]

CLERK: (Read title of LB907.) [LB907]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB907E pass with the emergency clause attached? All those

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in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB907]

CLERK: (Record vote read, Legislative Journal pages 1556-1557.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President. [LB907]

SENATOR GLOOR: LB907 passes with the emergency clause attached. We will now proceed to LB907A. [LB907 LB907A]

CLERK: (Read LB907A on Final Reading.) [LB907A]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB907A pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB907A]

CLERK: (Record vote read, Legislative Journal page 1557.) 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President. [LB907A]

SENATOR GLOOR: LB907A passes with the emergency clause attached. We'll now proceed to LB961. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB907A LB961]

CLERK: 38 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB961]

SENATOR GLOOR: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB961]

CLERK: (Read title of LB961.) [LB961]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB961 pass? Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record. [LB961]

CLERK: (Record vote read, Legislative Journal page 1558.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB961]

SENATOR GLOOR: LB961 passes. We'll now proceed to LB999. [LB961 LB999]

CLERK: (Read LB999 on Final Reading.) [LB999]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB999 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB999]

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CLERK: (Record vote read, Legislative Journal page 1559.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB999]

SENATOR GLOOR: LB999 passes. We now proceed to LB999A. [LB999 LB999A]

CLERK: (Read LB999A on Final Reading.) [LB999A]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB999A pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB999A]

CLERK: (Record vote read, Legislative Journal pages 1559-1560.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB999A]

SENATOR GLOOR: LB999A passes. (Visitors introduced.) We now proceed to LB1042E. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB999A LB1042]

CLERK: 35 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB1042]

SENATOR GLOOR: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1042]

CLERK: (Read title of LB1042.) [LB1042]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1042 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1042]

CLERK: (Record vote read, Legislative Journal pages 1560-1561.) 48 ayes, 0 nays, 1 excused and not voting. [LB1042]

SENATOR GLOOR: LB1042 passes with the emergency clause attached. We'll now proceed to LB1042A. [LB1042 LB1042A]

CLERK: (Read LB1042A on Final Reading.) [LB1042A]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1042A pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1042A]

CLERK: (Record vote read, Legislative Journal pages 1561-1562.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB1042A]

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SENATOR GLOOR: LB1042A passes with the emergency clause attached. We'll now proceed to LB1076. [LB1042A LB1076]

CLERK: (Read LB1076 on Final Reading.) [LB1076]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1076 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1076]

CLERK: (Record vote read, Legislative Journal page 1562.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB1076]

SENATOR GLOOR: LB1076 passes. We now move to LB1092. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1076 LB1092]

CLERK: 41 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB1092]

SENATOR GLOOR: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1092]

CLERK: (Read title of LB1092.) [LB1092]

SENATOR GLOOR: Thank you, Mr. Clerk. Members, as a reminder, in addition to the 33 votes required for the emergency clause, this has constitutional provisions that require 30 votes. All provisions of law relative to procedure having been complied with, the question is, shall LB1092 pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1092]

CLERK: (Record vote read, Legislative Journal page 1563.) 28 ayes, 16 nays, 4 present and not voting, 1 excused and not voting, Mr. President, on passage with the emergency clause attached. [LB1092]

SENATOR GLOOR: The bill does not pass with the emergency clause attached. The next vote will be, shall the bill pass with the emergency clause stricken? All those in favor vote aye; all those opposed vote nay. Again as a reminder, members, this requires 30 votes because of the constitutional provision. Record, Mr. Clerk. [LB1092]

CLERK: (Record vote read, Legislative Journal page 1564.) 27 ayes, 16 nays, 5 present and not voting, 1 excused and not voting, Mr. President. [LB1092]

SENATOR GLOOR: The bill does not pass. The next bill is LB1098, Mr. Clerk. [LB1092]

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CLERK: Mr. President, if I may, Senator Lathrop, I have amendments FA290, FA288, and FA289. I understand you wish to withdraw, Senator. [LB1098]

SENATOR GLOOR: So ordered. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1098]

CLERK: 39 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB1098]

SENATOR GLOOR: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1098]

CLERK: (Read title of LB1098.) [LB1098]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1098 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1098]

CLERK: (Record vote read, Legislative Journal page 1565.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB1098]

SENATOR GLOOR: LB1098 passes with the emergency clause attached. We'll now proceed to LB1098A. [LB1098 LB1098A]

CLERK: (Read LB1098A on Final Reading.) [LB1098A]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1098A pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1098A]

CLERK: (Record vote read, Legislative Journal page 1566.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB1098A]

SENATOR GLOOR: LB1098A passes. We'll now proceed to LB1115, Mr. Clerk. [LB1098A LB1115]

CLERK: Mr. President, Senator Schilz, I have AM2874 with a note you wish to withdraw. [LB1115]

SENATOR GLOOR: So ordered. [LB1115]

CLERK: (Read LB1115 on Final Reading.) [LB1115]

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SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1115 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1115]

CLERK: (Record vote read, Legislative Journal pages 1566-1567.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB1115]

SENATOR GLOOR: LB1115 passes with the emergency clause attached. We'll now proceed to LB1115A, Mr. Clerk. [LB1115 LB1115A]

CLERK: (Read LB1115A on Final Reading.) [LB1115A]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1115A pass with the emergency clause attached? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1115A]

CLERK: (Record vote read, Legislative Journal pages 1567-1568.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB1115A]

SENATOR GLOOR: LB1115A passes with the emergency clause attached. Members we now move to Final Reading, consent calendar. Mr. Clerk, LB766. [LB1115A LB766]

CLERK: (Read LB766 on Final Reading.) [LB766]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB766 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB766]

CLERK: (Record vote read, Legislative Journal page 1568.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB766]

SENATOR GLOOR: LB766 passes. We move to LB774. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB766 LB774]

CLERK: 36 ayes, 5 nays, Mr. President, to dispense with the at-large reading. [LB774]

SENATOR GLOOR: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB774]

CLERK: (Read title of LB774.) [LB774]

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SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB774 pass? Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record. [LB774]

CLERK: (Record vote read, Legislative Journal page 1569.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB774]

SENATOR GLOOR: LB774 passes. (Visitors introduced.) Mr. Clerk, the next vote is to dispense...LB777, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB774 LB777]

CLERK: 35 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB777]

SENATOR GLOOR: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB777]

CLERK: (Read title of LB777.) [LB777]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB777 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB777]

CLERK: (Record vote read, Legislative Journal page 1570.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB777]

SENATOR GLOOR: LB777 passes. Next bill is LB780, Mr. Clerk. [LB777 LB780]

CLERK: (Read LB780 on Final Reading.) [LB780]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB780 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB780]

CLERK: (Record vote read, Legislative Journal pages 1570-1571.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB780]

SENATOR GLOOR: LB780 passes. (Visitors introduced.) We now move to LB781, Mr. Clerk. [LB780 LB781]

ASSISTANT CLERK: (Read LB781 on Final Reading.) [LB781]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB781 pass? Those in favor vote aye; those opposed vote

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nay. Record, Mr. Clerk. [LB781]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1571-1572.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB781]

SENATOR GLOOR: LB781 passes. We now move to LB792, Mr. Clerk. [LB781 LB792]

ASSISTANT CLERK: (Read LB792 on Final Reading.) [LB792]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB792 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB792]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1572.) And the vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB792]

SENATOR GLOOR: LB792 passes. (Visitors introduced.) Mr. Clerk, we now move to LB798. [LB792 LB798]

ASSISTANT CLERK: (Read LB798 on Final Reading.) [LB798]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB798 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB798]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1572-1573.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB798]

SENATOR GLOOR: LB798 passes. We now move to LB802. [LB798 LB802]

ASSISTANT CLERK: (Read LB802 on Final Reading.) [LB802]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB802 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB802]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1573-1574.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB802]

SENATOR GLOOR: LB802 passes. (Visitors introduced.) The next bill is LB803, Mr. Clerk. [LB802 LB803]

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ASSISTANT CLERK: (Read LB803 on Final Reading.) [LB803]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB803 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB803]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1574.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB803]

SENATOR GLOOR: Thank you, Mr. Clerk. LB803 passes. Mr. Clerk, LB806. [LB803 LB806]

ASSISTANT CLERK: (Read LB806 on Final Reading.) [LB806]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB806 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB806]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1575.) Vote is 48 ayes, 0 nays, 1 excused and not voting. [LB806]

SENATOR GLOOR: LB806 passes. Mr. Clerk, LB816. [LB806 LB816]

ASSISTANT CLERK: (Read LB816 on Final Reading.) [LB816]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB816 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB816]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1575-1576.) Vote is 48 ayes, 0 nays, 1 excused and not voting. [LB816]

SENATOR GLOOR: LB816 passes. Mr. Clerk, LB828. [LB816 LB828]

ASSISTANT CLERK: (Read LB828 on Final Reading.) [LB828]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB828 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB828]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1576-1577.) Vote is

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47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.
[LB828]

SENATOR GLOOR: LB828 passes. Mr. Clerk, LB859. [LB828 LB859]

ASSISTANT CLERK: (Read LB859 on Final Reading.) [LB859]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB859 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB859]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1577.) Vote is 48 ayes, 0 nays, 1 excused and not voting. [LB859]

SENATOR GLOOR: LB859 passes. Mr. Clerk, LB876. [LB859 LB876]

ASSISTANT CLERK: (Read LB876 on Final Reading.) [LB876]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB876 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB876]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1578.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB876]

SENATOR GLOOR: LB876 passes. Mr. Clerk, LB930. [LB876 LB930]

ASSISTANT CLERK: (Read LB930 on Final Reading.) [LB930]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB930 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB930]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1578-1579.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB930]

SENATOR GLOOR: LB930 passes. We now move to LB937. [LB930 LB937]

ASSISTANT CLERK: (Read LB937 on Final Reading.) [LB937]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB937 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB937]

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ASSISTANT CLERK: (Record vote read, Legislative Journal page 1579.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB937]

SENATOR GLOOR: LB937 passes. Mr. Clerk, LB964. [LB937 LB964]

ASSISTANT CLERK: (Read LB964 on Final Reading.) [LB964]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB964 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB964]

CLERK: (Record vote read, Legislative Journal page 1580.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB964]

SENATOR GLOOR: LB964 passes. Mr. Clerk, LB989. [LB964 LB989]

CLERK: (Read LB989 on Final Reading.) [LB989]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB989 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB989]

CLERK: (Record vote read, Legislative Journal pages 1580-1581.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB989]

SENATOR GLOOR: LB989 passes. Mr. Clerk, LB997. [LB989 LB997]

CLERK: (Read LB997 on Final Reading.) [LB997]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB997 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB997]

CLERK: (Record vote read, Legislative Journal page 1581.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB997]

SENATOR GLOOR: LB997 passes. Mr. Clerk, LB1008. [LB997 LB1008]

CLERK: (Read LB1008 on Final Reading.) [LB1008]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1008 pass? Those in favor vote aye; those opposed vote

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nay. Record, Mr. Clerk. [LB1008]

CLERK: (Record vote read, Legislative Journal page 1582.) 44 ayes, 1 nay, 3 present and not voting, 1 excused and not voting, Mr. President. [LB1008]

SENATOR GLOOR: LB1008 passes. Mr. Clerk, we move to LB1039. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1008 LB1039]

CLERK: 39 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB1039]

SENATOR GLOOR: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1039]

CLERK: (Read title of LB1039.) [LB1039]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1039 pass? Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record. [LB1039]

CLERK: (Record vote read, Legislative Journal page 1583.) 48 ayes, 0 nays, 1 excused and not voting. [LB1039]

SENATOR GLOOR: LB1039 passes. Mr. Clerk, LB1044. [LB1039 LB1044]

CLERK: (Read LB1044 on Final Reading.) [LB1044]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1044 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1044]

CLERK: (Record vote read, Legislative Journal pages 1583-1584.) 43 ayes, 1 nay, 4 present and not voting, 1 excused and not voting, Mr. President. [LB1044]

SENATOR GLOOR: LB1044 passes. We now move to LB1050, Mr. Clerk. [LB1044 LB1050]

CLERK: (Read LB1050 on Final Reading.) [LB1050]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1050 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1050]

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CLERK: (Record vote read, Legislative Journal pages 1584-1585.) 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President. [LB1050]

SENATOR GLOOR: LB1050 passes. We move to LB1072. [LB1050 LB1072]

CLERK: (Read LB1072 on Final Reading.) [LB1072]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1072 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1072]

CLERK: (Record vote read, Legislative Journal page 1585.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB1072]

SENATOR GLOOR: LB1072 passes. Mr. Clerk, LB1089. [LB1072 LB1089]

CLERK: (Read LB1089 on Final Reading.) [LB1089]

SENATOR GLOOR: All provisions of law relative to procedure having been complied with, the question is, shall LB1089 pass? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1089]

CLERK: (Record vote read, Legislative Journal page 1586.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB1089]

SENATOR GLOOR: LB1089 passes. [LB1089]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: (Visitors introduced.) While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB191, LB191A, LB907, LB907A, LB961, LB999, LB999A, LB1042, LB1042A, LB1076, LB1098, LB1098A, LB1115, LB1115A, LB766, LB774, LB777, LB780, LB781, LB792, LB798, LB802, LB803, LB806, LB816, LB828, LB859, LB876, LB930, LB937, LB964, LB989, LB997, LB1008, LB1039, LB1044, LB1050, LB1072, and LB1089. [LB191 LB191A LB907 LB907A LB961 LB999 LB999A LB1042 LB1042A LB1076 LB1098 LB1098A LB1115 LB1115A LB766 LB774 LB777 LB780 LB781 LB792 LB798 LB802 LB803 LB806 LB816 LB828 LB859 LB876 LB930 LB937 LB964 LB989 LB997 LB1008 LB1039 LB1044 LB1050 LB1072 LB1089]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Mr. Clerk.

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CLERK: Mr. President, Senator Bolz would move that LB690 become law notwithstanding the objections of the Governor. [LB690]

SENATOR GLOOR: Senator Bolz, you're recognized to open on your motion. [LB690]

SENATOR BOLZ: Thank you, Mr. President. Colleagues, Nebraska's population is aging. We all have friends, neighbors, and constituents who are facing increased needs. Our aging population will increase by nearly 75 percent over the next 20 years. We simply cannot turn a blind eye to the need to plan for a growing number of senior citizens in our state. Let's be clear: The folks who are impacted by LB690 are folks who are medically fragile. They are facing dementia. They're dealing with dialysis. They are those who are in need of assistance with the activities of daily living. And let's be clear: They are our friends, our neighbors; they are folks who have cared for their communities and their families; they are taxpayers; and they are folks who have clearly stated a preference to age in their own homes and communities. This bill is about maintaining our commitment to our aging population. The bill itself has two parts. One is an Aging Nebraskans Task Force that will provide a forum for planning for our long-term needs. The other is participation in something called the Balancing Incentive Payments Program which provides participating states with a higher federal match for spending on home- and community-based care when states reduce the red tape and confusion for caretakers and elders who are dealing with increased needs through strategies such as conflict-free case management, standardized assessments, and streamlined eligibility determinations. The application requires a sustainability plan so that we can move forward with these best practices. Our piece, as a state, is case management, is being forward thinking in how we manage the needs of individuals who are aging. This is a recommendation of our own long-term planning committee. The matching portions go to home- and community-based care, services such as respite, assisted living, adult day care, personal emergency services, and more. This is not a new program. This is an incentive program to manage current Medicaid programs in a responsible manner. Colleagues, the fundamental message I want to share is this: The needs of our aging population are an inevitability. The aging population in Nebraska is growing, and we have a choice today to plan ahead to use national best practices, to encourage home- and community-based care, and to be fiscally responsible. If we keep just 100 people in home- and community-based care over institutional care, our own long-term planning committee tells us that we can save \$2 million per year. Colleagues, I appreciate your green vote on the override for LB690. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Bolz. Members, you've heard the opening on the veto override motion. There are senators wishing to speak. Senator McCoy, you're recognized. [LB690]

SENATOR McCOY: Thank you, Mr. President and members. I was one of the 11 of us

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that voted no on this bill on Final Reading and no all the way through. My chief reason for that is, if we go down this road of the Balancing Incentive Payments Program, the BIP Program, and we fail to meet the requirements by September 30 of next year, we are on the hook as a state for all of these expenses. And that's millions and millions of dollars. I think that's troubling for our budget. I talked about that in earlier rounds of debate, through research we've done in my office. I think you saw Governor Heineman and his veto message and letter back to us. He highlighted some of the same concerns. There were a number of us that had those. I believe we are committing ourselves with our budget to a program not knowing for sure whether we will meet the requirements. And if we don't...let me be very clear about what I'm saying. If we do not meet the requirements of this program, then we are responsible through our budget for 100 percent of the cost of this program. That's not a guess; that's fact. That's troubling, and that's the reason I don't support this motion to override the Governor. It's why I didn't support this bill all the way through. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator McCoy. Senator Wallman, you're recognized. [LB690]

SENATOR WALLMAN: Thank you, Mr. President. Would Senator McCoy yield to a question? [LB690]

SENATOR GLOOR: Senator McCoy, would you yield? [LB690]

SENATOR McCOY: Yes. [LB690]

SENATOR WALLMAN: Thank you, Senator. We just voted for a water bill, didn't we? Are we committed to that? [LB690]

SENATOR McCOY: I don't know what you mean, Senator Wallman. Committed to what? [LB690]

SENATOR WALLMAN: The water funding...the water funding bill, so many million dollars a year. Are we committed to that? We committed people after us? [LB690]

SENATOR McCOY: "Are we committed," was the last thing you asked? [LB690]

SENATOR WALLMAN: Did we commit ourselves in here, me included? [LB690]

SENATOR McCOY: Well, I think we've said that water funding and protecting agriculture is a priority, yes. In that regard, Senator Wallman, we've committed ourselves. But, I would argue, we made that commitment a long time ago in our state. [LB690]

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SENATOR WALLMAN: But did we use federal dollars on that? [LB690]

SENATOR McCOY: I don't know what you're asking. Not that I'm aware of, Senator. [LB690]

SENATOR WALLMAN: Absolutely. Farmers get federal dollars to clean up their beds, stream beds. You've got filter strips. You get government payments, all these things. And I'm an ag producer. So I'm a little confused how the voting is going in here. And I would yield the rest of my time to Senator Bolz. [LB690]

SENATOR GLOOR: Senator Bolz, you're recognized. There is 3:45. [LB690]

SENATOR BOLZ: Colleagues, we are already committed to serving this population, and we do so in some pretty incredible and amazing ways. We are already working to provide respite care and home- and community-based care. And, of course, colleagues, we should meet our obligations. I think we are equipped to do that. In fact, we are already well on our way to meeting many of the requirements in the Balancing Incentive Payments Program. We already have a good model for standardized assessments. We already have the Area Agencies on the Aging who are equipped to provide conflict-free case management. And we're already engaging millions of Nebraskans in our long-term care services. So I feel confident in Nebraska's ability to maintain our commitments. And I want to just share a detail here, and that is, there are no penalties for not meeting the goal of the Balancing Incentive Payments Program. Here's what I mean by that: The reason it's called the Balancing Incentive Payments Program is that we're to rebalance our system. We're to help build up our home- and community-based care system and balance it out with our institution or nursing home facility system--which, by the way, I think is of high quality and meets the needs of folks who require that level of care. But the point is to make sure that we're balancing those out, to make sure that people who want to access home- and community-based care can and they're encouraged to do so. So our goal is to get to 50/50. Right now we're at 42/58. If we don't quite achieve that goal, if we don't attain 50/50, there are no penalties. We must work diligently and meet our obligations and show a good-faith effort to get to the 50 percent, but there are no penalties should we not achieve that goal. So, colleagues, I have all confidence that Nebraska will be able to successfully fill out an application, develop a work plan, create good partnerships, and continue to promote the quality home- and community-based care that we have in our state. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Wallman, Senator McCoy, and Senator Bolz. Senators wishing to speak: Dubas, Nordquist, Bloomfield, Wallman, Harms, and McCoy. Senator Dubas, you're recognized. [LB690]

SENATOR DUBAS: Thank you, Mr. President and colleagues. I stand in support of this veto override. In our budget we know a high percentage of our dollars go to HHS and, in

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particular, go into Medicaid. But where do those Medicaid dollars go to? A very high percentage--and I'm going to guess that Senator Bolz may know that exact percentage and, if not, we can get it--go to nursing home care. And we frequently, for many years, have talked about the importance of community-based care. And it is important and it's a good way to take care of our population, whether it's our aging population or those with developmental and mental disabilities or any of those types of things. The closer we can keep people to home, the better it is for them for their physical as well as their mental health. But you can't do that without providing resources, and we always seem to come up short when it comes to supporting community-based care. We talk about it, but we aren't willing to support it. And what Senator Bolz's bill is going to do is going to help us get a good handle on what do we need to do as we move into the future in looking at how do we take care of our aging population. And the goal is to keep them out of nursing homes and to keep them as close to home as possible with care that is still very adequate but is a lot less costly. These are dollars that are going to be an investment in our future and that are going to save us dollars, I believe, in the very short term, if not for sure in the long term. So, you know, healthcare is changing; the needs of our population are certainly changing. Nebraska's population is an aging population. And if we want to figure out ways to hold the line on spending and to control, especially, that Medicaid portion of our budget, this is the answer right here. This is going to do it for us. So I support Senator Bolz's LB690. It's going to do good things. We've got a great infrastructure in place, as she mentioned. Our Area Agencies on Aging, they're doing fabulous work. And if we give them those extra tools and those extra resources, they're going to do even more and more to help meet the needs of our aging population in a way that is going to respect them and keep them in places that are going to be safe as well as provide the necessary services for them. So please, colleagues, give this your utmost consideration and your support. And I would yield the remainder of my time to Senator Bolz should she choose. [LB690]

SENATOR GLOOR: 2:20, Senator Bolz. [LB690]

SENATOR BOLZ: Thank you, Mr. President. And thank you, Senator Dubas. Those are some excellent points. And just to share a few statistics along the same lines, one is that two out of every five Medicaid dollars are spent on long-term care services, \$2 out of every \$5. So when we think about slowing the growth of Medicaid spending, it's an area that we can certainly turn to. And we have successfully done this work in the past. There's precedent for long-term planning, slowing the growth of Medicaid. In the early '90s we implemented a care management program. And from 1992 to 1999, we slowed the growth of Medicaid from 17 percent down to 1.4 percent. Similarly, in the 2000s we started to implement our long-term care plan, and that also slowed the growth of Medicaid. So it is possible, colleagues, to be smart and strategic and thoughtful about how we are engaging with this demographic and make sure that we use our dollars wisely, as well as provide care to the folks who want it and need it most. I also want to share one more statistic related to what Senator Dubas had to share, and that's that an

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AARP study illustrated that... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: ...65 percent of Nebraskans do not have a long-term care plan. They are concerned that they don't have the financial resources to plan ahead for their own aging needs. One of the services that we can provide under the BIP grant is long-term asset and financial management to keep those folks in their home with their own resources as long as possible. Colleagues, this is a good choice for our constituents, and it is a sound financial decision. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, senator Bolz and Senator Dubas. Senator Nordquist, you're recognized. [LB690]

SENATOR NORDQUIST: Thank you, Mr. President and members. I rise in support to the motion to override. I didn't speak on the bill on previous debates. I think a lot of the points were made. But this is an issue that has long-term, obviously, financial implications for the state. As Senator Bolz already said, we are going to serve this population. This gives us an opportunity to build the capacity in the system to serve them in the way that they want to be served rather than the default option right now which is very costly: nursing home care. Right now we spend 18 percent of our Medicaid budget on nursing services, a total of about 21 percent of the budget on the aged population. And in 2013 it was \$372 million that was spent, and that was up from \$341 million in 2008. And we are going to see an influx coming forward, obviously, with the baby boom population. And again, this is the ability for us to transition to a system of care that the clientele would much rather be served in. I know from my time working as a staffer with Senator John Synowiecki on any kind of behavioral, mental health services, any kind of aging services, you have to build capacity before you make the transition. As the state made the major transition away from institutional mental health services to community-based services, that took time. Dollars had to be infused to build the capacity. You can't just change the system overnight. This bill gives us that opportunity to build the capacity in the system so there are those community-based services and home-based services in place so we can make the transition long term away from nursing home care for those that want that option. So this is, as Senator Bolz just said, it's the right thing to do for the state from a financial perspective, but it's also the right thing to do for our constituents who would much rather age in place. Thank you. [LB690]

SENATOR GLOOR: Thank you, Senator Nordquist. (Visitors introduced.) Senator Bloomfield, you are recognized. [LB690]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I've opposed LB690 since the first time I laid eyes on it. We already have programs trending in the right

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direction to do this. I don't believe we need to develop another task force. It's not our mission here in the Legislature to see how many task forces we can commit, create. I don't believe the people of the state of Nebraska are sitting out there just waiting for us to create another task force to come save them from themselves. We talk about creating a system where we can go in and manage their assets for them, help them with asset management. No, thank you. They're my assets. I've managed them this long. When I'm 70 years old, I hope I can continue to manage them. I don't need somebody from the state coming in, telling me that, we're going to help you manage your assets, aren't we wonderful. Colleagues, we aren't wonderful when we go doing this. Let's get the state out of people's lives, leave them the heck alone. Thank you, Mr. President.
[LB690]

SENATOR GLOOR: Thank you, Senator Bloomfield. Senators in the queue: Wallman, Harms, McCoy, Schumacher, and Scheer. Senator Wallman, you're recognized.
[LB690]

SENATOR WALLMAN: Thank you, Mr. President. People, people who like people, are the luckiest people in the world. And is that always easy to do? I'm not singing it, Senator Bloomfield. (Laughter) And this is what this is about. We are an aging population that's probably...you know, I shouldn't vote on this because conflict of interest--I'm an old guy and...but we have to look at the demographics of our state and of our population and how we can help them survive and stay here, in the state, instead of going to Texas, Arizona, Florida, some of those places. And that's where some of my acquaintances have went and...because of...we don't take care of our elderly like some of those. Why do think Florida is exploding? They take care of the old and they...it's an economic tool as well because you have nurses, you have assist...and you have financial consultants work with some of these people. And these are some good people because they're assets and everything. When you get to a certain age...we had to take control of my mother-in-law, and that's tough to do. When you're in a different state, it costs bucks. One Sunday morning we got called. She had a stroke, and we had to go to Iowa. And to get an attorney on Sunday morning, folks, it costs you some money. But he happened to be a so-so attorney, but we got the job done. So all these issues, it's about end-of-life issues; end-of-life care, somewhat, too, as well. But Home Instead and some of these places, I think they do a good job. I've visited them. I talk to those people. I go to Good "Sam" at least, probably, once a week. And it's a wonderful organization, but it's not cheap. It's not cheap taking care of people, but we do it for other people. You know, we give tax breaks; we help with water funding issues. And if we...but evil...federal money seems to be evil in here. Today's society, Lake McConaughy would never get built; Harlan County would never get built; none of these reservoirs would ever get built with this tax climate we have today. If you don't invest in the future, it will cost. All great civilizations, they hammer on tax bases and tax this and tax that and I don't want to pay taxes. They fall. Infrastructures fall down. Look at the Roman Colosseum, some of those places. People got tired of paying taxes so they just thought,

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let things go to heck. And they will. Our roads, we didn't pass the roads bonding fund. Huh. My roads need fixed in my area bad. But we didn't pass it. I don't know why. We passed other issues that cost even more, but we didn't pass roads. And I hate to fund roads with bonds, but we don't have enough courage in the body to levy a gas tax because somebody will veto it. That's a use tax, folks. I think, as a farmer, I ought to pay 1 cent a bushel every time I go to the elevator, ethanol plant, for roads, because we are hard on our roads. And I talk to other farmers about this because we want good road to market. But our big equipment is really, really hard on roads, and so a half a cent, quarter cent, whatever it would be for rural roads. We bonded roads in my county. [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR WALLMAN: I'm not going to say how I voted. It's secret. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Wallman. Senator Harms, you're recognized. [LB690]

SENATOR HARMS: Thank you, Mr. President. I rise to support this override. Colleagues, LB690 simply creates an Aging (Nebraskans) Task Force that is expected to implement a plan to address the Nebraska aging population. This is a serious issue for Nebraska. If you look at the data and the research, it's very, very clear that Nebraska is heading towards a problem. We don't have a plan. We don't have a program to address people that are getting older. Many people do not want to be placed into a nursing home. They want to have available to them services that they can have at their home. That's what keeps them alive and active and feeling good about themselves. It's important to understand that the baby boomers are moving rapidly over the next 40 years. Let me give you some information that we've found in our state planning policy brief of 2013. For example, it cites that the population for 65 and older will increase from 200 and...listen to this carefully: from 246,000 people in 2010 to over 324,000 in 2020 and projected over 418,000 in 2030. Colleagues, this is enormous. And I don't know why this state always puts off addressing the issues. They always wait until we have a crisis, and then it's too late. It costs us too much money, and we don't make the good decisions in the middle of a crisis. History has proven that on this floor. This population that I am talking about will require an enormous amount of medical care. We don't have the facilities for this expansion. People do not want to be in a nursing home. And I can tell you this, for an example, with my own mother: When she became ill, I brought her to our home to live. She didn't do well. And she didn't want to go to a nursing home, and I didn't...was not going to place her in a nursing home. So we created the boundaries of what she could do. We moved her back into her home. We had people come to our house, to her home, to help her. And we helped her. And, colleagues, we got seven good years for my mother that we would not have gotten before because she was in her

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own home, she felt independent, and she felt good about herself. It's degrading for people, as you get older, to realize that the only option you might have is to be in a nursing home. Yeah, some of those nursing homes are great. But the cost of these is staggering compared to what we would have here. Understand that it's time for Nebraska to plan for the future, and understand what the research and what the data is telling us. Don't ignore this. It will come back and haunt us. I won't be on this floor. But the future legislators will have to wrestle with this. I would urge you to rethink this. I don't support this veto. I think it's a terrible mistake. It doesn't say much about how we feel about the elderly. It doesn't say much about the...how we feel about the people who have made this great state who are aging in the process. They deserve to be treated better than what we are doing here. Understand what we're doing here. It's better to place the money at the front than having the phenomenal cost at the end, colleagues. I would urge you to support this override. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Harms. Senator McCoy, you're recognized. [LB690]

SENATOR McCOY: Thank you, Mr. President and members. And I have an enormous amount of respect for Senator Harms. He and I serve together on the Planning Committee. As a longtime leader in the education field, I think Senator Harms has done a phenomenal job in this body thinking long range. However, I think we maybe just have an honest disagreement here about the funding mechanism of this. The Aging (Nebraskans) Task Force component of LB690 I completely support. I don't argue at all with the fact that we have a burgeoning situation that we are going to deal with in Nebraska with a population that continues to age. I think we all would agree with that. I don't know anyone who wouldn't. That's the facts. However, the funding mechanism of this is what troubles me. We are putting ourselves in a position of spending a good deal of money, somewhere between \$5.8 million and \$6 million a year, in hopes that...into the future in hopes that we can receive some of these federal funds. But I will tell you, the thresholds to get the matching federal funds are very high. And at any point that we don't meet all of the criteria they have outlined, we don't get any of the funding. Now they don't take back anything we've already received, but we don't continue to get it. The other thing I might point out is this, that there was only \$3 billion nationally available in this pool of funds. And I think this was briefly talked about in earlier rounds of debate, before this bill was advanced, about the fact that there is a large percentage of this \$3 billion that's already been allocated to states. Once this \$3 billion has been spent, it's done. There isn't any other money available from the federal government, which we obviously know is our taxpayer dollars in the first place. So if these monies are...these funds are expended prior to September 1, 2015, it's done; however, we've committed ourselves to this program. I don't question for one second what Senator Harms is talking about. This is a growing issue and he's right: We don't have a terribly good track record historically in the Legislature about addressing things in the best way possible when we're in the middle of a crisis. But I don't think LB690 is the way to address that--not

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with this type of a funding mechanism. I'd like to read, if I could, from Medicaid.gov, some of the things that are required in order for Nebraska to receive these funds. To participate in the Balancing Incentive Program--again, this is found from Medicaid.gov--to participate in the Balancing Incentive Program, a state must have spent less than 50 percent of total Medicaid medical assistance expenditures on non-institutionally based LTSS for fiscal year 2009. And it goes on to outline some of the other details. The Balancing Incentive Program requires states to implement structural changes, including a no-wrong-door, single-door entry point system which we talked about in rounds of debate. There is "must" and "shall" and "have-tos" all through this process, members. [LB690]

SENATOR GLOOR: One minute, Senator. [LB690]

SENATOR McCOY: And if at any point we don't meet this criteria, we don't receive any funding. Great idea to deal with aging; in my view, not the way to fund it. Senator Harms is correct. Sometimes, dealing with things in crisis costs a lot more. So does not being able to meet budgets into the future. We have some big challenges ahead of us. This is not the way to address this situation, in my view. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator McCoy. Senators in the queue: Schumacher, Scheer, Kolowski, Campbell, Bloomfield, Harms, and Mello. Senator Schumacher. [LB690]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I don't think there's any question that we are facing an enormous burden as the baby boomers age, most of whom age without nearly the adequate savings to carry them through the life expectancy that they probably have with modern medicine. And that part is easy. What I have always found difficult about this particular bill and that part is the connection. After we do this bill, how will life be different? How much will we be saving? How much extra burden are we carrying? And I have still, yet, to wrap my head around those numbers. I'd...you know, when this federal program ends in a couple years, how much will the feds put into it? How much will we have put into it? What infrastructure will we have in place? What personnel will we have in place that we wouldn't have if we do not do this? What do we get for this effort? And then after this program is over, what will we be saving versus had we not done this? So I'm going to yield the rest of my time to Senator Mello to see if he can allay my concerns and try to explain how the money works in this thing. Thank you. [LB690]

SENATOR GLOOR: Senator Mello, 3:30. [LB690]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. I'll do my best, Senator Schumacher. Colleagues, as we discussed this on General File, and I tried to be as crystal-clear as possible to those who stood in opposition, LB690 is the

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start of entitlement reform in our state. Senator McCoy just said that he applauds the concept but doesn't support the way to fund it. Colleagues, we need to do this if we don't get the federal funding. Entitlement reform has to begin, and that's what we see here. If you want to bring a bill that says you want to control spending, this is the start process to do so, because the federal funding is simply a bonus on what we know we've got to do in controlling an aging, growing population, which, I will remind colleagues, all you have to do is to look at the Medicaid Reform Council report that shows two-thirds of our Medicaid costs are going to aging disabled Nebraskans. There has not been an argument, whether from Senator McCoy or the Governor, saying that moving down a path of trying to keep seniors in their homes instead of staying in nursing homes is bad policy. It's the same reason that we reallocated existing money in HHS to put more money in aging services out of Medicaid, because we know keeping a senior in their home saves three to four times the amount of money that we would otherwise spend at a nursing home. So, colleagues, LB690 is a very clear and cut proposal in front of us. Take a side whether or not, yes, we could see a significant increase of federal funds to assist us in this transition. But this is...whether or not you believe in entitlement reform in the long term, whether or not you believe the state needs to start curbing the cost when it comes to Medicaid as it relates to aging disabled Nebraskans. Ten-word sound bites in regards to controlling spending, walking down a path that we may not be able to do fiscally, if we want to have that dialogue, let's have it. I've been waiting for that since we...I knew the Governor was going to oppose this bill because it involved federal funds. Yes, Senator McCoy, there are criteria that we have to meet the same way we do with every program that requires us to meet something to get federal funding. That's no different than any other aspect of a Medicaid waiver. [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR MELLO: If we don't meet it, then we don't get the federal funds. That happens all the time. The question is whether or not we need to put money in aging services from General Fund funding from the state because we know the payoff is significantly larger in the long term. Nursing homes versus in-home care is what we're discussing. The facts are the facts when it comes to the population trends, and we're trying to get ahead of them because we know, long term, fiscally, if we don't get ahead of it, we will be in a much bigger crisis when it comes to our budget. This is a process and a pathway to divert that short term. In the long term we've got work to do. This is not the end-all be-all, but it's walking us down entitlement reform, colleagues, because we know we've got to do it. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Mello and Senator Schumacher. (Visitors introduced.) Senator Scheer, you're recognized. [LB690]

SENATOR SCHEER: Thank you, Mr. President. I did not vote on the Final (Reading) to pass this. It wasn't by purpose; it was simply because I happened to be talking to

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Senator Kolowski at the time and missed the bell. This process under LB690 I don't find fault with. I think we do have to address the problems that we're...going forward. I get the fact that we're trying to move from 40 or 42 percent of the people to moving it to half the people that are living in their homes as they age. You know, that 8 percent is a...as we continue to increase those numbers, will be a big, big dollar difference than having them in nursing homes. But I've talked to Senator Campbell. I've talked to Senator Bolz on several occasions, and I appreciate her trying to work with me. But I was looking for specifics, like Senator Schumacher. I didn't want to hear a term of case management. I wanted to know, are we hiring 2 caseworkers or 2,000 caseworkers? I understand that we're going to move 4,900-some people and try to maintain them in their home rather than move them into a nursing care facility. There has to be some more specifics. We have dollars there. There's been budgets that have been put together. There should be some specific things that we would be able to wrap our arms around as far as where those dollars are going, who is going to be utilizing them, and how we're going to utilize them, more specifically than just, they're going to go in general areas. But having said that, that doesn't negate the fact that they're needed. Now one thing that hasn't been mentioned that is a big concern of mine, and I mentioned it this morning in talking to Senator Bolz: Right now we talk about moving our...we have a large number of our aged residents in nursing care facilities. But our reimbursement rate for Medicaid is so low that, at least in my area, they put limitations on how many of those they will accept, how many Medicaid recipients they will accept in a nursing home. And it's because of reimbursement. So if we aren't going to change that, how are we ever going to get any of the additional...I believe Senator Bolz...and I'm pulling these numbers off the top of my head, but I think from 2010 to 2020 we're going to be about 50 percent more, or 6,000 to 7,000 more, residents that will be in nursing care facilities. I'm not sure that there's 6,000 or 7,000 more rooms that are available to Medicaid recipients in nursing home facilities. And if they're not, how are we going to keep them in their homes? If Senator Gloor rang the bell right now, I'm not sure I know which way I'd vote. This is a very hard decision. I'd like to have more facts. I'd like to be able to know more precisely what I'm voting for. But I also know that there's a huge need out there,... [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR SCHEER: ...that the need is not going away. And there's already several roadblocks that is putting big impediments in how we take care of our senior citizens in the state of Nebraska. I don't know if this is the right answer. It's the only one that's in front of us. It's got a big price tag. But we're going to have a big price tag, I think, regardless of which way we look. It lacks specifics. Sometimes you have to go with trust. Is this the time? I don't know. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Scheer. Senator Kolowski, you're recognized. [LB690]

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SENATOR KOLOWSKI: Thank you, Mr. President. Good morning, colleagues. Thank you, Senator Scheer, for your comments and also very much on target to the earlier ones we heard from Senator Harms. And thank you to Senator Mello for the financial explanation that helped us. I want to thank Senator Bolz for bringing this forward. I think it's forward-thinking, forward-looking, and I want to give you an example, a real, live example of someone very important to me that is living this kind of situation. This past week, on April 7, my mother turned 94 years old, in some cases 94 years young, because she is quite different from the rest of her friends in lots of different ways or those that she still has as friends, because most of her friends have passed on, but she still lives in her own home, the home that my father built back in early 1950s, and her life in that home is extremely important to her. She has a positive attitude. She is very independent. She has younger friends, because she's outlived all of her own friends of her own generation, and has made new friends. And between the friendships in that town with the church and visitations with others, she's very comfortable in her own home. She is very sharp mentally, which we're very thankful for, and last week also passed her driving test for another time. Now she limits herself on her driving. She doesn't do a lot besides being mobile in her own community, a small town in northern Illinois, and that's good. But she's an example of what we're talking about. Removing her from her home would probably increase the date of her demise significantly. She has the independence. She's had some medical issues, mainly joints wearing out on a hip and a shoulder that she had worked on and replaced, but she remains active, sometimes injuring herself because she still thinks she's 35 rather than 94, and we all know people like that. But it's a case in point of a generation, that greatest generation from World War II, where my father served and fought in the Pacific Theater, that we need to think about, and we're all going to be part of that in a very short time. I hope we'll give the consideration to what we have before us. I support the veto...the override of the veto, and I want to see this taken care of so all the things that we are looking for in our own futures will also fall in place as we're taking care of those who came before us. Thank you very much. And I would give the rest of my time to Senator Bolz. [LB690]

SENATOR GLOOR: Senator Bolz, 1:30. [LB690]

SENATOR BOLZ: Thank you, Mr. President. And thank you, Senator Kolowski. I hear a request for some additional details, so let me share with you a few of those details. One is that there is a federal cap on the amount of dollars that have been allocated to this program. The cap is \$3 billion. The program has only spent out \$2 billion. If we do not apply, the other 17 states who have already applied and started working towards the goals of the program will get those dollars. So our piece of the puzzle is available to us. [LB690]

SENATOR GLOOR: One minute. [LB690]

SENATOR BOLZ: It is a noncompetitive grant program. So if we apply and meet the

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qualifications, we will draw down those dollars. I also hear some questions about the specifics of where dollars will flow. The Department of Health and Human Services has identified 4,966 individuals who could benefit from additional case management. What does that mean? That means there's an individual who has training who can help an individual who is elderly identify their home healthcare needs, identify their adult day-care needs, identify their respite care needs. And by identifying those needs and then accessing those services and systems, which will be paid for in part through these incentive dollars that we're getting from the federal government, they will be able to stay in their own homes, avoid crisis, and delay entry... [LB690]

SENATOR GLOOR: Time, Senator. [LB690]

SENATOR BOLZ: ...into longer term care. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Kolowski and Senator Bolz. Senator Campbell, you're recognized. [LB690]

SENATOR CAMPBELL: Question. [LB690]

SENATOR GLOOR: Do I see five hands? I do. The question is, shall debate cease? Those in favor vote aye; those opposed vote nay. Senator Bolz, for what purpose do you rise? [LB690]

SENATOR BOLZ: I'd request a call of the house. [LB690]

SENATOR GLOOR: Record, Mr. Clerk. [LB690]

CLERK: 25 ayes, 7 nays to cease debate, Mr. President. [LB690]

SENATOR GLOOR: Senator Bolz, do you wish to continue to call the house in preparation for the vote? [LB690]

SENATOR BOLZ: Yes. [LB690]

SENATOR GLOOR: There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB690]

CLERK: 37 ayes, 0 nays, Mr. President, to place the house under call. [LB690]

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

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under call. Senator Bolz, would you like to go ahead with your closing on your motion to override? [LB690]

SENATOR BOLZ: Certainly, Mr. President. Colleagues, I think the evidence is clear. We have an aging population. We have an opportunity directly in front of us to plan for the future, to deal with entitlement reform, to care for the needs of our aging population, and to do so in a thoughtful, streamlined manner. I have no doubt that this is the right direction for the future of Nebraska. I also have no doubt that this is what our constituents are hoping for. I know all of you went door to door, just like I did, and I spoke to not only senior citizens who hope to age in place, to hope to have a continuum of services available to them as they grow older but also to the...what I call the sandwich generation, the folks who are in the middle, the folks who are caring for senior citizens and who are raising children, who are working jobs, and trying to balance multiple facets of their life. Colleagues, I appreciate all of the comments that have been made today in support of this initiative because I do believe that planning ahead, utilizing our resources wisely, trying to control spending, and caring for our aging population is the right thing to do. So I ask for your green vote on the motion to override the veto on LB690. Thank you, Mr. President. [LB690]

SENATOR GLOOR: Thank you, Senator Bolz. Members, this motion requires 30 votes. The question is, shall LB690 become law notwithstanding the objections of the Governor? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB690]

CLERK: (Record vote read, Legislative Journal page 1587.) 30 ayes, 12 nays, Mr. President, on the motion that LB690 become law notwithstanding the objections of the Governor. [LB690]

SENATOR GLOOR: The motion is adopted. Raise the call. Mr. Clerk. [LB690]

CLERK: Mr. President, Senator Bolz would move that LB690A become law notwithstanding the objections of the Governor. [LB690A]

SENATOR GLOOR: Senator Bolz, you're recognized to open on your motion to override LB690A. [LB690A]

SENATOR BOLZ: This is the trailing A bill for the initiative we just passed. I just appreciate your green vote to support the movement to override the veto that we just supported. Thank you, Mr. President. [LB690A]

SENATOR GLOOR: Senator Harms, you are recognized. [LB690A]

SENATOR HARMS: I would ask you to support the funding for this bill. Colleagues, I'm

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going to take just a moment, if I can, because I didn't get...really get a chance to kind of finish. What I wanted you to understand when you look at this whole issue is the simple fact that where the problem really lies are in our rural counties. Those are the people that are going to struggle with this. Those are the people that don't have the services and will not have the services. And I hope that you'll keep this in mind as you go through all this that a plan is critical to get ahead of the crisis that's coming. You know, planning in government is...it's not used very much. We don't understand what the data and the research tells us in how you can get ahead of this. And so I'd urge you to support this. This is developing a plan, it puts it in place that's important for the people who are left in Nebraska that are aging. I think there's nothing more embarrassing and more disappointing than to be 65 or 75 or 85, whatever your age might be, and have no hope and no service. Do you know the average cost in a nursing home is \$75,000, the average cost? And the number of people that are headed in that direction are more than we're going to be...we don't have the facilities to handle them. That's why what Senator Bolz is doing is critical to the future and the respect, which is the most important thing to me is the respect that we give the seniors. Don't walk away from that. I watch what it did to my mother and I watched what it did to other people who didn't have children that could help them. So I would urge you to support this because I think it's that important. Thank you, Mr. President. [LB690A]

SENATOR GLOOR: Thank you, Senator Harms. Senator McCoy, you're recognized. Senator McCoy waives. Senator Davis, you're recognized. [LB690A]

SENATOR DAVIS: Thank you, Mr. President. I had my light on before and didn't get up to speak at the time, so I'm just going to take a few minutes just to talk a little bit about my own mother's experience. You heard Senator Kolowski talk about his. My mother was exactly the same as his mother in terms of her vigorous health. She was out burning trash when she was 94, got her driver's license. But about that year she started needing more care, and, thank God, Dottie and I were next-door to help her out. Then eventually we got somebody to come in and take care of her. And then the last three years of her life were in a nursing home. She died at 100, and I miss her terribly. She was bright and wonderful to the very end. But the reason I want to talk about that is had we not been there, had she been at the ranch by herself, she would have had to move into a nursing home situation because there wasn't any care there. And I want to talk a little bit about my district which is, as you know, the most rural district in the state and the place where the kids have left. They've moved away and they've left their parents behind. And most of these parents that I'm talking about now are 80, 85, 90, 95, somewhere in there, and they're living in their own home, sometimes relying on neighbors but getting by as best they possibly can until they hit that trigger where something happens and there's nobody there who can take care of them because the kids moved to Lincoln, Omaha, or Denver. And so the only thing they can do is move into a nursing home and very shortly they're out of assets. And shortly after that, the state of Nebraska starts picking up a good chunk of what it costs to keep them there.

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And I can name one woman who spent 20 years there and I think if she'd had family closer, she would have been able to be out. Senator Harms made some really great points about the demographic crisis that we face, and it isn't my generation. It's people just about 10 years older than me or 15, you know, that are going to be moving into that period, but I'm going to be right behind. If Nebraska doesn't face up to the problems we've got, especially in the rural part of the state, we're going to be behind the eightball and there isn't going to be any catching up. It's a very important bill. I really commend Senator Bolz for bringing this and I really urge the body to strongly support it, because it's very necessary. Thank you. [LB690A]

SENATOR GLOOR: Thank you, Senator Davis. Seeing no one else in the queue, Senator Bolz, you're recognized to close. [LB690A]

SENATOR BOLZ: Appreciate your green vote. Thank you, Mr. President. [LB690A]

SENATOR GLOOR: Thank you, Senator Bolz. Again, members, this motion requires 30 votes. The question is, shall LB690A become law notwithstanding the objections of the Governor? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB690A]

CLERK: (Record vote read, Legislative Journal page 1588.) 32 ayes, 12 nays, Mr. President, on the motion that LB690A become law notwithstanding the objections of the Governor. [LB690A]

SENATOR GLOOR: The motion is adopted. Items for the record, Mr. Clerk? [LB690A]

CLERK: Mr. President, bills read on Final Reading this morning were presented to the Governor at 11:23 (re: LB191, LB191A, LB907, LB907A, LB961, LB999, LB999A, LB1042, LB1042A, LB1076, LB1098, LB1098A, LB1115, LB1115A, LB766, LB774, LB777, LB780, LB781, LB792, LB798, LB802, LB803, LB806, LB816, LB828, LB859, LB876, LB930, LB937, LB964, LB989, LB997, LB1008, LB1039, LB1044, LB1050, LB1072, and LB1089). I have a Reference report regarding a study resolution, and a communication from the Clerk to the Secretary of State in transmittal of a bill (re LB671, Legislative Journal pages 1588-1589.) [LB191 LB191A LB907 LB907A LB961 LB999 LB999A LB1042 LB1042A LB1076 LB1098 LB1098A LB1115 LB1115A LB766 LB774 LB777 LB780 LB781 LB792 LB798 LB802 LB803 LB806 LB816 LB828 LB859 LB876 LB930 LB937 LB964 LB989 LB997 LB1008 LB1039 LB1044 LB1050 LB1072 LB1089 LB671]

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

SENATOR GLOOR: Members, you've heard the motion to recess until 1:30. Those in

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favor say aye. Those opposed, nay. We stand recessed.

RECESS

SENATOR COASH PRESIDING

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

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Mr. Clerk, please record.

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

SPEAKER ADAMS: Items for the record?

CLERK: I have nothing at this time.

SPEAKER ADAMS: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the certificate that reads LB690, having been returned to the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 10 day of April 2014. I propose to sign and do hereby sign the certificate that reads LB690A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 10 day of April 2014. Next item on the agenda, Mr. Clerk. [LB690 LB690A]

CLERK: Mr. President, the first confirmation report is Health and Human Services. Senator, this is the report involving Denise Pecha, Child Abuse Prevention Fund Board. (Legislative Journal page 1393.)

SENATOR COASH PRESIDING

SENATOR COASH: Thank you, Mr. Clerk. Senator Campbell, you are recognized to open on your confirmation report.

SENATOR CAMPBELL: Thank you, Mr. President. Denise Pecha is a reappointment to the Child Abuse Prevention Fund Board. She has her MSW and is from Omaha. She works...recently she was at the Lutheran Family Services; she is now with Maternal and Child Health. And she said that her goal was to put into place a better structure for local

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grantees and clearer expectations. The Health and Human Services Committee unanimously approved the appointment and would urge your affirmative vote. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Campbell. Members, you heard the opening to the confirmation report. Seeing no members wishing to speak, Senator Campbell is recognized to close. She waives closing. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1590.) 33 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR COASH: The report is adopted. Next confirmation report, Mr. Clerk.

CLERK: Health Committee reports on the appointment of Martin Fattig to the Rural Health Advisory Commission. (Legislative Journal page 1394.)

SENATOR COASH: Senator Campbell, you are recognized to open on your confirmation report.

SENATOR CAMPBELL: Thank you, Mr. President. Colleagues, Marty Fattig is from Auburn, serves as the CEO and executive of the Nemaha County Hospital. Marty Fattig is a reappointment to the Rural Health Advisory Commission, is well known to the Health Committee, as he testifies often on rural health issues. He's been involved since 1975, mostly in rural healthcare in Nebraska. He is one of the innovators in rural health doing a lot in telehealth, and serves--and this is interesting--he serves on the National Electronic Records Standards Committee, so he is helping to write the standards for what we put into place for electronic records all across this country. We are fortunate to have Marty Fattig willing to serve on the Rural Health Advisory Commission, and the Health and Human Services Committee unanimously approved his appointment. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Campbell. Members, you've heard the opening to the Health and Human Services Committee confirmation report. Floor is now open. Seeing no members wishing to speak, Senator Campbell is recognized to close. She waives closing. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1590-1591.) 39 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SENATOR COASH: Confirmation report is adopted. Next report, Mr. Clerk.

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CLERK: Third report, Mr. President, involves two appointments to the State Board of Health. (Legislative Journal page 1394.)

SENATOR COASH: Senator Campbell, you're recognized to open on the two appointments.

SENATOR CAMPBELL: Thank you, Mr. President. Our first appointee is Richard Lee Robinson, who is from Lincoln. This is a reappointment to the State Board of Health. He represents and takes his place on the board as the professional engineer with expertise in water. He has had a long career starting certainly with the Public Works Department of the city of Lincoln and now is a civil engineer manager for Kirkham Michael in Omaha. He serves on the national American Water Works Association executive committee. And once again, we are fortunate to have this kind of expertise from Nebraska on a national level. So we would encourage your affirmative vote. Thank you, Mr. President. Oh, sorry, I have the second one. The second appointee is Dr. Joshua Vest. Dr. Vest is a podiatrist physician and surgeon here in Lincoln, board certified; has been involved actually in the governing bodies of all the schools that he attended. He is a young physician and we are particularly pleased, from the Health Committee's standpoint, that someone who has recently come from a medical school is willing to take on also this volunteer effort for the State Board of Health. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Campbell. Members, you've heard the opening to the Health and Human Services confirmation report. The floor is now open for discussion. Seeing no members wishing to speak, Senator Campbell is recognized to close. She waives closing. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1591-1592.) 39 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SENATOR COASH: The confirmation report is adopted. Next report, Mr. Clerk.

CLERK: Mr. President, Senator Campbell reports on two appointments to the Foster Care Advisory Committee. (Legislative Journal page 1394.)

SENATOR COASH: Senator Campbell, you're recognized to open on the confirmation reports.

SENATOR CAMPBELL: Thank you, Mr. President. Our first appointee is Sandra Kruback. Sandy lives in North Platte. She is a reappointment. She represents the local foster care review boards and is presently serving on two of the local boards in North

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Platte. She has been extremely involved in her community, one of those people that I'm sure that community turns to over and over again. We are very fortunate to have both of these appointees who started the original revision of the Foster Care Review Advisory Committee. Our second appointee is Elizabeth Neeley from Seward. She is also a reappointment. She represents the expertise in terms of electronic records and data, and we are again fortunate. She has a Ph.D. in sociology from UNL. She has had a number of positions, also had her own firm for a while, and currently serves as a staff person with the Nebraska State Bar Association. We are so pleased with what has been done on the Foster Care Review Advisory Committee. The five people work together as a team and they have done great work this year to get everything in place for this new composition, of which Senator Krist worked pretty hard on that. So we would encourage your affirmative vote. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Campbell. Members, you've heard the opening to the Health and Human Services Committee confirmation report. Floor is now open. Seeing no members wishing to speak, Senator Campbell is recognized to close. She waives closing. The question before the body is, shall the Health and Human Services Committee confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1592.) 41 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SENATOR COASH: Confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, Health Committee reports on three appointments to the Stem Cell Research Advisory Committee. (Legislative Journal page 1394.)

SENATOR COASH: Senator Campbell, you're recognized to open on the confirmation report.

SENATOR CAMPBELL: Thank you very much. We have three appointees to this special Stem Cell Research Advisory Committee which was put into place a number of years ago. I'm sure Senator Lathrop had a great deal to do with putting this group together. What they do is they review grants that come in, and as one of the appointees said to us, we spend time trying to see the up-and-coming people in national research in this area. The three appointees, and I could spend hours on these, I will be brief: Dr. Rebecca Jane Morris has a Ph.D. in biology from Syracuse. She currently is with the Hormel Institute at the University of Minnesota. Her research is in skin cancers, most recently, and also looking at the bone marrow cells. She talked most eloquently about the importance of these grants, and they review about 15 papers annually. Our second appointee is Dr. Gerald Spangrude from Salt Lake City, is also a reappointment. He is at the University of Utah School of Medicine. His specialty is in hematology

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malignancies and is a laboratory-based research person in how blood develops different types of cells which may lead to cancer. He did postdoctoral fellowship work at Stanford and also, we found most interesting, in Australia. And he wanted the Nebraska State Legislature to know how forward-thinking the state of Nebraska was in setting up this Research Advisory Committee and they really, the state, has paved the way for recognition of national good research. Our third appointee is Dr. Dennis Roop, who is from Denver, Colorado, who is also a reappointment. He has an academic appointment for the Center of Regenerative Medicine and Stem Cell at the University of Colorado, and he is also an adjunct professor at Baylor College of Medicine. His emphasis in his research has been on dermatology in relation to molecular cancers. We are very impressed with all three of these candidates and appreciate that these national experts are willing to give their volunteer time to the state of Nebraska, and would encourage your affirmative appointment. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Campbell. Members, you've heard the opening to the Health and Human Services Committee confirmation report. Floor is now open for discussion. Seeing no members wishing to speak, Senator Campbell is recognized to close. She waives closing. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1592-1593.) 41 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR COASH: Confirmation report is adopted.

CLERK: Mr. President, the next report is by the Business and Labor Committee involving two appointments to the Commission of Industrial Relations. (Legislative Journal page 1174.)

SENATOR COASH: Senator Lathrop, you're recognized to open on the Business and Labor Committee's confirmation report.

SENATOR LATHROP: Thank you, Mr. President and colleagues. Good afternoon. The Business and Labor Committee considered two appointments to the CIR: Joel Carlson and David Partsch. Commissioners serve for six years, and preside over hearings and decisions concerning unfair labor practices as well as conditions of employment. Both Mr. Carlson and Mr. Partsch appeared in person. Mr. Carlson graduated from UNL College of Law in 1988, and UNL in 1985 with a bachelor's degree in agriculture. He previously worked as a legislative aide and is a deputy county attorney in Madison County. He currently engages in private practice of law in a firm in Norfolk, Nebraska, specializing in family law, criminal law, juvenile law, workers' comp, and zoning issues. Mr. Carlson additionally served the Norfolk School Board from 2008 to 2012. Mr. Partsch, our second nominee, graduated from the University of Nebraska College of

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Law in 1999. Before that, he graduated from Creighton in '97 with a bachelor of science in business administration. He has extensive legal background, including serving as legal counsel to the Commission of Industrial Relations. He also serves currently as Otoe County Attorney, Nebraska City's city attorney, village attorney from the city of Palmyra, and engages in private practice specializing in business planning, estate planning, and civil litigation. Mr. Partsch has been active with the Nebraska State Bar Association, the Nebraska County Attorneys Association. He is also active in the community by participating in Rotary, Nebraska City Community Foundation Fund Advisory Committee, Arbor Day Committee, and the Nebraska City downtown development group. The committee felt that both candidates are qualified and voted to advance both Mr. Carlson and Mr. Partsch to the full Legislature for approval. And I ask you to approve both appointments to the Commission of Industrial Relations. Thank you.

SENATOR COASH: Thank you, Senator Lathrop. Members, you've heard the opening on the confirmation report from the Business and Labor Committee. Floor is now open for discussion. Seeing no members wishing to speak, Senator Lathrop, you're recognized to close. He waives closing. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1593-1594.) 40 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR COASH: Confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, the General Affairs Committee, Senator Karpisek, this is the appointment of James Brummer to the State Electrical Board. (Legislative Journal page 1430.)

SENATOR COASH: Senator Karpisek, you're recognized to open on the confirmation report.

SENATOR KARPISEK: Thank you, Mr. President, members of the body. The General Affairs Committee voted unanimously to approve the new appointment of James Brummer of Norfolk to the State Electrical Board. He would fill the position of public power district representative on the board. Mr. Brummer works as senior planner and scheduler for Nebraska Public Power District. He has been working in the public power industry for about 30 years and has a wealth of experience with electrical contractors, city and state electrical inspectors. And I urge your approval of this appointment. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Karpisek. Members, you've heard the opening

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to the General Affairs confirmation report, floor is now open for discussion. Seeing no members wishing to speak, Senator Karpisek is recognized to close. He waives closing. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1594.) 42 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SENATOR COASH: Confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, General Affairs reports on two appointments to the State Racing Commission. (Legislative Journal page 1430.)

SENATOR COASH: Senator Karpisek, you're recognized to open on the confirmation report.

SENATOR KARPISEK: Thank you, Mr. President and members of the body. The General Affairs Committee voted unanimously again to approve two reappointments to the State Racing Commission for another four-year term beginning this month. Jeff Galyen of Norfolk works as an attorney with Krotter Hoffman in Norfolk and he is being reappointed to his second term. Denny Lee is an attorney with the Lee Law Office in Omaha. He was first appointed to the commission in 1988, and this will be his fourth consecutive term. Mr. Lee has served as chairman of the commission since 1990, and is a member and past chairman of the Association of Racing Commissioners International. I approve your approval of these two appointments. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Karpisek. Members, you've heard the opening to the confirmation report from the General Affairs Committee. Floor is now open for discussion. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you, Mr. President. I'd like to ask Senator Karpisek a question.

SENATOR COASH: Senator Karpisek, will you yield?

SENATOR KARPISEK: (Microphone malfunction.) Yes, I will.

SENATOR CHAMBERS: Senator Karpisek, are you aware of the possibility of amending one of these confirmation reports?

SENATOR KARPISEK: I would assume that you could amend one.

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SENATOR CHAMBERS: Would you agree to substitute the name of Senator Scott Lautenbaugh for one of those individuals?

SENATOR KARPISEK: No. (Laughter)

SENATOR CHAMBERS: You don't think he'd be appropriate for that position?

SENATOR KARPISEK: I think he would, but I don't think that he's eligible.

SENATOR CHAMBERS: Why not?

SENATOR KARPISEK: I don't...

SENATOR CHAMBERS: He certainly has a great interest in horse racing, it seems to me.

SENATOR KARPISEK: He does, but I don't think he could serve on both, Senator Chambers.

SENATOR CHAMBERS: That's what I know. So if he served there, where would he not be serving? (Laughter) That's all that I have. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Chambers. Seeing no other members wishing to speak, Senator Karpisek, you're recognized to close on your confirmation report. Senator Karpisek waives closing. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1594-1595.) 40 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR COASH: The confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, General Affairs reports on three appointments to the Nebraska Commission on Problem Gambling. (Legislative Journal page 1430.)

SENATOR COASH: Senator Karpisek, you're recognized to open on the confirmation report.

SENATOR KARPISEK: Thank you, Mr. President, members of the body. The General Affairs Committee voted unanimously again to approve the reappointment of three members to the Commission on Problem Gambling. This was actually the second hearing we had this session regarding these three individuals because, due to their

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staggered terms, three of the nine members are already being reappointed to their second three-year term beginning July 1 of 2014. Marla Bruder of Denton is a past gambling consumer. Ms. Bruder served a sentence for embezzling money to fund her gambling addiction and entered treatment afterward. She now works for Integrated Life Choices in Lincoln where she writes positive support programs to improve the lives of individuals with disabilities. Ed Hoffman works as an attorney at the Cada Law Office in Lincoln and will serve as the legal expert on the commission. He has been one of the members of the HHS State Committee on Problem Gambling and will be able to provide much needed continuity to the new commission. Janelle Holt of Omaha would provide expertise in medical care and mental health. She works as a medical social worker at Children's Hospital in Omaha and has past experience in many areas related to social services and addictions as a drug and alcohol counselor, a prison worker, and a gambling counselor. As other...as another member of the former State Committee on Problem Gambling, she will also be able to bring a well-informed perspective on the current state of compulsive gambling in Nebraska. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Karpisek. Members, you've heard the opening to the confirmation report from the General Affairs Committee. Floor is now open. Seeing no members wishing to speak, Senator Karpisek is recognized to close. He waives closing. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1595-1596.) 39 ayes, 0 nays, Mr. President, on adoption of the record.

SENATOR COASH: Confirmation report is adopted.

CLERK: Mr. President,...

SENATOR COASH: Excuse me, Mr. Clerk. (Visitors introduced.) Next item, Mr. Clerk.

CLERK: Mr. President, the Transportation and Telecommunications Committee reports on the appointment of John Krager to the Board of Public Roads Classifications and Standards. (Legislative Journal page 1456.)

SENATOR COASH: Senator Dubas, you are recognized to open on the confirmation report.

SENATOR DUBAS: Thank you very much, Mr. President, colleagues. The Transportation and Telecommunications Committee advanced the nomination of John Krager, III, of Omaha to the Board of Public Roads Classifications and Standards. Mr. Krager satisfies the statutory requirement that the board have three lay citizens, one from each Congressional district. Mr. Krager is a new appointment to the board,

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replacing Mr. Edward Wootton. Mr. Krager is a civil engineer, familiar with road design standards, and looks forward to hearing proposals brought to the board for approval. I encourage your green vote on this appointment.

SENATOR COASH: Thank you, Senator Dubas. Members, you've heard the opening to the confirmation report from the Transportation Committee. The floor is now open for discussion. Seeing no members wishing to speak, Senator Dubas is recognized to close. She waives closing. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1596.) 40 ayes, 0 nays, Mr. President, on the adoption of the report.

SENATOR COASH: Confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, the Transportation Committee reports on the appointment of Terry Haack to the Information Technology Commission. (Legislative Journal page 1456.)

SENATOR COASH: Senator Dubas, you're recognized to open on the confirmation report.

SENATOR DUBAS: Transportation and Telecommunications Committee advanced the nomination of Dr. Terry Haack of Bennington, Nebraska, to the Nebraska Information Technology Commission. Dr. Haack satisfies the statutory requirement that the commission have one member representing elementary and secondary education. Dr. Haack began as a computer and science teacher in Beatrice and has worked his way up from assistant principal to principal of Elkhorn High School to his current position as the superintendent of Bennington Public Schools. He truly understands the importance of technology in education and spoke about the key role of government in ensuring access to infrastructure, hardware, and training. He will be a great addition to the NITC and I encourage your green vote. Thank you.

SENATOR COASH: Thank you, Senator Dubas. Members, you've heard the opening to the confirmation report. Floor is now open for discussion. Seeing no members wishing to speak, Senator Dubas is recognized to close. She waives closing. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1596-1597.) 43 ayes, 0 nays, Mr. President, on the adoption of the report.

SENATOR COASH: The report is adopted. Next item, Mr. Clerk.

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CLERK: Mr. President, Judiciary Committee reports on the appointment of Michael Kenney as director of the Department of Corrections. (Legislative Journal page 1294.)

SENATOR COASH: Senator Ashford, you are recognized to open on the confirmation report.

SENATOR ASHFORD: Thank you, Mr. President. On March 31 the Judiciary Committee voted 7-0, with 1 member absent, to approve the appointment of Michael Kenney as the director for the Department of Corrections. In my view, Mr. Kenney is qualified to hold this position, having spent the last 36 years working various positions in the Department of Corrections in Nebraska and in Washington state. Starting out as a correctional rehabilitation counselor, Mr. Kenney has held positions that have included a variety of different responsibility levels. He has served as the warden for five different NDCS facilities. He also benefits from having traveled to other areas of the country and worked, as I mentioned, in Washington State and worked with other directors and wardens from other department of corrections...state departments of corrections. Mr. Kenney returned to the state of Nebraska from Washington in 2008 and has served as a warden until his appointment to the directorship here in September of last year. Director Kenney has assured me that, and the committee, that his number-one goal in running the Department of Corrections will certainly be to maintain the safety of the facility while also ensuring that inmates are prepared to reenter their community. He is also committed to working hand in glove with parole and community-based programs in helping inmates find a job, a home, and support within the community. I am convinced that Mr. Kenney will place a premium on collaboration with this Legislature, local law enforcement, government agencies, and community-based organizations that work with inmates as they transition back into their homes, communities. Also, I am convinced, after having several conversations with Mr. Kenney, that he is committed to providing the best mental health treatment available to inmates in the Nebraska Department of Corrections. I also believe that Mr. Kenney will have the necessary independence of judgment and decision making that I believe, and I believe...and the committee also believed was an important criteria for the job of Department of Corrections. The ability to be accurate and to be clear in communicating to the executive branch of state government, whomever the Governor may be, the situation in the State Corrections Department on an ongoing basis is critical to the decisionmaking process. I believe that Mr. Kenney will do a solid job as our director of the Department of Corrections, and I urge your support and a yes vote for his confirmation.

SENATOR COASH: Thank you, Senator Ashford. Members, you've heard the opening to the confirmation report from the Judiciary Committee. The floor is now open. Senator Chambers, you are recognized.

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

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Senator Ashford, Chairperson of your Judiciary Committee, pointed out that the vote was 7-0, 1 person absent, which was myself. And had I been there, it would have been a 7-1 vote. I would like to ask Senator Ashford a question or two.

SENATOR COASH: Senator Ashford, will you yield?

SENATOR ASHFORD: Yes.

SENATOR CHAMBERS: Senator Ashford, when we were having a hearing about good-time laws and whether they should be changed, do you remember Mr. Kenney being there and testifying?

SENATOR ASHFORD: Yes.

SENATOR CHAMBERS: Do you remember that initially he had forgotten, I guess, that he had taken a position which would have encouraged a liberalization of good-time laws until you and I both took his memory back to when he came and asked for those liberalizations on behalf of which administration, if you recall?

SENATOR ASHFORD: Well, they...the last liberalization was in this current administration.

SENATOR CHAMBERS: The current administration came before the Judiciary Committee to ask for a liberalization of the good-time laws. Now he's out there whooping and hollering about what a horrible situation we have. Now do you recall how I, in the same manner of one trying to pull teeth from a hen, had to remind him of when he was with former-Director of Corrections Harold Clarke, and Harold Clarke and Mr. Kenney worked with me to again liberalize good-time laws so that we did away with what was called "meritorious good time" where you earn it as you go along?

SENATOR ASHFORD: Yes.

SENATOR CHAMBERS: And do you recall that the reason they wanted that changed, and they knew that I felt the same way, this could be a discriminatorily administered program because, first of all, there were not enough opportunities to earn good time?

SENATOR ASHFORD: Yes.

SENATOR CHAMBERS: And if there was a dearth of opportunities...let me say it a different way. If there were fewer opportunities than there were individuals seeking those opportunities, then the ones who got the opportunities could be seen as receiving favors to the harm and detriment of others. Do you recall that?

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SENATOR ASHFORD: Yes.

SENATOR CHAMBERS: During the public discussion of good time, have you read where Mr. Kenney acknowledged any of these things or pointed out why it would be foolish to go back to a discredited system, which he supported changing, to the present system?

SENATOR ASHFORD: Senator Chambers, my impression from talking to Director Kenney is that he does not necessarily favor changing the good-time laws or making them less...changing them in any way or making them tougher or however you want to say it. My impression is not that he would want to make them tougher. That's...I...but...

SENATOR CHAMBERS: Well, now if you and I...

SENATOR ASHFORD: I mean, I can't recall specifically the...

SENATOR CHAMBERS: If you and I are on a darkened highway, we're like a poem: The wind was a torrent of darkness among the gusty trees; the moon was a ghostly galleon tossed upon cloudy seas; the road was a ribbon of moonlight over the purple moor; the highwayman came riding, riding, riding; the highwayman came riding up to the old inn door. What was a highwayman in those days?

SENATOR ASHFORD: That wasn't Gordon Lightfoot, was it? Or was that...?

SENATOR CHAMBERS: Say it again?

SENATOR ASHFORD: What were you talking about? That wasn't Gordon Lightfoot. That was...

SENATOR CHAMBERS: I just wanted to know...

SENATOR ASHFORD: I know, but I was just trying to remember who it was that sang that song.

SENATOR CHAMBERS: Who is the...no, no. This was long before Gordon Lightfoot.

SENATOR ASHFORD: No, this...

SENATOR CHAMBERS: Who was...what was the occupation of one who was known as a highwayman in those days?

SENATOR ASHFORD: Well, it was like a...somewhat of a...

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SENATOR CHAMBERS: He was a...

SENATOR ASHFORD: He was a bad guy.

SENATOR CHAMBERS: He was a stickup man.

SENATOR ASHFORD: Yeah.

SENATOR CHAMBERS: And if he saw you, he said, give me your money or your life.

SENATOR ASHFORD: Right.

SENATOR COASH: One minute.

SENATOR CHAMBERS: Now if you were the highwayman...if I were the highwayman and I had a pistol on your nose and I said in the middle of the night, "It's noon, isn't it," what would you say?

SENATOR ASHFORD: Whatever you say, (Laugh) whatever you want it to be.

SENATOR CHAMBERS: Thank you.

SENATOR ASHFORD: Thank you.

SENATOR CHAMBERS: And I will stop now; and when I'm recognized, I'll continue.

SENATOR COASH: You are recognized, Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, holding, to some extent, Mr. Kenney's future in his hands was Chairman of the Judiciary Committee, Senator Brad Ashford. Senator Ashford has told you already what a person will say in the presence of the highwayman who has a pistol against his nose: whatever you say, whatever you want. Mr. Kenney would have said whatever he thought Senator Ashford wanted him to hear that would give him a better chance of being selected. But I didn't get that impression when he was talking before the committee. And those hearings are transcribed, and I'm sure the transcriptions would be available. Mr. Kenney was not forthcoming, in my opinion. He changed, without notifying senators, a very important policy relative to phone calls that senators receive from inmates. Without telling the senators, those phone calls were monitored and recorded. He changed the policy from one which the Ombudsman's Office had worked out because I was very offended and was talking about legislation to correct it. But they worked it out so that these phone calls would not be monitored and recorded. This man that Senator Ashford said is going to do a great job and that the committee believes in changed that policy

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and didn't tell anybody. And when it was discovered that he had done it, guess to whom he apologized: the Ombudsman, because they had made an agreement and he violated the agreement. He didn't tell me. We would not have known about it had not a letter been circulated by the Ombudsman. That's Mr. Kenney. Senator Ashford, do you really believe that Senator...that Mr. Kenney will be all those things that you've said? Or were you reflecting the consensus of the committee to the best of your ability?

SENATOR ASHFORD: Both.

SENATOR CHAMBERS: Both. Thank you. If he were a running back in football, he'd be either like Barry Sanders or Gale Sayers; and if he was an entertainer, he'd be like Fred Astaire but with a difference. Senator Ashford knows that I respect his ability. So let me change this from Senator Ashford, so he won't think I'm talking about him and nobody else will. I knew a guy, Senator Garrett, and he was so light-footed, when you were talking to him about serious issues, he could tap-dance across the keyhole...across a keyboard, a piano keyboard, stretching from the Atlantic Ocean to the Pacific Ocean and never strike a note. Now that is some tap-dancing. I know these things that we're doing now are to be rubber stamps. Half the committee, at least, will not be in the Legislature. I will still be here. I don't think Mr. Kenney is the man for the job. There is going to be a new Governor, no matter what, for better...(laughter)...or for worse. We will have a new Governor. And for a position this serious...and you can discount everything I've said up to this time because that was my personal opinion. Now I'm asking you to put on your thinking caps and your objectivity. For a position this important, leave it open and let the incoming Governor make this appointment. Mr. Kenney has been a part...

SENATOR COASH: One minute.

SENATOR CHAMBERS: ...of an administration of the prison system for more than three decades, and it's in a total mess. But I can't blame Mr. Kenney alone. The Legislature has helped, as you all helped yesterday by accepting Senator Lathrop's amendment to enhance penalties which will add more people to the penitentiary. And we're the ones talking about the burgeoning prison population. That's why you need somebody like me. But, see, I'm going to be here and they'll be gone. They're getting gold stars from the people on their way out. And I get tired of picking up the mess that senators leave because they're afraid to take a principled position which they know they ought to take in the best interest of the people and the system.

SENATOR COASH: Time, Senator. You may...

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR COASH: You may continue, Senator.

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SENATOR CHAMBERS: And I know this is my third time. And some people are probably saying, thank goodness. But I want the record to be clear of how I operate. And the time to show that you have principles, if indeed you have them, is when they're being put to a test. It would be easy for me to just shut up and let this go along and say, well, I'll do the best I can for the time that he's there and the time I'm in the Legislature to bludgeon, to threaten to withhold money, and do other things that I'm forced to do which you all are not because you're in the majority and you always clump together. But I'm the one, the outsider, quote, the, quote, other, unquote, who has to do the work that this Legislature ought to do as a body. Leave this appointment on the table. And if the incoming Governor is convinced that Mr. Kenney is the man for the job, he will reappoint him. If you don't adopt this confirmation offering, Mr. Kenney doesn't lose his job. He remains the interim director; nothing changes. And I think the Legislature has a responsibility. Will the Legislature assume that responsibility? When has the Legislature really stood up into stars of manhood and womanhood to do what needed to be done, which we knew ought to be done? But people sat in silence. Oh, there are people who will come to me afterward and when nobody is around kind of look around and say, Ernie, I'm glad you did what you did because I couldn't do it, I'm glad you said what you said because I can't...I couldn't say it. And you know who you are. This is one time, and I've quoted this before, if just this once a flock of legislative sheep could behave like a pride of lions, just this once, you're not doing it as a favor to me, like your vote last night was a stick-it-to-Ernie Chambers vote. And I know it. You all know it. Everybody knows it. But it takes more than that. I will come back on these very difficult issues and try to persuade you, try to convince you that the prudent thing to do is to reject this appointment, don't confirm it, let Mr. Kenney hold his job, allow status quo to remain the same. The incoming Governor will then have the opportunity to make an appointment. That Governor, if he is dissatisfied for any reason with Mr. Kenney, will not be put in the position of having to ask him to submit his resignation. We can do things to leave the diplomatic channels open for the Governor who is coming in. Leave that Governor with a free hand. And if Mr. Kenney's record holds up in the mind and the judgment of that incoming Governor, Mr. Kenney will get the job. And just as I have to do in this Legislature, play with the cards that I'm dealt--and I got a pretty poor hand every time I look at it, I've never been dealt an...everybody's veto was overridden save one. To help one of our colleagues, the Chair had to be overridden to give everybody who was interested in getting something under tight circumstances would get it to teach me a lesson. Oh, I picked up on the lesson all right. You all are good teachers. But in the same way that the teacher reading that humiliating story of Little Black Sambo to me when I was the only black child and a youngster and didn't know how to fight and couldn't fight, I'm a man...

SENATOR COASH: Time, Senator.

SENATOR COASH: Thank you, Mr. President.

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SENATOR COASH: Thank you, Senator Chambers. Senator Conrad, you are recognized.

SENATOR CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I rise with serious concerns in relation to this appointment. And it primarily stems from the interim director's performance before the Appropriations Committee this session in discussing the department's budgetary request and some of the components thereof which were meant to be a part of prison reform issues pending before this issue and before this body and this state. And to be very clear, I don't know Mr. Kenney on a personal level, and it definitely would not be based...a vote wouldn't be based on any sort of personal animus in any regard. But I am deeply concerned. As we move forward, we've taken some historic steps this session to try and right the ship in terms of the Department of Corrections that, by putting somebody in charge there who truly represents the status quo and what hasn't been working in terms of the administration of our Department of Corrections, I think that it's counterproductive to some of the important groundwork that we've laid this session to ensure we can have comprehensive and real and meaningful correctional reform for this state moving forward. To be fair, I think Mr. Kenney was in a very difficult position. When he and any other director of a code agency comes before any one of our committees, I think that we're all aware that there is an extraordinary political dynamic at play there which prevents the director from speaking with much candor about their assessment of the issues pending before their department. But, of course, that is a reflection, as well, upon the leadership style that the nominee would bring if elevated to this post forward. We understand that there is a political dynamic in play, particularly with code agencies, between the director and the Governor; but we do need to ensure that we can have directors we can count on to utilize their best judgment and to put politics aside in order to do their job. So we had a very long hearing this year in relation to the department's budget. And I think it was a very frustrating hearing for many of us on the committee where we were seeking to try and learn more about how we can be helpful to make improvements in the correctional system and were really stymied at every turn. So I am glad that we are having debate on this topic. I commend Senator Chambers for asking these difficult questions, and I hope that people do think carefully about this appointment. Thank you, Mr. President. I'd yield the balance of my time to Senator Chambers if he would desire.

SENATOR COASH: Senator Chambers, 2:00.

SENATOR CHAMBERS: Thank you, Senator. And thank you, Mr. President. The issues that are being raised, I can only raise them the way that I know how. But look past that to what is being offered by the way...by way of evidence. I didn't want to say what I had read about in the paper where he had rejected money for programming when he was before the Appropriations Committee because I was not there. We have some of those individuals who are our colleagues who were on that committee. And how often is it that

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an agency head comes to the Appropriations Committee and they are trying to make funds available to do things that would dovetail with what we've been talking about for months now...

SENATOR COASH: One minute.

SENATOR CHAMBERS: ...in terms of improving the prison system? The Judiciary Committee has come up with ideas, not all of which I agree with. But you can't always get what you want. And when it comes to my lions, I got none of what I want. But you take what you can and do the best that you can with it. And that's what the Judiciary Committee, under the leadership of Senator Ashford, attempted to do. And he was able to persuade the body to pass legislation, and I believe the Governor will sign it. But when you've got a person who is supposed to lead the entire operation who is not forthcoming, who cannot tell what is the whole truth to the committee seeking it, I don't think we ought to confirm this appointment. Leave it for the next Governor. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Chambers. Senator Wallman, you're recognized.

SENATOR WALLMAN: Thank you, Mr. President. Members of the body, it's not easy to always agree with Senator Ernie, Senator Chambers, Senator Chambers. Sometimes you try to get us to see some common sense. And that's what I tried in a different nomination, to use common sense. It doesn't always work in here. But I think it's common sense to let it the way it is now. We have an interim director. A new Governor comes aboard, then he has his choice. And he doesn't have to go through the turmoil of laying this person off or hiring. I think it'd make it a lot easier for our new Governor, and I think that's just common sense. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Wallman. Senator Hansen, you're recognized.

SENATOR HANSEN: (Recorder malfunction)...members of the Legislature, I'd like to voice a concern. I've never met Mr. Kenney, not on Appropriations or Judiciary. I've never met him, but I would have a question for Senator Ashford if he would yield.

SENATOR COASH: Senator Ashford, will you yield?

SENATOR ASHFORD: Yes.

SENATOR HANSEN: Senator Ashford, if we would go ahead and confirm Mr. Kenney and a new Governor is elected, can that new Governor reappoint or appoint a different director?

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SENATOR ASHFORD: Sure.

SENATOR HANSEN: At any time?

SENATOR ASHFORD: Sure.

SENATOR HANSEN: I don't know if this is...thank you, Senator Ashford. I don't know if this is appropriate or not, but there were six other people in the room besides Senator Ashford that voted 7-0 and one absent. I'd like to hear from them. We had an appointment in Ag a while back, and we stood up and voiced our concerns and both ways, did it in a civil manner. And I appreciate what Senator Chambers is saying today. I've never met the gentleman, really haven't, don't know...and certainly didn't know he'd been there for 30 years. If he's been there for 30 years, he's pretty well entrenched in the administration part of the prison system. So I would invite the other members of the Judiciary Committee to show us some insight and their guidance on what we should do. Should we confirm this report and then hope the Governor appoints someone different? It's up to you. Thank you.

SENATOR COASH: Thank you, Senator Hansen. Senator Bloomfield, you're recognized.

SENATOR BLOOMFIELD: Thank you, Mr. President. I'd like to ask Senator Ashford a question or two if I could.

SENATOR COASH: Senator Ashford, will you yield?

SENATOR ASHFORD: Yes, sir.

SENATOR BLOOMFIELD: Thank you, Senator Ashford. What did you say the vote was coming out of committee?

SENATOR ASHFORD: Seven-zero.

SENATOR BLOOMFIELD: Seven-zero, one absent?

SENATOR ASHFORD: Correct.

SENATOR BLOOMFIELD: Have you seen or heard anything since then that has made you waver at all on this appointment?

SENATOR ASHFORD: No.

SENATOR BLOOMFIELD: Okay. Thank you, Senator Ashford. Colleagues, we have a

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committee system in place for a reason. Seven people on this committee thought this was a proper and appropriate appointment. Senator Chambers probably knows more about the prison system than anybody else in the body, but I don't know that he knows more about it than seven other people on the same committee. I intend to vote for confirmation. Seven to one is pretty good odds. Thank you.

SENATOR COASH: Thank you, Senator Bloomfield. Senator Nelson, you're recognized.

SENATOR NELSON: Thank you, Mr. President, members of the committee...or, rather, the body. Committee I was referring to, the Appropriations Committee, I'm not standing here speaking for...on behalf of the Appropriations Committee; I'm just speaking as a member, a longtime member of eight years. We, every year on the budget, have members from the various departments that are controlled by the Governor come in and speak to us about their needs. And my impression has always been that those directors try to stay within the budget in accordance with what the Governor is looking for. And I don't know Mr. Kenney personally, but I was impressed when he appeared before the Appropriations Committee. And he answered questions that we had, and he gave reasons for perhaps--I don't remember any specifics--why they didn't need any more money in a particular area. And I do know, having talked with him on another occasion, that he spent a long time in the prison system. I didn't know that he was out in Washington. But I do know he was up in Omaha with our facilities there before he came down here to assist Director Houston. And at the current time, our prison reform and our correctional system is...hasn't been in a state of chaos, necessarily, but we've had to deal with the increasing population, which was just added to with our vote last night, other people coming into the prison system. I agree with Senator Chambers on that. It's not an easy job, and I don't think that this should distract...you know, the fact that it's perhaps a short-term appointment is...I don't think that's any reason to refuse to accept the Governor's appointment in this. As it's been said, it's up to a new Governor to decide whether in Mr. Kenney he has a man that has the experience and the desire to go ahead and execute the reforms that we're trying to do through the Judiciary Committee. We're spending a lot of money on that. We've got plans that have to be implemented and put in place. I don't think this is the time to reject the appointment. Let the new Governor decide if he wants to keep Mr. Kenney on. And it's certainly nothing against Mr. Kenney if the Governor decides to bring someone new in and go with someone else. But I have to say that I have confidence in Mr. Kenney's ability to continue to function in the department in the capacity of the director. And let's go ahead and approve this appointment and move on from that and let the new Governor take it from that point on. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Nelson. Senator Lathrop, you're recognized.

SENATOR LATHROP: Thank you, Mr. President and colleagues. Senator Hansen

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invited other members of the committee to stand up and talk about this a little bit, and I'd like to share my thoughts. And I have to tell you, I don't feel strongly one way or the other. Mostly what I feel is it's a little bit of déjà vu when the interim director appeared before the Judiciary Committee. We had...I think it was a confirmation. We might have dealt with him in the committee on a Lautenbaugh proposal to change good time. And for those of you...particularly those of you on Health and Human Services, you may appreciate this. But the frustration for me is that when we look to approve somebody...and when we look to approve somebody, in the end they are going to be the person that carries out the policies of this administration. And when we look at what has happened over the time that I've been here in Health and Human Services, and now that we're uncovering or beginning to get a look at from Corrections, is mostly these people are doing what they've been told to do, generally with less resources than they need to get it done. And then we look to them and say, that guy can't run the...that agency or he can't run that department. And when they come in front of us and ask for things or represent the administration in front of Judiciary Committee, Health and Human Services, what you get is what they've been told to come down and tell us. And it is a struggle for me. This one has been a struggle for me because it's difficult to tell whether he...I think his resume looks fine. He's been around long enough, and he's worked his way through the ranks. He probably has the base of experience to do a good job. The struggle for me is he can't do any better job than his boss lets him. And when we had the confirmation on...and in terms of being forthcoming, when we had the confirmation or, pardon me, the hearing on good time, I kind of thought...I kind of felt like I had to do a little deposition mode to get to the bottom of that proposal, and I wasn't going to get it unless I asked an awful lot of the right questions. I can appreciate Senator Chambers' reservation. I've not had a bad experience with him. But on the other hand, I don't know...he's probably qualified. Okay. He probably has the experience. I just don't know if anything is going to change with him, and that probably just is about having a different administration or some oversight on the part of this body that changes the way Corrections is run, which, of course, is the job of the executive branch. I will yield Senator Chambers the rest of my time if he'd like it.

SENATOR COASH: Senator Chambers, 2:00.

SENATOR CHAMBERS: Thank you, Senator Lathrop. And I'm not being sarcastic. I do appreciate it. Mr. President, again I have to be the tattletale. I am a member of the Ag Committee, and I voted against approving the nomination of that man who is to be on the Fair Board. The Legislature stung the Ag Committee. Legislators, by and large, without putting anybody down, are not like me where, if you get stung today and a similar situation presents itself tomorrow, you go ahead and do the same thing even if you'll get stung again.

SENATOR COASH: One minute.

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SENATOR CHAMBERS: The message that the Legislature gave was that whoever the Governor sends must be approved; and if that doesn't happen, then you're going to be criticized. And I'm sure that in my absence some of that was discussed. And members of the committee can say whether I'm right or wrong. Some of that was given consideration. Why go through all of that agony when the Legislature is going to overturn your vote to reject, if that's the vote that's given? Approve the nomination and send it out there. Senator Bloomfield is not going to have to worry about dealing with the Director of Corrections because that's not an area where he has an interest. My job description of being a member of the Judiciary Committee doesn't require me to be as deeply involved in...

SENATOR COASH: Time, Senator.

SENATOR CHAMBERS: ...prison matters as I am. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Chambers. Senator Seiler, you are recognized.

SENATOR SEILER: Thank you, Mr. President. Members of the Unicameral, I'm also a member of the Judiciary, and I'm...Senator Lathrop covered the same kind of frustrations that I have. Within two days we had Mr. Kenney before us on LB907 in committee. Answers were hard to come by, difficult to get straight where he wanted us to go or what the administration wanted us to do. But two days later in Senator Ashford's office he was very forthcoming. He told us exactly what we needed to put the final touches on LB907. So I see two individuals there. And again, I feel, like Senator Lathrop, that he was told in the public hearing what was going to be their position, but when he was meeting with us privately he was very helpful. I kind of lean toward the philosophy that a commander gets to choose his troops, his subcommanders, and he has to live with them. If they turn out to be bad, it's a direct reflection on the leader that has nominated that person. I don't see anything incompetent with this person or anything that jumps up as fearful. But at the same time, we did have two experiences just the direct opposite. So I'm still probably leaning toward voting for him and saying, Governor, he's your person. Thank you. [LB907]

SENATOR COASH: Thank you, Senator Seiler. Senator Karpisek, you're recognized.

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I would just like to say that I was listening to Senator Chambers, as I usually try to do. And I just want to say, from my perspective, none of my votes that I cast were sticking it to Senator Chambers. I did not do that. And, Senator Chambers and the rest of the body, I think I've made more than clear: If I were to be able to stick it to someone else, it would not be Senator Chambers. We all vote the way we vote. I had told Senator Chambers I'd give him a vote on one thing, and then I didn't. And I'm still...I still regret that. But I

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guess, at the end of the day, I told people back home...I did what I told them I would do. I don't know what to think on this. I think Senator Chambers is making a lot of sense to say, let's just wait for the new Governor to appoint, I guess I can say, his own person and go from there. I don't have anything against Mr. Kenney. I don't have anything, I guess, in favor of him either. But we are getting short of time. Do we put someone into a permanent position that would be fairly hard to remove? Or do we let him stay as interim and let the next Governor decide, I will make you permanent or I will go another direction? I absolutely agree with Senators Lathrop and Seiler about what happens when some of these people come in to testify, if they're even allowed to come and testify. In some of the committees I've been in, and especially dealing with alcohol laws, sometimes they can't even come in or...and I've had the same thing that...off the mike and in confidence that, "I'll tell you what you need to know." I don't think that that's right. I hope the next Governor doesn't do that sort of thing, because we do need to know. If things are wrong, we need to know. We're here to fix them. Sometimes we might not fix them right either, but...I don't know yet either the way I'm going to do. I'm probably going to vote late and watch some of the people that I usually look to, especially on the committee, and I would yield the remainder of my time to Senator Chambers.

SENATOR COASH: Senator Chambers, 2:00.

SENATOR CHAMBERS How long?

SENATOR COASH: 2:00.

SENATOR CHAMBERS: Thank you. Members of the Legislature, I appreciate the time. I think...I hope you see that I'm trying to give you reasons for what I'm saying. Somebody said, let the Governor do such and such, and then it's the Governor's man and the Governor lives with him. This Governor sent Mr. Kenney to the committee to ask for a liberalization of the good-time laws, the committee did it, and now the Governor is excoriating the Legislature for doing what the Governor asked to be done. It's not going to fall on the Governor. It's going to fall on the Legislature. This once, just this once, reject this appointment. Mr. Kenney will stay where he is. Let Mr. Kenney make his case to the new Governor.

SENATOR COASH: One minute.

SENATOR CHAMBERS: If I were somebody not involved in trying to get something done in the prison system, I wouldn't be standing up here doing this. But you all do not respect what people call expertise or experience if it happens to be me. But when Senator Krist, a man whom I respect, demonstrated that he had knowledge about airplanes, we accepted it. You cannot accept what I'm saying even though the facts bear out what I'm saying. Who is condemned about the current system of good time? The Legislature. You heard Senator Ashford agree that this administration asked the

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Legislature to liberalize the good-time laws. Now the Legislature is condemned. And tell me you haven't read the condemnation of us by everybody from the police union through the Governor through the families of victims. The Legislature are the whipping persons. All I can do is try to persuade you. If I fail,...

SENATOR COASH: Time, Senator.

SENATOR CHAMBERS: ...I did the best that I could. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Chambers. Senator Davis, you're recognized.

SENATOR DAVIS: Thank you, Mr. President. I put my light on after Senator Hansen had asked what the rest of the committee thought, and I thought I would share a few things with you. Mr. Kenney came in and did a nice, thorough job with his testimony. Senator Seiler referred to that in a forthright manner. I also visited with Mr. Kenney one on one a few times, and I felt him to be an open and competent individual. Resume is really exceptional, very good resume. I understand what Senator Chambers is saying in terms of his concerns, and I think there are some serious concerns that need to be looked at. But here's what I really think is important for the body to consider: We're just undertaking a huge new prison reform. It's going to require the involvement of the Legislature and the executive branch and the Council of State Governments, judicial system. So are we sending a message if we don't do this today? If we were to bypass this amendment...this appointment, are we sending a message to CSG that, you know, we don't really have confidence in the individual that's here? Because I don't want to do that. The next Governor, if he doesn't like Mr. Kenney, he can fire Mr. Kenney. That's his prerogative. But for us to at this point, I think, to try to take another step another way is just not the way to do that. I have to say to Senator Chambers that the vote last night had nothing to do with him; it had to do with what I thought was important for fire...individuals who are first responders and firemen. So that's where that came from, and I don't think anybody in the body here doesn't have a lot of respect for Senator Chambers and his intelligence. And you'll find out...I'm going to say that when I talk about the Ag Committee in my resolutions. Mr. Kenney will do a good job. The next Governor can make the choice on his own. And I think we should move the appointment. I'd like to yield the rest of my time to Senator Ashford.

SENATOR COASH: Senator Ashford, 3:00.

SENATOR ASHFORD: Thank you, Senator Davis. Just a couple of quick points. And it was actually Bob Houston that asked for the liberalization of the good-time law on behalf of the Governor. But the point is the same. I haven't talked to any director of any department of corrections across the country...and I've talked to many of them over the last year. There's nobody that wants to change the good-time laws to the point where they can't provide for adequate good time because, otherwise, they can't keep order in

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the prisons. So it doesn't work; it just simply doesn't work. And certainly Bob Houston didn't want the good-time law changed or made tougher, so to say. That's a sentencing issue. That's a sentencing issue. What we sentence someone to for a particular crime is a sentencing issue. And Senator Chambers argues persuasively on all these...many of these bills that talk about increased sentencing. But at some point, the Legislature is going to have to come to grips with sentencing in a more uniform way. But as far as the good-time law, that's an administrative tool used by prison directors and wardens. I don't think Mr. Kenney wants to see the good-time law change, at least he didn't...he told me he didn't. And Bob Houston made it very clear he didn't want it changed either, and Senator Chambers is absolutely right about that. I just want to make one other point though. At least my reading of Article IV, Section 12, of the (Nebraska) Constitution would indicate that...well, here's what it says: No person after being rejected by the Legislature...in talking about nominations for particular positions like this: No person after being rejected by the Legislature shall be again nominated for the same office at the same session, unless at request of the Legislature, or be appointed to the same office during the recess or adjournment of the Legislature. So there may be some question about whether or not he could be reappointed again as the interim director. But clearly he could not be appointed director under this constitutional provision. I think Senator Davis has hit it absolutely spot on. The...this reform in LB907...and I...this body did a lot in LB907. The most important thing it did, in my view, is it created a platform for collaboration between parole, corrections, and probation. Trust me, that has never existed, ever,... [LB907]

SENATOR COASH: One minute.

SENATOR ASHFORD: ...never, ever existed. We're asking the director of the Department of Corrections to be a team member with parole, with probation. And Mike Kenney was very forthright with me when he said, I need to learn more about community programming. So LB907 brings the Director of the Department of Corrections into that sort of...that function. And I can tell you that good things, hopefully, will happen from that. CSG needs to have a solid platform. If the new Governor wishes to make a change, so be it. But we need to move forward with this, in my view, with Mr. Kenney as director and with CSG, with the judiciary, with probation, parole, with this Legislature and make change. We need to make change. We're on the road. [LB907]

SENATOR COASH: Time, Senator.

SENATOR ASHFORD: Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Ashford. Members still wishing to speak: Senators Christensen, Larson, and Janssen. Senator Christensen, you're recognized.

SENATOR CHRISTENSEN: Thank you, Mr. President. I, too, also, sat on Judiciary

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Committee. And I think the resume and the qualifications of Mr. Kenney are very good. I look at it a little bit different direction. If we don't approve him, he's going to sit there and serve the same position anyway until the end of the year, until the next Governor comes, because we'll be out, we won't be approving. But what kind of faith and confidence are we going to send toward a man that's...resume meets what we're looking for? You know, the next Governor has the opportunity, whoever they are, to appoint who they want. So I look at this as, what do we want to do as far as send confidence in who is going to represent us between now and when the next Governor is appointed? I think we need to step up, vote to confirm him, and give him the vote of confidence to go on and finish this year out the way we want anybody to represent the state of Nebraska in the position they're in. And then, if it isn't working out, the next Governor can appoint who they want. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Christensen. Senator Janssen, you're recognized. Senator Ashford, you are recognized to close on the confirmation report.

SENATOR ASHFORD: Thank you, Mr. President. I do urge the body to confirm Mr. Kenney to this position. I think we have...this Legislature most certainly has come a long way in the last six months, five months, whenever we met out in...at the Air Force base and we started to talk about the gravity of the problem. And as I mentioned yesterday or the other day, I don't...I can't...this Legislature has done more on this issue in this...in such...this short of period...such a short period of time. There is no Legislature in the United States that can, in my view, that can work on a problem, especially with all the incidents that occurred last year, that to be able to grab ahold of this issue and to come up with something that is, I believe--and hopefully we'll be on the road to significant reform--is a tremendous feather in the cap of this body and everybody in here. The way this would work is that, again, is that the...there will be a letter, hopefully this week but certainly before April 24, that will go to...from the Governor, from the Speaker of the Legislature, and from the Department of Corrections to the Council of State Governments officially requesting...due to the action taken by this Legislature, officially requesting the Council of State Governments to begin its work. And it will be working with all the executive branch, the judicial branch, and the legislative branch and with local agencies across the state to try to establish a...the kinds of reforms that would...will carry us forward into the future. I think it is critical that Mr. Kenney be part of that process. I urge that you approve him. Thank you.

SENATOR COASH: Thank you, Senator Ashford. Members you've heard the closing to the confirmation report from the Judiciary Committee. The question is, shall the confirmation report be adopted? Senator Chambers.

SENATOR CHAMBERS: I'd like a call of the house and a roll call vote.

SENATOR COASH: There has been a request to place the house under call. The

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question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR COASH: The house is under call. Senators, please record your presence. Unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Avery, Lautenbaugh, Senator Pirsch, please return to the Chamber and record your presence. Senator Mello, please check in. Members, the question for the body is, shall the confirmation from the Judiciary Committee be adopted? There has been a request for a roll call vote. Mr. Clerk, please read the roll.

CLERK: (Roll call vote taken, Legislative Journal page 1597-1598.) 30 ayes, 9 nays, Mr. President, on the approval of the confirmation report.

SENATOR COASH: The confirmation report is adopted. I raise the call. Next item, Mr. Clerk.

CLERK: Mr. President, the Judiciary Committee reports on the appointment of Rosalyn Cotton to the Nebraska Board of Parole. (Legislative Journal page 1393.)

SENATOR COASH: Senator Ashford, you're recognized to open on the confirmation report.

SENATOR ASHFORD: Thank you, Mr. President. On April 2, the Judiciary Committee voted 6-0 to approve the reappointment of Rosalyn Cotton to the State Board of Parole. Ms. Cotton holds more than 35 years of professional experience in the criminal justice field. Her work background includes extensive work with the Lancaster County jail, the Nebraska Department of Corrections, assault prevention, gang relations, and mentoring youth and students who have shown an interest and are employed in the criminal justice system. In addition to spending most of her career as a corrections caseworker and parole officer, Miss Cotton has also served as an instructor in the field of criminal justice for various colleges and universities throughout the state of Nebraska. Miss Cotton was first appointed to the State Board of Parole in 2005 and has done an admirable job in that position ever since. She is terrific at this job, and I would urge your support and a "yes" vote for the confirmation of Rosalyn Cotton to the Nebraska State Board of Parole.

SENATOR COASH: Thank you, Senator Ashford. Members, you've heard the opening to the confirmation report from the Judiciary Committee. The floor is now open for discussion. Seeing no members wishing to speak, Senator Ashford is recognized to close on the confirmation report.

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SENATOR ASHFORD: Just for the record, I think it was Phil Ochs that did that particular song, but I don't want to...just so...I wanted to answer the question accurately. But anyway, I would urge the...that this appointment be confirmed.

SENATOR COASH: Members, you've heard the closing on the confirmation report. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1598.) 37 ayes, 0 nays, Mr. President, on the adoption of the report.

SENATOR COASH: The confirmation report is adopted. (Visitors introduced.) Next item, Mr. Clerk.

CLERK: Mr. President, the Natural Resources Committee reports on the appointment of Kevin Peterson to the Environmental Trust Board. (Legislative Journal page 1427.)

SENATOR COASH: Senator Carlson, you're recognized to open on the confirmation report.

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. The hearing was March 31, 2014, to confirm the appointment to the Environmental Trust Board of Kevin Peterson of Osceola. Kevin would be a new appointee representing the First Congressional District. He is a farmer. He's a member of the Nebraska Pork Producers and board of directors, and Polk County 4-H Council. And he is a former member of the Nebraska Farm Bureau Board of Directors. Committee voted to recommend approval of Kevin Peterson with a vote of 6 for and 2 against to the Nebraska Environmental Trust Board and I would ask for your support. Thank you.

SENATOR COASH: Thank you, Senator Carlson. Members, you've heard the opening to the confirmation report. The floor is now open for discussion. Senator Ken Haar, you're recognized.

SENATOR HAAR: Mr. President, members of the body. I voted not to approve this appointment. And I'll tell you right now, I'm just not going to vote "no" or "yes" on this appointment; I will just stay neutral on it when it comes to the actual vote. Here's what bothers me: I've been well acquainted with the Environmental Trust for a long time and spent a lot of time during the first couple of years I was in here fighting efforts to take away that money. Unfortunately, the Nebraska Environmental Trust has a pot money and it's pretty easy to try and take that away. We had an effort, for example, to take half the money of the Environmental Trust for...I don't know...a dozen years, whatever it was, and put it into a water fund. So here's what concerns me, and again, I don't know Mr. Peterson. Hopefully, I'll get a chance to talk more with him after the vote, but I want to start by reading the mission statement for the Nebraska Environmental Trust. And

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this is something, as you know, that benefits all of Nebraskans. The mission statement: The Nebraska Environmental Trust is established to conserve, enhance, and restore the natural environments of Nebraska. A prosperous future requires a sound natural environment. We must act dynamically, progressively, and systematically to ensure bountiful and thriving natural resources. Here's the state policy of the Farm Bureau on the Environmental Trust; and I passed it out so you could see it. The Nebraska Environmental Trust 2013 statement of the Environmental Trust, we favor restructuring the Nebraska Environmental Trust Board to better reflect the makeup of Nebraska's natural resources and land base. Projects involving research to improve ground and surface water quality, water conservation, improvement of soil management, waste management, and air quality should be the top priorities for the trust. We believe the grant ranking criteria should be reformed and agricultural interests should be involved in that process. Furthermore, NET funds should not be used for land acquisition or for the purpose of conservation easements unless such funds are allocated to a statutory political subdivision. Land or easements originally acquired using NET money should not be sold, exchanged, or transferred to a federal agency or private, not-for-profit entity. And, furthermore, any original NET funds given as a grant for land acquisition should be returned to the trust upon the sale of such land. Financial gain from the sale of the property by the grant recipient should be diverted back to the trust for the redistribution to other projects. We favor an annual, independent audit of NET land and inventory and land acquisition grants. Now that's fine for the Farm Bureau to have that position; but to me I see some real friction with, again, the mission statement of the Environmental Trust which is--it's established to conserve, enhance, and restore the natural environments of Nebraska. So on that basis, again, I don't know Mr. Peterson, but I feel uncomfortable because according to an article published in the World-Herald, he's one of a number of board members who have served on the Nebraska Farm Bureau Federation Board. And when I asked for the...if any other...

SENATOR COASH: One minute.

SENATOR HAAR: Thank you...if any of the other members had served or were...I'm sorry, Nebraska Farm Bureau Federation members, I was told I would get that information and it never got that. So, with that in mind, my final two years I will be very observant what goes on in the trust. And I'm just uneasy about this particular appointment. Thank you very much.

SENATOR COASH: Thank you. Senator Haar, you are next and recognized.

SENATOR HAAR: Well, once again, I've said what I need to say. It's not against the person as such, it's against an "uncomfort" that I feel with the policy of an organization that he's been on the state board for. Thank you very much.

SENATOR COASH: Thank you, Senator Haar. Seeing no other members wishing to

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speak, Senator Carlson, you're recognized to close on the confirmation report.

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. And I appreciate Senator Haar's honesty. And, certainly, he was one of two members of the committee that did not vote for the confirmation of Kevin Peterson. There was not much argument with the committee as far as the kind of person that Kevin Peterson is. He is very, very capable; has a good reputation. He has handled things in his other experiences very, very well. And I think that the responsibility of the committee was to look at and evaluate Kevin Peterson and not Farm Bureau. But I understand the concern that was there. I think that Kevin Peterson will conduct himself in a very worthy manner. And the...he doesn't necessarily reflect all the aims of the Farm Bureau Federation. And I think he did a good job with the committee. So I believe we zero in on Kevin Peterson as a person and make a decision as to what kind of performance he would have on the Environmental Trust Board. And so I ask for your support. Thank you.

SENATOR COASH: Thank you, Senator Carlson. Members, you've heard the closing to the confirmation report from the Natural Resources Committee. The question is: Shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1599.) 32 ayes, 0 nays, Mr. President, on the adoption of the report.

SENATOR COASH: Confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, the Natural Resources Committee reports on two appointments to the Nebraska Ethanol Board. (Legislative Journal page 1427.)

SENATOR COASH: Senator Carlson, you're recognized to open on the confirmation report.

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. The Nebraska Ethanol Board has seven members, and Mark Ondracek from Blair is nominated as a reappointee; he represents labor interests. He's been a longtime employee and representative for Steamfitters and Plumbers Local 464. He serves on the Heartland Workforce Solutions Board and came with good recommendation for the prior work that he's done on the Ethanol Board. The other individual is Michael Thede of Palmer. He also is a reappointee representing general farming interests. Mr. Thede is a graduate of UNL with a degree in agricultural science. He is a farmer. And he's a member of the United Soybean Board. Both of these individuals came highly recommended as reappointees. And I would ask for your support. Thank you.

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SENATOR COASH: Thank you, Senator Carlson. Members, you've heard the opening to the confirmation report. Seeing no members wishing to speak, Senator Carlson, you're recognized to close on the confirmation report. He waives closing. The question is: Shall the report from the Natural Resources Committee be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1599-1600.) 35 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR COASH: Confirmation report is adopted. Items, Mr. Clerk.

CLERK: Mr. President, thank you. I have certificates signed by the Speaker and a communication from the Clerk to the Secretary of State regarding LB690 and LB690A. New resolution, LR627, by Senator Davis, that resolution will be laid over at this time. That's all that I have, Mr. President. (Legislative Journal pages 1600-1602.) [LB690 LB690A LR627]

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

CLERK: Mr. President, resolutions: the first is LR38 as offered by Senator Avery. Pursuant to its introduction, the resolution was referred to the Government, Military and Veterans Affairs Committee for purposes of conducting a public hearing. It was reported back to the Legislature with committee amendments attached. It involves endorsing Taiwan's participation in the International Civil Aviation Organization. (AM758, Legislative Journal page 876, First Session, 2013.) [LR38]

SENATOR COASH: Thank you, Mr. Clerk. Senator Avery, you're recognized to open on LR38. [LR38]

SENATOR AVERY: Thank you, Mr. President. LR38 provides that the Legislature will endorse Taiwan's participation in the International Civil Aviation Organization. And this would be as an observer with nonvoting status. The International Civil Aviation Organization is a specialized agency of the United Nations that codifies the principles and techniques of international air navigation and fosters the planning and development of international air transport to ensure safe and orderly growth. The ICAO Council adopts standards and recommended practices concerning air navigation, its infrastructure, flight inspection, prevention of unlawful interference, and facilitation of border crossing procedures for international civil aviation. In 2010, Taiwan's largest airport, located in Taipei, ranked sixteenth worldwide in international passengers, and ninth in international cargo, making Taiwan one of the busiest air spaces in the world. If Taiwan is not allowed to participate in the ICAO as an observer, international flight plans and regulations will not be complete. LR38 also provided that the Legislature is

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supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change. All language dealing with the convention on climate change has been removed at the request of the committee and is contained in the committee amendment. As a collaborative partner of the United States on a wide range of public issues, Taiwan should be afforded the opportunity to participate in global efforts. Let me point out that this resolution does not take sides in the dispute over Taiwan's independence status in relation to China. And I would also note that the United States government has an active relationship with Taiwan that Taiwan issues passports; it enjoys two-way travel to the mainland of China; is a member of the International Olympic Committee. It has 25 countries that do recognize it as an independent country, but 122 follow the lead of the United States where we support membership in international organizations by Taiwan if those memberships do not require statehood. And at this point, China continues to insist that Taiwan is a part of mainland China so it does not yet at this point have full statehood. The U.S. however...the U.S. government, however, does endorse and encourage participation by Taiwan in international organizations where statehood may be required, but they recommend that this be as an observer. That is what this resolution does. I urge your approval. Thank you, Mr. President. [LR38]

SENATOR COASH: Thank you, Senator Avery. As the Clerk has stated, there is an amendment from the Government, Military (and Veterans) Affairs Committee. Senator Avery, as Chair of the committee, you're recognized to open on the committee amendments. [LR38]

SENATOR AVERY: Thank you, Mr. President. As I indicated, the committee stripped out all of the language in the original resolution that would grant Taiwan official observer status at the United Nations Framework Convention on Climate Change. To be honest, there were members of the committee that just couldn't bring themselves to vote for something that had the word "climate change" in it. And I believe that they felt like this would be somehow a backdoor endorsement of climate change...it was not. You might guess that I voted against that. But nonetheless, that is the committee amendment, to strip that out. The resolution as amended did advance from the committee 8-0. Thank you. [LR38]

SENATOR COASH: Thank you, Senator Avery. Members, you've heard the opening to LR38 and the committee amendments. The floor is now open for discussion. Those members wishing to speak: Senators Chambers and Schumacher. Senator Chambers, you're recognized. [LR38]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I would like to ask Senator Avery a question or two. [LR38]

SENATOR COASH: Senator Avery, will you yield? [LR38]

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SENATOR AVERY: I certainly will. [LR38]

SENATOR CHAMBERS: Senator Avery, is Taiwan an island? [LR38]

SENATOR AVERY: It is. [LR38]

SENATOR CHAMBERS: Was it formerly known as Formosa? [LR38]

SENATOR AVERY: It was. [LR38]

SENATOR CHAMBERS: Was a fellow named Chiang Kai-shek the head of Formosa? [LR38]

SENATOR AVERY: He, actually, was not. He was driven out of mainland China in the revolution that brought Mao Tse-tung to power. And he conquered with the national army...conquered the island which was at that time a province of mainland China. And he became the head of the country. [LR38]

SENATOR CHAMBERS: Well, my question was, was he the head... [LR38]

SENATOR AVERY: At one time, yes. [LR38]

SENATOR CHAMBERS: Oh, thank you. Don't be so defensive for heaven sake. Senator, were you invited to take a trip to Taiwan by the Taiwanese government? [LR38]

SENATOR AVERY: I have been, and I have been invited by three...I think three other countries. [LR38]

SENATOR CHAMBERS: You did visit Taiwan? [LR38]

SENATOR AVERY: I did visit Taiwan. [LR38]

SENATOR CHAMBERS: Did they send a woman to issue the invitation to you? [LR38]

SENATOR AVERY: No, I don't think so. [LR38]

SENATOR CHAMBERS: How did you get the invitation? [LR38]

SENATOR AVERY: The invitation came after we had a delegation visit this Legislature, twice. And I received two or three invitations before finally I said that I would...I would enjoy visiting Taiwan. But I don't believe there was a woman in that delegation. [LR38]

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SENATOR CHAMBERS: Thank you. Well, a woman from Taiwan paid me a visit in my office, nothing inappropriate, I don't want that to be suggested by what I'm saying, but she was very pretty. And I think she felt that...they said, we're going to send her and talk to this black guy and he'll come over because I opposed everything they ever tried to get through this Legislature. And this would not have...this...well, I won't go into that. But people know how to oil individuals up to get them to do what is wanted to be done. I don't think 10 people in here may have known that Taiwan was Formosa...about...I saw one hand go up, two. Well, now he knows because I told him. (Laughter) For heaven sake. Senator Garrett, do you see what I work with down here all the time? It's something like Senator Lautenbaugh's races, they've already been run, already been won, and somebody knows who won because they would have to know in order to pay you off. But at any rate, I don't think the Legislature needs to get involved in this at all. First of all, a resolution from the Legislature is not going to impress anybody at all. But Taiwan would like to have all these resolutions and say, look, various states in the United States are for us; so the United States ought to be for us and all these international people who are opposed to Taiwan will then become for and Taiwan may get what they want. When you don't even know the history of a conflict, why should you get in the middle of it? Now if I bring a resolution to take away...or a statute to prohibit the Legislature from investing in Israeli bonds, I bet I will know more about Israel than anybody on this floor, the relationship between America and Israel. And for years I've talked about a well-known spy named Jonathan Pollard, spied against the United States for the Israeli government. And right now Israel... [LR38]

SENATOR COASH: One minute. [LR38]

SENATOR CHAMBERS: ...has been trying to get him released for years. And now they're talking about...for some reason he's a bargaining chip and maybe Jonathan Pollard will be released and he can serve his time in Israel. Your best friend in the Middle East is a spy. Those are the kind of things that we need to know. But on this resolution, I'm going to oppose it. It's not like the kind where they can just be signed by the President without any consideration because you're congratulating anybody. You're jumping into something about which--and I might be presumptuous--you know very little. And why should you know much about it? But if you've taken a trip, then it would be hard not to believe, as much as I like Senator Avery, that that trip had something to do with swaying him; otherwise, I don't think he would have been interested in Taiwan or whatever they're doing or not doing. And he can counteract that because he has more times to speak. Thank you, Mr. President. [LR38]

SENATOR COASH: Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LR38]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. We're

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playing a little bit in international politics, international trade here--longstanding controversy between Taiwan and China. China, of course, is five times the size of our economy. If we're ever going to get our one-point, something or another, trillion dollars back, it's going to be through trade. We're heavily dependent upon goodwill with the People's Republic of China for entrees, for our pork producers, for our cattle producers, for our agricultural producers. We need a strong relationship there, not only for our own local economy, but for world peace. Now, this is a little feud that's been going on, been going on for many years, but they're working it out. Bloomberg reports that at the last meeting of this particular body, the door was being opened slowly by the People's Republic and the Taiwanese appeared at the meeting of this aeronautical association, or whatever, as a guest. And, in fact, it was an invited guest at a suggestion of the People's Republic. I would suggest that they are working this thing out. This resolution has been around for a long time and, quite frankly, may well be outdated. We need to put our relationship with the world's second largest economy and largest population of economy in proper perspective on this. What we do or don't do with regard to this resolution won't make a hill of beans' difference in world politics or in relationships. But it could very well close a door, make a door harder to open for our businesses, for our exporters, for our building strong relationship with the People's Republic. And I think what we're seeing with the moderation of the People's Republic toward Taiwan on this issue is something that has made a necessity of trade. And trade between people probably far exceeds any other force for mankind's hope for peaceful relationships, because when you have trade back and forth, when you open those doors and keep them open, people become dependent on each other. And with that dependency between nations comes a hesitancy to get too violent with each other. I think this particular resolution is a resolution whose time should not come now. It is being solved slowly and incrementally by the power of trade. And the last thing the Nebraska Legislature should get involved in is something that could hurt our trade negotiations and our entrees to markets in the world second largest economy and in the economy of somebody who holds a great deal of our debt and to whom we need to have solid, strong, respectful relations. We do not need to meddle in their feuds which they themselves are solving. Thank you. [LR38]

SENATOR COASH: Thank you, Senator Schumacher. Senator Avery, there are no other lights on. Would you like to use this opportunity to close on the committee amendment? [LR38]

SENATOR AVERY: I would. Yes, I would. Thank you, Mr. President. I was attracted to this after three times meeting with the Taiwanese. After doing some research on Nebraska's relationship with Taiwan, Taiwan is factually, this is not a supposition, it is not just a guess, factually, Taiwan is a major trading partner with Nebraska; not only with the United States, but with Nebraska; a major consumer of Nebraska products, but especially beef. In fact, at the time I was over there, we had a number of opportunities...I was with other people from the Midwest, we had a number of

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opportunities to talk to trade officials about, at that time, a brewing conflict with the United States over the import of beef because of the issue of the safety of beef in their minds. But I can tell you that one of the things I was impressed with was the number of agricultural scientists trained here in Nebraska at the University of Nebraska on the east campus. I can't tell you how many times we would go to an agricultural station to learn about production and research. We would find Nebraska graduates. They were proud to say that they had an association with this state. This resolution, as I said, does not take sides in this dispute. It does not do anything to add to Taiwan's claim that they should be an independent sovereign state recognized by the world community. It does not conflict at all with U.S. foreign policy. It does not at all impede U.S. trade. It does not at all even have an opinion on U.S. trade because this is aviation that we're talking about here and climate change. But the resolution is, in my mind, and this was the approach I took to it, a statement of friendship and goodwill toward a friendly country that has significant trade with people in my state of Nebraska. So with that I would urge you, if you want to approve the committee amendment, do so, but, certainly, I would like for you to vote to approve the main resolution. Thank you, Mr. President. [LR38]

SENATOR COASH: Thank you, Senator Avery. Members, you've heard the closing to the committee amendment. The question for the body is, shall the committee amendment be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Senator Avery, you're recognized. [LR38]

SENATOR AVERY: Okay, I'm going to need a call of the house and a board vote. [LR38]

SENATOR COASH: Thank you, Senator Avery. 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. [LR38]

CLERK: 21 ayes, 0 nays, Mr. President, to place the house under call. [LR38]

SENATOR COASH: The house is under call. Senators, please record your presence. All unauthorized personnel please leave the floor. Unexcused senators outside the Chamber please return to the Chamber and record your presence. The house is under call. Senator McCoy, Senator Wallman, please check in. Senator Davis, please check in. Senator Gloor, please check in. Senators Lathrop and Lautenbaugh, please return to the Chamber and record your presence. Senator Kintner, please check in. Senator Avery, could we take a roll call vote? Thank you, Senator Avery. Members, the question for the body is, shall AM758 be adopted? Mr. Clerk, please call the roll. [LR38]

CLERK: (Roll call vote taken, Legislative Journal page 1602.) 22 ayes, 8 nays, on the committee amendment, Mr. President. [LR38]

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SENATOR COASH: Committee amendment is not adopted. Raise the call. We return to discussion on LR38. Senator Bloomfield, you're recognized. [LR38]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I serve on the committee that voted this resolution out, but we did so because of the amendment. And with the amendment dieing, I can no longer support the resolution. Thank you. [LR38]

SENATOR COASH: Thank you, Senator Bloomfield. Senator Murante, you're recognized. [LR38]

SENATOR MURANTE: Thank you, Mr. President. I also rise with the exact same contention that Senator Bloomfield had. This measure only advanced from the Government, Military and Veterans Affairs Committee because of a compromise and agreement which has been rejected by this Legislature. As the Vice Chairman of the Committee, I have to stand for what the committee had agreed to and I encourage everyone in this body to vote "no" on LR38. Thank you, Mr. President. [LR38]

SENATOR COASH: Thank you, Senator Murante. Senator Avery, there are no other lights on, would you like to use this opportunity to close? [LR38]

SENATOR AVERY: Yes, I would. The resolution now is as it was presented before the committee. There was no compromise. There was a majority on the committee that insisted that the word "climate change" not be anywhere within our room, I suppose. But there was a visceral and strong objection to the use of the words "climate change." I tried to explain to the committee that using the word "climate change" did not require a commitment to the science of climate change. You don't have to believe in climate change. The fact that it's in there does not even mean that Taiwan has to believe in climate change. Only what we're asking for was just be a nonvoting observer...observer, that doesn't mean a member...a nonvoting observer in the United Nations Climate Change Conference. The...again, my time in this body is not going to be determined by what happens on this vote. But I can tell you that we ought to grow up in here and quit acting like that what we do is going to change the world. This does not put us in a position of endorsing climate change; it does not put us in a position of taking sides in a dispute between mainland China and Taiwan. It's a simple gesture of friendship to the Taiwanese. They've earned it; they deserve it; I support it; I ask you to. Thank you. [LR38]

SENATOR COASH: Thank you, Senator Avery. Members, this vote takes a vote of the majority of members present. The question for the body is shall LR38 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Senator Avery. [LR38]

SENATOR AVERY: I request a roll call vote in regular order. [LR38]

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SENATOR COASH: Senator Avery, this motion requires a majority of those present. Do you still want a roll call? [LR38]

SENATOR AVERY: No. (Laughter) I'll take... [LR38]

SENATOR COASH: Record, Mr. Clerk. [LR38]

CLERK: 23 ayes, 15 nays, Mr. President, to adopt the resolution. [LR38]

SENATOR COASH: The resolution is adopted. Next item, Mr. Clerk. [LR38]

CLERK: Mr. President, the next resolution is LR395, originally introduced by Senator Brasch. It, too, was referred to the Government, Military and Veterans Affairs Committee for public hearing. It recognizes February 10, 2014, as the 60th anniversary of the addition of the words "under God" to the Pledge of Allegiance. [LR395]

SENATOR COASH: Thank you, Mr. Clerk. Senator Brasch, you're recognized to open on LR395. [LR395]

SENATOR BRASCH: Thank you, Mr. President. And good afternoon, colleagues. LR395 commemorates the addition of the phrase "under God" in the United States Pledge of Allegiance. Currently, 41 states have passed this resolution to recognize the significant role of our Pledge and its history. Please let me share this history with you. On Sunday, February 7, 1954, President Dwight Eisenhower attended a church service at New York Avenue Presbyterian Church in Washington, D.C., in honor of President Lincoln's birthday on February 12. Each year the President traditionally attends a special service at the church that is known as Lincoln Sunday that takes place the Sunday closest to Lincoln's birthday. While sitting in Lincoln's pew, Eisenhower listened to Pastor George Docherty deliver a sermon that was called, "A New Birth of Freedom." In his sermon, which discussed the Gettysburg Address, Docherty stated, and I quote, "To omit the words 'under God' in the Pledge of Allegiance is to omit the definitive factor in the American way of life." Docherty was referencing the Gettysburg Address in which President Lincoln said, "This nation, under God, shall have a new birth of freedom." As the Cold War was in its infancy in the threat of Communism to the United States, as it was growing, without a reference to God Reverend Docherty said the Pledge could have been applied to the Soviet Union. The sermon motivated President Eisenhower to include the phrase "under God" in our Pledge of Allegiance. The next day Michigan Representative Charles Oakman introduced the House version of the bill that included the phrase in the Pledge. On February 10, Michigan Senator Homer Ferguson introduced a similar bill in the Senate to recognize the 50th anniversary of the imprisonment of Hungarian Cardinal Joseph Mindszenty by the Communist regime that controlled Hungary at that time. Cardinal Mindszenty was imprisoned and tortured

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because of his sermons that exposed the goal of the Communists to eradicate all religion. President Eisenhower signed the legislation into law on Flag Day, June 14, 1954, and amended the Pledge and was recited on the same day. Humbly, I introduce LR395 at the request of an advocate from Mississippi who has worked so hard and worked with the 41 states to introduce similar legislation recognizing this important phrase. She traveled here to Nebraska and was honored as a guest. Clearly, there are many who support this commemoration of this important day in our nation's history. And I did want to share with you how important this is to me because my parents were both immigrants from the Ukraine and we've had several visitors and dignitaries most recently from the Ukraine. And as my parents came here in their early 30s with two young boys in tow that were born in a German work camp and a church sponsored them to come to the American dream with hope, and that church, under God, brought them here. They told me the stories of horror, of terror, of fright, of living day to day under punishment, persecution, having to pray from a secret Bible and a candle in a closet. They did not have the freedom to speak openly about their government or those who govern them, because there was none. It was the Communist Party. It was Socialism. It was their way or death. My uncle was a professor in Kiev. I've been told they found a secret shortwave radio in his dorm room. They didn't arrest him. They just shot him. My mother told my daughter, when she was in 3rd grade, at her class, she said America is a glimpse of heaven. This is heaven. They could talk about God. And when they came here they realized that this was one country under God and they would not have to live under persecution and fear anymore. And so when this resolution was brought to me, I knew that there could be a certain senator or so that may not be in "agreement" of this, and I privately met with this certain senator and I totally understand what his feelings and his experiences of his ancestors, but I cannot change history. I would love to change history, and I understand that across this whole globe that there are things that could change. And this is to commemorate the goodness we have, not our flaws, not our human nature but the humanity that we all share. And I do believe in that humanity and it comes through our faith under God as one nation. So I humbly and respectfully ask for your support of this resolution. Thank you, Mr. President. And thank you, colleagues. [LR395]

SENATOR COASH: Thank you, Senator Brasch. Members, you've heard the opening to LR395. Floor is now open for discussion. Senator Chambers, you're recognized. [LR395]

SENATOR CHAMBERS: Mr. President, members of the Legislature, people like to label me. And I started reading from an article dated May 19, 1996, describing my appearance before a Congressional subcommittee to speak against the Defense of Marriage Act. And here's the way the article concluded: Given his self-description as the defender of the downtrodden, Chambers has added gays and lesbians to his larger constituency. "Saint Jude and I collaborate in being the last hope of the hopeless," he added with his characteristic degree of modesty. In the face of yet another religious

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reference, it seemed only natural to ask Chambers, who is often described as an atheist, what description he would apply to his religious status. I'm just Ernie, he replied. Other people label me. They say, well, based on my religious view, he's an atheist. Somebody else says, well, based on mine, he's an agnostic. Somebody else says, based on mine, he's an infidel. Somebody else says, he's a gentile. But when they ask me the question and I give the answer, it's ignored as so much that I say here is ignored. So argument will achieve nothing in this legislative setting. It's one thing for you all to come in here and say your prayers every morning, which I find to be offensive. You, because you have the majority of votes, say that what you do is right because more people vote. But if the table turned and you as Christians were not in the numerical majority, and everything swirled around Allah, you'd see it differently. You'd say, we're here to talk about legislation, not salvation; we don't want that stuff in here. There are Christians and a bunch of them were shown on one of the national news programs the other day who take their family around a mosque and demonstrate in front of the mosque, telling them they need to depart from their sins, holler at them with a bullhorn, and that's their representation of what Jesus is about. To have the Legislature go on official record recognizing one religion is not right. You can do it because you've got the votes, but the greatest number of votes doesn't produce what is right. It demonstrates who is the strongest and able to impose their will on everybody else. The term "God" is used by Christians. Senator Brasch is a Christian. Most of you in here profess to be Christians. There was a member of this Legislature who was a Jew. His name was Neil Simon and he was grateful for the fact that I would stand up and speak against these Christian prayers. I don't know why he didn't...actually, I do. When you're not accustomed to being the only one and you're going to face hostility, you're going to face criticism for expressing... [LR395]

SENATOR COASH: One minute. [LR395]

SENATOR CHAMBERS: ...your opinion in a setting where freedom of speech is supposed to prevail, you have to be afraid if you're in the minority. But I think it would be wrong to do this. In 1942, Congress adopted what's known as the Pledge of Allegiance. Senator Brasch is right that in 1952 Congress added these words, "under God." It ceased then to be what you might call a loyalty oath and became a public prayer. And because the white Christian males were in the ascendancy, they voted to impose theirs on everybody. And the State Board of Education...I'll wait until I'm recognized so I won't be in the middle of something. Thank you, Mr. President. [LR395]

SENATOR COASH: Thank you, Senator Chambers, and you are recognized. [LR395]

SENATOR CHAMBERS: The Legislature rejected a bill that would have required that time be set aside for that Pledge of Allegiance in the public schools and have flags and so forth. I think it went before Senator Avery's committee and it was rejected. I believe Senator Scheer was on the State Board of Education when they did an end run around

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the Legislature and made it a rule that binds the schools, and they have to set aside, that school, that time and have a teacher lead the kids in the Pledge of Allegiance. Fear pressure and peer pressure are utilized in this society. It's known by people like Senator Scheer and his ilk on the State Board of Education that you can pressure people into going along, even though you say the child can be excused. And with all the bullying, what parent is going to have his or her child stand up and walk out when this is said? And you all know that is not going to be done. The courts and others say you don't even have to stand up. What is it going to look like if the child doesn't stand up? That's how hypocritical these Christians are. You're free; you don't have to do this. You better do it. Look at the pressure brought to bear on people in this Legislature by the Governor's Office. Then you want a parent to send his or her child into this hostile environment to participate in a public prayer which violates his or her religious predilections. And that's America, talking about one nation under God with liberty? You are at liberty to do what you are compelled to do. And to have this Legislature go on record because some...I'd like to ask Senator Brasch a question. [LR395]

SENATOR COASH: Senator Brasch, will you yield? [LR395]

SENATOR BRASCH: I will yield. [LR395]

SENATOR CHAMBERS: Senator Brasch, did you say some lady from Mississippi is leading this effort? [LR395]

SENATOR BRASCH: She has written two books and organized and... [LR395]

SENATOR CHAMBERS: Thank you. [LR395]

SENATOR BRASCH: Yes. [LR395]

SENATOR CHAMBERS: Somebody in Mississippi said this is a good thing and Nebraska ought to do it: the "Mississippification" of the Nebraska Legislature, the "Mississippification" of the Nebraska Legislature. You all like it because it's your religion. I don't have any religion. I don't accept labels. When I was on the stand in federal court to testify in a case that I brought against the chaplain, when I was approached to testify the court said, we know you don't subscribe to an oath so do you affirm? And that's the way it's supposed to be. I said, yeah, I'm going to tell the truth. My feeling is if I'm not going to tell the truth and I'm a Christian, I'd lie and say, yeah, I put my hand on the Bible and say, I swear to tell the truth, lying when I say that. And that very Bible is the one that says swear not at all, and you're swearing on the Bible which itself says swear not at all. Let your yea be yea, your nay be nay, for anything more than this comes of evil. That's in your Christian Bible and that's how you pick and choose. Then you want to force on other people to acknowledge your religion which you don't even practice and you don't believe in. But you can do whatever you want to with this. I could tell you what

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I think ought to be done with it. It ought to be given a Christian burial. But I might can find something here that Ulysses S. Grant, Ulysses Simpson Grant,... [LR395]

SENATOR COASH: One minute. [LR395]

SENATOR CHAMBERS: Counsel General Ulysses S. Grant in Des Moines, Iowa, in 1875, "Leave the matter of religion to the family altar, the church, and the private school, supported entirely by private contributions. Keep the church and state forever separate." That's a man who fought for this country. But because you all have the votes and the power, you want to impose yours and then talk about freedom of religion, freedom to make everybody go along with what you call religion. I am strongly opposed to this resolution and there's no need whatsoever for this Legislature to adopt it. Thank you, Mr. President. [LR395]

SENATOR COASH: Thank you, Senator Chambers. Senator Carlson, you're recognized. [LR395]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I would like to address Senator Chambers if he would yield. [LR395]

SENATOR COASH: Senator Chambers, will you yield? [LR395]

SENATOR CHAMBERS: Yes, I will. [LR395]

SENATOR CARLSON: Senator Chambers, under your schooling, I learned very early eight years ago that in the Legislature I have the right to express my views and say anything I would like to say. Did you tell me that? Do you remember telling me that? [LR395]

SENATOR CHAMBERS: If I didn't, I should have. And I'd definitely say it now in case I didn't say it then. [LR395]

SENATOR CARLSON: Well, you said it then and I've tried to follow that. So we're going to add a little...might be levity. You obviously taught Sunday school in the past and I listened to you talk to Senator Christensen the other day and it was very, very obvious, and it's been obvious throughout my eight years in the Legislature with your knowledge of the Bible. So I think what you are is an undercover believer, but I have...I wasn't going to do this publicly but I've decided to as kind of a parting word here and it's entitled "Ode to EC": I know a man from Omaha who comes to work each day; sometimes I like what he does, other times it brings dismay. He's probably the smartest man whom I have ever met, and I learned what would happen when I challenged him on a bet. The senator was kind to me on LB1098, so I didn't have to experience a terrible fate. Now my time here is short and I'm about to get the hook, but I will remember

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forever our sparring over the heavenly book. Thank you, Mr. President. [LR395]

SENATOR COASH: Thank you, Senator Carlson. Senator Karpisek, you're recognized. [LR395]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I thought that might get a little worse so I thought I'd try to be funny again. But I was going to ask, can I ask Senator Brasch a question, please? [LR395]

SENATOR COASH: Senator Brasch, will you yield? [LR395]

SENATOR BRASCH: I yield. [LR395]

SENATOR KARPISEK: Thank you, Senator Brasch. How can we recognize February 10 of 2014? Just say that that was the day? [LR395]

SENATOR BRASCH: That was when we had hoped that we would be here today talking, that month of February. We've passed it but it's this year. It's the 60th year. [LR395]

SENATOR KARPISEK: Okay. Because you know a lot of times when you recognize something, you get out flags and do all sorts of things, and didn't know if we're going to...if you had a time machine or how, we were going to go to an historic horse race day and do this, or none of those things? [LR395]

SENATOR BRASCH: You can be the planning committee. [LR395]

SENATOR KARPISEK: Okay. Everybody heard that. Thank you, Mr. President. [LR395]

SENATOR COASH: Thank you, Senator Karpisek. Senator Chambers, you're recognized. [LR395]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Carlson got in some very good licks and I acknowledge it, and every word he said was true. And Senator Karpisek touched on what I meant to start out with, that you're being asked to vote for something that is a realistic impossibility. The date that you want to recognize has already passed. But it shows how our system can operate when things just fly through. You know what I did one time? And I thought somebody would catch it. At the end of the session they would collect all these resolutions that had been introduced and then just pass them all on one vote. At that time, they were having a dispute with a guy named Sileven who had a church operation in Louisville and there was a dispute back and forth, as Christians often do, like two scorpions in a bottle, both of them Christians, but they went at it. So what I did, I wrote a resolution and I put a lot

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of the things that Ronald Reagan said, that poor people are poor because they're not righteous, ketchup is a vegetable, trees pollute, all kind of things, and then that Reverend Sileven is right and the Legislature ought to do this and that, and then the millennium has come. And they passed it. Nobody read it. But if you read this one, as Senator Karpisek did in the one-liner, and as I stated, it slipped past me because I got caught up in these other things, the date that they want you to recognize is long gone. But even if it were not, why does the Legislature have to, for no reason at all, without being provoked by anybody, slap everybody in the face who doesn't believe as you believe? This is not a private religious organization. This is supposed to be a representative assembly which respects everybody. Make no law advancing a religion or interfering with the free exercise thereof, but these Christian Legislatures have a way of saying, well, when we do this, this is just what we believe; we're not advocating a religion. And those of us who have no religion...I used to be religious, more than you all because I practiced it. But they tell all these lies about what it isn't and what it is, and they know good and well that they're lying through their teeth. They're trying to advocate their religion and they ought to be honest enough to at least say what it is that they're doing. You want to make everybody bend the knee to your God and bow the neck to your religion. It's unfair. It doesn't hurt me at all, but there are other people of a different religious persuasion and it does hurt them. It does offend them. I'm offended, I find it offensive, I find it repugnant because it is doing to people who are not in a position to help themselves what ought not to be done. It's not repugnant to me because you say these things. If you want to believe that somebody can take a little bit of fish and feed 5,000 people, that's for you to believe. But then don't you make fun of somebody else when they have things in their religion that might seem a little strange to you. If you want to believe somebody died and was in the ground three days and nights and then came back alive, that's fine. If you want to believe that somebody was born without the instrumentality of a father, that's fine. Then accept the myth of Hiawatha. The concept of a virgin birth preceded the Christian mythology by decades,... [LR395]

SENATOR COASH: One minute. [LR395]

SENATOR CHAMBERS: ...by centuries. But you mock when you hear other religions saying the very thing that you worship. Things such as the virgin birth and the assumption came along not that long ago. These are not things that started at the time the Catholic Church started. Individual Popes superimposed that on the Catholic dogma. Then when the Pope spoke ex cathedra or ex cathedra, that was an infallible statement, and that's what these guys did and you have to believe it under pain of losing your immortal soul. Do we need to have that imposed on everybody? If you believe it, fine. I don't go to people's churches. [LR395]

SENATOR COASH: Time, Senator. [LR395]

SENATOR CHAMBERS: Thank you, Mr. President. [LR395]

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SENATOR COASH: Thank you, Senator Chambers. Senator Bloomfield, you're recognized. [LR395]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, we're not passing a law here. We're not infringing on anybody's political or religious beliefs here. This is a resolution to recognize a day. This is not a law. This was introduced in January. Our system didn't allow it to move through fast enough that we could do it on the day when it took place. That's not the introducer's fault. This is a resolution, not a law. We're infringing on nothing. Thank you, Mr. President. [LR395]

SENATOR COASH: Thank you, Senator Bloomfield. Senator Wallman, you're recognized. [LR395]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I will be very brief. One nation under God, that's a tremendous responsibility if we actually believe it, if we actually believe it. Thank you, Mr. President. I'd yield the rest of my time to Senator Chambers. [LR395]

SENATOR COASH: Senator Chambers, 4:45. [LR395]

SENATOR CHAMBERS: Thank you, Senator Wallman. Thank you, Mr. President. And this is the last time I will speak on this. Senator Bloomfield, you're not trained in the law. Courts interpret words in the constitution and expand their meaning to fit changing circumstances, and the term "law" has been interpreted and construed by courts to mean any official governmental action. This resolution is an official governmental action and it advances a specific religious view. So the word "law" in the constitution doesn't just refer to an enactment by Congress or a Legislature which qualifies as a statute. This is formal state action. And you all can do anything you want to because you've got the votes, but I'm just giving the other point of view and telling what I think of it. If you were outnumbered, you wouldn't want to be dealt with like that. But you all are so accustomed to being in the majority that you don't do a thing because it's right; it's right because you do it. Whatever you say is right. That Henry, not Henry, the Louis who said, "I am the state," so whatever I say is it, that's what you all say when you do things like this. And when somebody such as myself will speak against it, basing my position on what your constitution, your laws have stated, your court opinions have stated, what do I hear? Love it or leave it. I say, what do you mean leave it? I was...my people were here before yours. And some of them, one of them at least, came here with those three ships that Columbus brought, along with syphilis. You all are not going to read your history, you're not going to read court cases. You're going to say, we've got the numbers so we'll force this through and do it this way; then we'll tell the rest of the world this is where you have religious freedom, you have freedom of speech, and on and on. What you all may not know is that the Nazis were Christians and there was a battle. I

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don't know whether it really happened or not, but every Christmas Eve they'd say around midnight the two sides stopped shooting at each other and they sang Christmas carols. Then after that Christmas celebration, they went back to the business of killing. And that is told as though it really happened. I don't know whether it happened or not. But, Senator Bloomfield, if you were a Christian and I were a Christian, we'd be brothers and nobody could make me kill you. A government could say, kill him. I'd say, I won't kill my brother. They'd say, then we'll kill you. I'd say, then that's what you've got to do. But when Christians kill each other, it's hard to believe that they worship the same God even though they say the same word, that they believe in the same Christ even though they say the same Christ, even they say the Holy Spirit... [LR395]

SENATOR COASH: One minute. [LR395]

SENATOR CHAMBERS: ...but they kill each other, and both in the name of that religion. God bless England. God save the king. God this, God that, God the other thing. Good God, said God, without a doubt it's plain to see my work's cut out. All these people in my name doing all and doing what I told them don't do. I ought to just sweep the slate clean and kill them all. But then he said, that's right, I'm God, I shouldn't let myself be reduced to what these creatures are doing. Then old Lucifer, before they kicked him out of heaven, said, but, God, you made them and they can only be what you made. Thank you, Mr. President. [LR395]

SENATOR COASH: Thank you, Senator Chambers and Senator Wallman. Seeing no other lights on, Senator Brasch, you're recognized to close on your resolution. [LR395]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues, friends all. This first generation American, first baby born in America, sponsored by a church, the church named me Lydia, I'm grateful, I'm thankful. One thing I did learn to do is to look for the goodness in everyone and every thing, and I see that in Senator Chambers in the kind games he plays with children who visit the Capitol, in pleasant exchanges we've had, and even in this bill. He has the freedom to stand up and to say his piece. He can talk about laws and he can talk about criminals and all the evils in the world, but there is goodness there and I know that. And Senator Carlson calls him an undercover Christian. I think that too. And despite his objections, I respect that. No one in this country is forced to say the Pledge of Allegiance. And when I say it, it's from my heart and my gratitude. So I encourage you to commemorate this day, the day happened February 10 in 1954. We wanted it to happen February 10 of 2014. And as we commemorate this day, we should think of it not just this year but every year. Thank you, colleagues, and I would like your green vote. Thank you, Mr. President. [LR395]

SENATOR COASH: Thank you, Senator Brasch. Members, you've heard the closing to LR395. The question is, shall LR395 be adopted? All those in favor vote aye; those opposed, nay. Have all voted who wish? [LR395]

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SENATOR CHAMBERS: (Microphone malfunction.) Roll call vote. [LR395]

SENATOR COASH: There's been a request for a roll call vote. Mr. Clerk, please read the roll. [LR395]

CLERK: (Roll call vote taken.) 32 ayes, 1 nay, Mr. President, on the adoption of the resolution. [LR395]

SENATOR COASH: Resolution is adopted. Next item, Mr. Clerk. [LR395]

CLERK: Mr. President, LR413 is introduced by Senator Davis. It was referred to the Agriculture Committee and there are committee amendments pending. (AM2371, Legislative Journal page 890.) [LR413]

SENATOR COASH: Senator Davis, you're recognized to open on LR413. [LR413]

SENATOR DAVIS: Thank you, Mr. President and members. LR413 would express legislative resolve to request that the United States Department of Agriculture immediately withdraw its proposed rule entitled "Importation of Beef from a Region in Brazil" and not allow the importation of fresh beef from 14 states in Brazil due to the increased risk of introducing foot-and-mouth disease into the United States. LR413 would also express legislative resolve to request that the United States Department of Agriculture adopt a rule to strictly prohibit the importation of fresh beef from Brazil until the United States Secretary of Agriculture certifies to Congress that every region of Brazil is free of foot-and-mouth disease without vaccination. The United States Department of Agriculture is proposing to allow the importation of fresh beef, chilled or frozen, from 14 states in Brazil. These are states where widespread outbreaks of foot-and-mouth disease occurred as recently as 2005 and '06, when vaccination was attempted to control the disease, as well as states that are geographically adjacent to Paraguay where an outbreak of foot-and-mouth disease occurred in 2011. Foot-and-mouth disease is one of the most contagious diseases known to cloven hoofed animals, including cattle, hogs, and sheep. An outbreak of foot-and-mouth disease could significantly harm Nebraska's livestock producers and our state's economy. The United States has not had an outbreak of foot-and-mouth of disease since 1929, when it was inadvertently imported into the United State from Argentina. Since that time, the United States has prevented any further reintroduction of foot-and-mouth disease by strictly prohibiting the importation of livestock and fresh meat originating in countries where foot-and-mouth disease has not been eradicated and where a risk of outbreak persists. In its proposed rule, the United States Department of Agriculture acknowledges that the reintroduction of foot-and-mouth disease in the 14 states that desire to export fresh beef to the United States is possible because foot-and-mouth disease is endemic to the overall region of South America. The United

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States Department of Agriculture further acknowledges that its proposed rule would reduce financial returns to cattle producers and beef processors, the result of which would also harm rural communities and the entire Nebraska economy. If an outbreak of foot-and-mouth disease occurred as a result of the proposed rule, the economic harm to the state of Nebraska and the United States would be significant. This conclusion is consistent with the U.S. Department of Agriculture's findings that previous outbreaks of foot-and-mouth disease in the United State were very costly to contain and eradicate. LR413 would demonstrate that the Legislature objects to taking any unnecessary and avoidable risks that might be created by the introduction of such a dangerous disease as foot-and-mouth disease due to the severe consequences that such a disease would have on the Nebraska cattle industry. Adoption of LR413 would express legislative resolve that this industry is vital to the economic and social well-being of the state of Nebraska and the United States. Thank you, Mr. President. [LR413]

SENATOR COASH: Thank you, Senator Davis. As the Clerk has stated, there's an amendment the Agriculture Committee. Senator Wallman, as Vice Chair of the committee, you are recognized to open on the Agriculture Committee amendments. [LR413]

SENATOR WALLMAN: Thank you, Mr. President. The committee amendment makes a slight rewording found in the second resolved clause of the introduced resolution. Committee amendments softens the language slightly to avoid the perception that we supported USDA adopting special import restrictions singling out Brazil. Brazil is a trading partner with whom we cooperate within the context of the World Trade Organization rules governing trade and import and export restrictions that countries may apply on beef or any other product. While it may be academic, the committee felt that we didn't want to go on record as supporting a trade restriction imposed on one country that would be a precedent for other nations to impose similar restrictions on our products. So the proposed rule that is the subject of Senator Davis' resolution is actually an amendment to 9 C.F.R. 94.1, which imposes a blanket prohibition of imports of fresh or chilled meat of any ruminants or swine from any country or region that is not certified free of foot-and-mouth, according to standards prescribed elsewhere. So currently we contain a handful of exceptions to the blanket prohibition, including a special exclusion allowing meat imports from Paraguay under special rules. The proposed rule would expand the exceptions in 9 C.F.R. 94.1 to allow imports of beef from designated regions of Brazil under the same rules that currently apply to Paraguay. So an essential element of the original resolved close is that any relaxation on restrictions of beef from Brazil not be allowed until the meat is free of foot-and-mouth disease or reliance on vaccination. The committee amendment retains this element, but rather than asking USDA to impose a new rule specific to Brazil it, instead, advises not to expand existing exception to allow beef from Brazil or any portion of Brazil, unless every region of Brazil is free of foot-and-mouth without reliance on vaccination. So the resolution was heard by the Government Committee on February...I mean Ag Committee on February 25, so we had

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great participation and input from beef producers, farm organizations. There was agreement among both the Nebraska Cattlemen and the Independent Cattlemen of Nebraska, which is kind of rare sometimes, in favor of the resolution. And the resolution is forwarded without dissent, with one member absent. Thank you, Mr. President. [LR413]

SENATOR COASH: Thank you, Senator Wallman. Members, you've heard the opening to LR413 and the committee amendment. Senator Bloomfield, you're recognized. [LR413]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I think it's important to the body to understand that foot-and-mouth can be spread through fresh meat, not just through live animals. Fresh meat that is infected with foot-and-mouth, any of that juice escapes, comes in contact in any method to our live animals, it can cause infection. It's vitally important, not only to Nebraska but to the United States, that we keep that disease out of here. Thank you, Mr. President. [LR413]

SENATOR COASH: Thank you, Senator Bloomfield. Senator Chambers, you're recognized. [LR413]

SENATOR CHAMBERS: Mr. President, members of the Legislature, since you Christians believe in God, why are you asking the Department of Agriculture to do it? Why don't you pray about it? Why don't you pray about it? This is one nation under God. I'd like to ask Senator Brasch a question. [LR413]

SENATOR COASH: Senator Brasch, will you yield? [LR413]

SENATOR BRASCH: I yield. [LR413]

SENATOR CHAMBERS: Senator Brasch, will you concede that your resolution, which however many of your colleagues supported, is what introduced religion into this session of the Legislature at this particular time? [LR413]

SENATOR BRASCH: I don't understand your question. [LR413]

SENATOR CHAMBERS: All right. Did your resolution deal with the words "under God"? [LR413]

SENATOR BRASCH: It commemorated the anniversary (inaudible). [LR413]

SENATOR CHAMBERS: Here's what I'm asking you. Did your resolution contain the words "under God"? [LR413]

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SENATOR BRASCH: Words from the Pledge of Allegiance, yes. [LR413]

SENATOR CHAMBERS: Is God a being whom people worship? [LR413]

SENATOR BRASCH: God is... [LR413]

SENATOR CHAMBERS: It's not a trick question. Either you believe that or you don't. [LR413]

SENATOR BRASCH: No, I don't...I believe God is spiritual. He is not a human being. He is... [LR413]

SENATOR CHAMBERS: I'm not asking what he's not. Is God a being whom people worship, yes or no? [LR413]

SENATOR BRASCH: Some people, yes. [LR413]

SENATOR CHAMBERS: Is this God that people worship powerful? [LR413]

SENATOR BRASCH: Absolutely. [LR413]

SENATOR CHAMBERS: Did this God create heaven and earth? [LR413]

SENATOR BRASCH: Yes. [LR413]

SENATOR CHAMBERS: Is there anything too hard for this God to do? [LR413]

SENATOR BRASCH: No. [LR413]

SENATOR CHAMBERS: The Bible says that God answers prayers. Do you believe that? [LR413]

SENATOR BRASCH: I do. [LR413]

SENATOR CHAMBERS: Then why don't you pray to God to do this instead of asking the Department of Agriculture? [LR413]

SENATOR BRASCH: This is something that we do here on earth. We have responsibilities. Not all is work for God. Some is work for mankind. [LR413]

SENATOR CHAMBERS: Well, what do people pray to God for then? If God is not going to do anything to help you when you need help, what good is God? If God is not going to help you when you need help, what good is God? You brought it into the Legislature

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today and the chaplain brought it in this morning, and I told people that if you all leave it out of here I'll leave it alone. But when you bring it in here where I operate, then I'm going to deal with it. That's all I'm going to ask you, Senator Brasch, by the way, because I don't want you to think everything I'm saying now is addressed to you. I was telling you all about the meeting between the Hebrew prophets, who were the good guys, and the prophets of Baal, who were the bad guys. And the good guys ridiculed the bad guys when they prayed to their god and their god didn't answer. They listened all day. They cut themselves. They cried. They did everything they could; no response, silent night. And these other Hebrew guys, Hebrew prophets who worshipped Jehovah, the same God you all worship, that's his name, they ridiculed these people. They said, where is your god? Is he asleep? Maybe he's on a vacation. Is he fishing? And ridiculed them. Now that's what happened in the Good Book. So then I ask you all,... [LR413]

SENATOR COASH: One minute. [LR413]

SENATOR CHAMBERS: ...where's your God? Is he asleep? Is he deaf? Is he on vacation? Doesn't he pay attention to you? Maybe the answer is found in that verse that said, the fervent prayer of a righteous man availeth much. The prayer must be fervent and the person offering it must be righteous. I understand now why they don't pray around here and why they don't get anything in the way of an answer. Thank you, Mr. President. [LR413]

SENATOR COASH: Thank you, Senator Chambers. Seeing no other members wishing to speak, Senator Wallman, you're recognized to close on the committee amendment. Senator Wallman waives closing. The question is, shall AM2371 be adopted? All those in favor vote aye; all those opposed, nay. Record, Mr. Clerk. [LR413]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LR413]

SENATOR COASH: Committee amendments are adopted. Next item, Mr. Clerk. [LR413]

CLERK: Mr. President, Senator Chambers would move to amend the resolution. (FA357, Legislative Journal page 1603.) [LR413]

SENATOR COASH: Senator Chambers, you're recognized to open on FA357. [LR413]

SENATOR CHAMBERS: Thank you. There are several references to the Department of Agriculture so I want to combine what you all are doing with what you all taught me with your vote about honoring God. So every place where we see Department of Agriculture, after the word "Agriculture," for example, if you look at the one-liner, "Request the United States Department of Agriculture immediately withdraw," here's what it would

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read, "Request the United States Department of Agriculture in the name of the Father, the Son and the Holy Ghost." Those are the words that I move in my amendment to add to this resolution. And I'm going to go by what my friend Senator Bloomfield said. It's not a law. This is just a resolution. You already voted to honor God so now let's put him in everything that we do in these resolutions. Senator Carlson said I'm an undercover believer. Well, I do believe, I have to be honest. Senator Campbell, I believe. I believe two things. I believe in algebra and I believe something is going to happen. So I am a double-barrel believer. But in this I'm calling your hand. If you're in the game and you're gambling, I want to see what you got. Lay it on the table. I put mine there. Now cover me or fold. Put up or shut up. You all opened the way when I came here today. I was not an acceptor of all of this talk about God, but all 30-something of you can't be wrong. Since we do things by the numbers, your vote must constitute what is right. So in spite of what I may accept or believe or not believe, God is and God is powerful and God can do what no man can do. So I'm using that formula. If this were a magical act, I would say abracadabra. I'd say presto chango. But since we're talking about religion, the formula there is "in the name of the Father, the Son and the Holy Ghost," and I'd like to get a vote. I want to see how far we go in this thing so should I decide to go in that direction then I'll know how to comport myself. If there are boundaries and you're not to ask God certain things, I need to know that. But you all don't specify what is in bounds to ask God and what would be out of bounds to ask God. And if that verse about "As a man thinketh in his heart, so is he," that could be interpreted to mean that whatever he or she thinks God will do is what God will do. I'm not going to ask any of my colleagues any questions on this subject and I'll tell you why, because your religion is between you and your God. What you pray is between you and your God. And that Jesus whom you all claim to believe said words to this effect: Don't you say all these long prayers like the heathens for they think they shall be heard for their much speaking. They repeat the same prayer over and over and over and think that's going to make God hear. Jesus said, don't do that. Your father knows what you have need of before you even ask him. So don't you stand on the street corners, don't you stand in the church, but you go in your closet, you go in your closet where there's only you and your God and you pray there. And in case you don't know how to pray and you get caught up in all these long-winded exhortations trying to tell God what God is and ought to do, here's the way you do it. And then he started, "Our Father," and told you all that's how you do it. But I have yet to hear anybody stand up here on a morning and pray the way Jesus said you should pray. And in fact, when you stand up there and do it publicly, you are contradicting what Jesus told you to do. He said the hypocrites pray in public. The hypocrites stand on the street corner and pray. And when they do that, they have their reward. They want to be seen of men. And if you listen to those chaplains, they're praying to you all. They're telling you what you're supposed to do. But I'm not going into that with my amendment. I'm leaving you to pray or contact God, whatever god you believe in, in your own way. But the formula that I always hear in these Christian churches, and this is a Christian Legislature and you all just went through a Christian religious activity, I'll give you the Christian formula, "in the name of the Father, the Son

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and the Holy Ghost." But see, you're hedging your bet because you're still leaving the Department of Agriculture in there in case God doesn't come through. In case God doesn't come through, you still...your fallback is on the Department of Agriculture. You still got that. So what I want to do is give my Christian brothers and sisters the opportunity to now take it one step further. You've brought God into the Legislature. You voted to have God in the Legislature. And now that God is here with us...well, I expect God is with us. Yoo-hoo, come out, come out, wherever you are. Oh, is...I don't hear anything. Is your God deaf? Is your God on vacation? Can he not hear? And that's from the Bible. You all don't look so happy now. You were happy when you were winning and laying it on everybody else's religion. And I'm going from your book, but it's not making you happy. It should make you happy. You can give it, but you can't take it. You've got the numbers so you impose your will. I thought I heard some praying over here and I was going to get quiet, because it only takes two or three to start a church. Mr. President, how much time do I have? [LR413]

SENATOR COASH: Two minutes. [LR413]

SENATOR CHAMBERS: Are there any other lights on? [LR413]

SENATOR COASH: Yes. [LR413]

SENATOR CHAMBERS: Thank you. I'll stop now. [LR413]

SENATOR COASH: Thank you, Senator Chambers. Members, you've heard the opening to FA357. Senator Wallman, you're recognized. [LR413]

SENATOR WALLMAN: Thank you, Mr. President. Senator Chambers, Senator Chambers, we are all hypocrites at one time or another. We do not obey the Lord's will in everything we do. It's impossible. You watch the plagues in ancient Egypt, what happened there, the magicians. God started one of the prophets. There's lots of books in the Bible. And I read Amos a lot. Amos is about government and how we're supposed to run our government. So I do not want to clutter up our resolution with another...anything on this. I think it's pretty clear, pretty clean. And thank you, Mr. President. [LR413]

SENATOR COASH: Thank you, Senator Wallman. Senator McCoy, you're recognized. [LR413]

SENATOR MCCOY: Question. [LR413]

SENATOR COASH: Out of order. Senator Davis, you're recognized. [LR413]

SENATOR CHAMBERS: (Microphone malfunction)...(inaudible) my amendment is up

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there. That's what the question is called on. (Inaudible) [LR413]

SENATOR COASH: We will continue to discuss the Chambers amendment. Senator Davis, you're recognized. [LR413]

SENATOR DAVIS: Thank you, Mr. President. I wanted to say this. I did not bring this resolution in levity. This is a serious issue. I would appreciate it if Senator Chambers would withdraw his amendment and we could resolve this. I think we have some important things to do. I recognize what he's trying to do and I understand it and appreciate it. But the state of Nebraska, as the number one cattle-feeding state in the United States, has a tremendous amount of influence with the U.S. Department of Agriculture, and what this Legislature does here could really protect the industry. I've got some information I'd like to share with the body about hoof-and-mouth disease and I'll just take the time to do that now. In fact, when we were in committee, Senator Chambers asked a series of really excellent questions which demonstrated the consequences of not doing something about this issue, when Alan Doster, who's a veterinary pathologist at UNL, was there to testify about that. So first and foremost, I want to talk a little bit about what happened in Great Britain in 2001 when hoof-and-mouth disease entered the country through fresh meat imported from China. The eradication cost to eliminate that, and this is Mr. Doster talking, to eliminate that disease cost more in Great Britain than they spent in World War II. Now I acknowledge that they had some inflation that took place, but it's a significant expense. There were 2,000 cases but over 10 million head of animals were liquidated as a result of that--enormous, enormous financial losses. Hoof-and-mouth disease affects all animals with cloven hoof: hogs, sheep, and cattle. Cattle alone make up over 15 percent of Nebraska's entire economy, and in terms of total dollars or income amount to over \$12 billion per year. That \$12 billion would not reflect the actual costs of replacing the mother herd of cows who would also be liquidated if the state of Nebraska had an infection of this kind. It would take decades for us to get back to where we are. It would cost us an enormous amount of money. Just a few facts about the disease. The incubation period can be short or from three days to two weeks, but some animals are carriers all their lives. The disease attacks the heart in young stock, killing them, and in older animals, blisters develop in the mouth and at the coronary band where the hoof meets the hide. Animals may survive but are no longer thrifty. These blisters contain billions of viruses and the particles can travel through the air over 70 miles and still reinfect. So there are vaccines available but they are expensive and unreliable. There are 60 strains of the disease, 7 stereotypes, so it's almost impossible to stay ahead of it. One of the...Mr. Doster, in the hearing, talked about porcine diarrhea, which was introduced in Iowa, and the way that disease was spread was through workers who would go into a convenience store to get coffee in the morning, then they'd go on to the next barn where they might be working. They pick that up on the floor. Hoof-and-mouth disease is the same thing. If we get it back into the country, we're not going to eradicate it. This is important because permitting a nation, which has not eradicated the disease,

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to ship fresh meat from noninfected regions means that we are completely relying on that nation to supervise its internal borders. We all know how porous our own borders are between states, so can we expect anything different between states in other countries? The economic incentive will be there for cattle to move from an infected state to a free state for export because price differentials will arise. Like it or not, mankind is often motivated by greed, much to the detriment of the rest of mankind, and I'm not willing to risk Nebraska's livelihood based on foolish and risky decisions made by individuals in Washington who are not livestock owners and who do not recognize the risk to the nation by reintroduction of this disease. And I took this quote from the transcript because I thought it was pretty pertinent, and it's what Senator Chambers said about that very thing. He said: I didn't come here alarmed today, and I don't mean to the point where I'm going to go jump off a building or anything like that, but I cannot conceive of any way that if this rule is adopted there can be... [LR413]

SENATOR COASH: One minute. [LR413]

SENATOR DAVIS: ...a reasonable...thank you, Mr. President. If this rule, if USDA adopts this rule, that there can even be a reasonable assurance that there will not be the spread of this infection in this country since it actually exists in the country of origin. So with that, I'm going to pass. I'll ask Senator Chambers to withdraw his amendment and ask the body to move this forward. Thank you. [LR413]

SENATOR COASH: Thank you, Senator Davis. Senator Chambers, you're recognized. There are no other lights on. Would you like to close on your amendment? [LR413]

SENATOR CHAMBERS: No, I want to speak. [LR413]

SENATOR COASH: You're recognized. [LR413]

SENATOR CHAMBERS: See, when I was talking about religious freedom and liberty, that was serious to me. That was important to me and it meant nothing to you, because you didn't know the worm would turn so soon, did you? I told you all how many times I'll compare myself to that lion that you all want to kill. Leave him alone. Leave him alone. But you want to bait him. You want to chase him with dogs. You want to invade his habitat, and then when he responds, then you want to kill him, and you struck the first blow. You threw the first stone. And I'm trying to speak about how wrong it is for you, because you've got the numbers, to run roughshod over everybody else's religious sensibilities because you've got the votes. That is important to me. Livestock is a subject that's important to you because it involves money. We have our values, don't we? We have our agendas, don't we? But one thing that you don't have, you don't have power over me. Now you can do what Senator Lathrop and Senator Lautenbaugh let you do last night. All you were talking about was a piece of legislation. That's all. But I derive much more significant lessons from what I observe being done by my colleagues

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in here. I heard the defiance in some people's voices as they were voting for the religious resolution: Yes, take that, Chambers; yes, take that, Chambers. And I took it. What did Frank Sinatra say? He took all the blows but he did it his way. That's what he said, words to that effect. Well, I'll take whatever you dish out and I'll be your even change. But like so many bullies, you can give it but you can't take it. Like the mobs, when you are in the ascendancy you will say this: If you knock him down, I'll kick him. And you never expect that that one will be able to bounce back so quickly because you think I am as weak and fearful as you are, that my principles mean nothing to me. You started this today. You brought it here. And I told you how, in my opinion, what you did was wrong. So, in your opinion, my talking from your "Bible," my quoting your Jesus, my giving you a way to get some power to help you do what you want to do angers you. You bring somebody in here every morning to do what I'm doing and we do it each in our own words, each in our own way. You just don't like my way because I'm not walking in lockstep with you. And it was a white man who talked about somebody walking to the beat of a different drummer. Read more of what he said. I'm playing by the rules. You all changed the rules by overriding the Speaker and said that a thing that is really is not. That's what you did last night. You violated your rules. You disregarded them. I'm within the heart of your rules, and you're angry at me... [LR413]

SENATOR COASH: One minute. [LR413]

SENATOR CHAMBERS: ...because I follow the rules that you all adopted? Here's a rule maybe you ought to consider and it will at least be more honest: These rules apply, but here's what applies to Ernie, and then set up some other system for me because that's what you do, in fact. You just won't put it out there and be as honest with me as I am with you, because you fear there will be a price to pay. And you are right. You didn't know that next to the last day I would have a chance to do what I'm doing. And what I had said when I was enraged and outraged at the way that animal was chased down by these dogs and put in a tree, then shot out of that tree, that's not hunting. That's target practice. And I said... [LR413]

SENATOR COASH: Time, Senator. There are no other lights on. Senator Chambers, you're recognized to close on your floor amendment. [LR413]

SENATOR CHAMBERS: Thank you, Mr. President. See how I'm playing by the rules? I could have turned on my light again. I said, unlike Jesus, I cannot restore life to the dead. I cannot restore to life those who have been killed. But I can avenge the death of those who are inappropriately killed. And you all worked me over on my mountain lion issues, so here we are. The great cat stalks through this Chamber once again, and I'm not referring to myself. I'm talking about that beautiful, tawny, unoffending, shy, reclusive, unaggressive animal who is really too noble to be in a state like Nebraska, a cruel, hardhearted, bloodthirsty, vicious, compassionless state. So maybe it's the will of your God that you exterminate this creature. Maybe that's how God has chosen to

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rescue this creature from your hatefulness, from your viciousness, from your love to kill for the sheer love of killing. Take away that which satisfies that blood lust and maybe the lust will go away. But it's too bad that the innocent must lose their life, spill their blood for the sport, for the amusement, for the enjoyment of people who want to say that they are civilized, that they are an example for their children to follow. And children get hold of these rifles in these homes and kill people. That guy named Lanza, who killed all those children out east, was given the weaponry by his mother. And guess whom he killed first. He killed his mother first, then took the weaponry that she gave him and went and sowed terror, mayhem, and death. Then he robbed the executioner of his prey by not allowing himself to be delivered into the hand of the executioner. You all have delivered the legislative session into my hands. Cross me and see what happens tomorrow. I don't know what tomorrow will bring. You all may have read or heard of something, I think it was written by Hemingway, The Sun Also Rises. That's a quote from the "Bible." Probably the "Parson" didn't even know that. That is a quote from the "Bible," "The sun also rises." There will be a tomorrow. If I hadn't offended somebody so much and she's got a voice like I imagine an angel would have if there were female angels and they could sing. There's got to be a morning after. There will be a morning after today and that will be, if we refer to it today, tomorrow. But when we get there, that will be today. And there will be a morning after tomorrow. So if that great spirit of the great cats descend on me, Senator Sullivan, tomorrow and they say, Ernie, avenge us of our enemies... [LR413]

SENATOR COASH: One minute. [LR413]

SENATOR CHAMBERS: ...this we demand, this you must do. In the same way that these Christians say that their God directed them to go on crusades and destroy, kill, rape, and pillage, we're above that. All we want you to do is take some time and dedicate it to us and let those who are unwilling to allow us to be protected be given a sample what it means to be deprived of something you really cherish. But they won't be deprived of their life. [LR413]

SENATOR COASH: Time, Senator. [LR413]

SENATOR CHAMBERS: Thank you, Mr. President. And I'd want a call of the house and a roll call vote. [LR413]

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. [LR413]

CLERK: 22 ayes, 1 nay, Mr. President, to place the house under call. [LR413]

SENATOR COASH: The house is under call. Senators, please record your presence.

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Unexcused senators outside the Chamber please return to the Chamber and record your presence. The house is under call. Members, please check in. Senator Lathrop, Senator Pirsch, Senator Christensen, please return to the Chamber and record your presence. Senator Pirsch, please return to the Chamber and record your presence. Senator Chambers, Senator Pirsch is unaccounted for. [LR413]

SENATOR CHAMBERS: I'll take a vote. We can go now. [LR413]

SENATOR COASH: Mr. Clerk, there's been a request for a roll call vote. Please call the roll. [LR413]

CLERK: (Roll call vote taken, Legislative Journal pages 1603-1604.) 1 aye, 35 nays, Mr. President, on the amendment. [LR413]

SENATOR COASH: The amendment is not adopted. Return to discussion on LR413. Seeing no members wishing to speak, Senator Davis, you are recognized to close on your motion...resolution. Raise the call. Senator Davis waives closing. The question before the body is, shall LR413 advance? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LR413]

CLERK: 35 ayes, 0 nays, Mr. President, on the resolution. [LR413]

SENATOR COASH: LR413 does advance. Mr. Clerk. [LR413]

CLERK: Mr. President, the next resolution is by the...introduced by Senator Carlson. It was referred to the Agriculture Committee. It was reported back to the floor for further consideration. There are amendments pending. [LB690]

SENATOR COASH: Senator Carlson, you're recognized to open on LR427. [LR427]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. LR427 was heard in front of the Ag Committee on February 25 and advanced to General File with an amendment. The legislative resolution asks the United States Environmental Protection Agency, EPA, to support and maintain the current renewable fuel standard in light of that agency's proposal to reduce ethanol and biodiesel choices for consumers. Beginning in 2005, the U.S. committed to the long-term policy of increasing the production of clean, renewable fuels by enabling more domestic production of ethanol, cellulosic, and advanced biofuels. This renewable fuel standard, referred to as "RFS," has the capability to reduce independence on foreign oil, decreasing the price of transportation fuels, reducing emissions, increasing farm incomes and, in the end, promoting economic growth, particularly in our agricultural Midwest. Ultimate goal is to reduce dependence on foreign oil and diversify our nation's energy portfolio. There were several testifiers in support of the resolution. This is an

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economic development issue that's very important to our state, and I would urge your adoption. Thank you. [LR427]

SENATOR COASH: Thank you, Senator Carlson. Members, you've heard the opening to LR427. The floor is now...as the Clerk has stated, there is an amendment from the Ag Committee. Senator Wallman, you're recognized to open on the committee amendment. (AM2732, Legislative Journal page 890.) [LR427]

SENATOR WALLMAN: Thank you, Mr. President. This is LR427, amendment to this, and the committee amendment just makes two changes in the wording of the resolution. First, the amendment replaces the first "whereas" clause by adding reference to the Energy Independence and Security Act of 2007 to more accurately cite the sources of federal law that establish the renewable fuel standard that is the subject of the resolution. The introduced resolution refers to the Energy Policy Act of 2005 which established the first renewable fuel volume mandate. As required under the act, the original RFS program, RFS1, required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012. Under the Energy Independence and Security Act of 2007, the RFS program was expanded in several key ways: expanded the RFS program to include diesel, in addition to gasoline; increased the volume of renewable fuels required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons in 2022; established new categories of renewable fuel; set separate volume requirements with each one; and required EPA to apply life-cycle greenhouse gas performance threshold standards to ensure that each category of renewable fuel emits fewer greenhouse gases than the petroleum that it replaces. So it's very important. And, Senator Chambers, maybe you have a tiger in your tank. I don't know. But renewable fuels is a lot more friendly to the atmosphere and not necessarily so much tied to big oil. So I would appreciate a yes vote on this. Thank you, Mr. President. [LR427]

SENATOR COASH: Thank you, Senator Wallman. Members, you've heard the opening to the resolution and the committee amendment. Senator Chambers, you are recognized. [LR427]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Carlson a question. [LR427]

SENATOR COASH: Senator Carlson, will you yield? [LR427]

SENATOR CARLSON: Yes, I will. [LR427]

SENATOR CHAMBERS: Senator Carlson, to put this in language that any person could understand, if somebody would happen to read the transcript, are we talking about a certain percentage of ethanol that must be a part of gasoline, must be put into the

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gasoline? Is that what we're talking about? [LR427]

SENATOR CARLSON: No, not really. It's... [LR427]

SENATOR CHAMBERS: Okay. So what are we talking about? [LR427]

SENATOR CARLSON: It's that renewable fuel standard would require that a certain percentage of our gasoline include ethanol, but they can still offer fuel that doesn't have any in it. [LR427]

SENATOR CHAMBERS: But here's what I'm getting at: What you're interested in is a certain amount of the fuel be required to contain a certain percentage of ethanol. Is that true or false? [LR427]

SENATOR CARLSON: No, that's false. It's a number of gallons produced that need to be used every year. [LR427]

SENATOR CHAMBERS: But it's a mandate. [LR427]

SENATOR CARLSON: Yes. [LR427]

SENATOR CHAMBERS: And you've got to pay money even if you don't use the ethanol to mix in with your fuel. You've got to pay as though you were going to use it. Isn't that true? [LR427]

SENATOR CARLSON: I'm not understanding when you say, "You have to pay." Would that be you? [LR427]

SENATOR CHAMBERS: No, the...if I've got the gasoline, if I've got the refinery, and I don't want to put any ethanol in it but you have what you want, what you're talking about here is a part of the law, then I'm going to be out of a certain amount of money whether I use the ethanol and mix it into my fuel or not. Is that true? [LR427]

SENATOR CARLSON: I don't agree with that because, if you're the oil company and you're buying ethanol, you're buying it cheaper than the other fuel that you produce. So you're saving money. [LR427]

SENATOR CHAMBERS: But here's what I'm saying: I don't want to use ethanol. If all of the fuel producers reject ethanol, is the law going to intervene and require them to expend money that will benefit the ethanol industry whether they actually use the ethanol in their fuel or not? [LR427]

SENATOR CARLSON: I don't think it...I think it's the market that will dictate that they will

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offer something that costs the consumer less, and they'll still offer a grade that you can buy that has no ethanol in it. [LR427]

SENATOR CHAMBERS: But that's not what I'm asking, and I don't think I can make you understand the question if you don't want to answer it. But that's all I will ask you. I'd like to ask Senator Garrett a question. [LR427]

SENATOR COASH: Senator Garrett, will you yield? [LR427]

SENATOR GARRETT: Yes, I will. [LR427]

SENATOR CHAMBERS: Senator Garrett, the reason I'm asking you this question: because I think I heard you made a reference to the free market system one day. Is that correct? [LR427]

SENATOR GARRETT: Yes, free market capitalism. [LR427]

SENATOR CHAMBERS: Now, if it's a free market, that means let prices and so forth be governed by market dynamics. Is that true? [LR427]

SENATOR GARRETT: That's true. [LR427]

SENATOR CHAMBERS: The government would not mandate anything one way or the other. Is that true? [LR427]

SENATOR GARRETT: Typically, I think, for some things like energy and pollution controls, things like that, they have an input. [LR427]

SENATOR CHAMBERS: If they...if the government is going to mandate the utilization of this ethanol, as what Senator Carlson is asking us to do, isn't that interfering with the free market? Shouldn't the fuel producer be allowed to produce his or her fuel as he or she sees fit? Now I meant there can be regulation to make sure you're not putting some poison out there. I'm not talking about that. But fuel that is usable as fuel, that's not in and of itself harmful,... [LR427]

SENATOR COASH: One minute. [LR427]

SENATOR CHAMBERS: Should the government intervene to help a competing industry and tell your industry that you're going to have to be out of some money to help this competing industry? Is that the way the free market system operates? [LR427]

SENATOR GARRETT: Not typically, but I think what they're doing here is trying to reduce our dependence on foreign oil and... [LR427]

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SENATOR CHAMBERS: Thank you. Members of the Legislature, this is a part of that ethanol boondoggle. It's a part of that propping up a product which doesn't have the quality to make it on its own. It corrodes pipes. That's why they don't send it through pipelines. They send it by truck and rail car. They use petroleum products to produce the ethanol. They will use petroleum products in the vehicles that transport the ethanol. And, yet, they want to say ethanol is going to cause America to lose its dependence on foreign oil. That will never happen, and it certainly won't happen with ethanol. Thank you, Mr. President. [LR427]

SENATOR COASH: Thank you, Senator Chambers. There are no other lights on. Senator Wallman, you're recognized to close on the committee amendment. Senator Wallman waives closing. The question for the body: Shall AM2372 be adopted? All those in favor vote aye; those opposed, nay. Record, Mr. Clerk. [LR427]

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendment. [LR427]

SENATOR COASH: The committee amendment is adopted. Return to discussion on LR427. Seeing no other members wishing to speak, Senator Carlson is recognized to close. He waives closing. The question for the body is, shall LR427 be adopted? All those in favor vote aye; those opposed, nay. Record, Mr. Clerk. [LR427]

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of LR427. [LR427]

SENATOR COASH: LR427 is adopted. You have items, Mr. Clerk? [LR427]

CLERK: Mr. President, I do. I have priority motions. If I may read these items: new resolution, LR628, is a Natural Resources study resolution. And a communication from the Governor to the Clerk. (Read re LB364, LB558, LB679, LB683, LB687, LB687A, LB693, LB697, LB698, LB701, LB702, LB712, LB714, LB735, LB736, LB737, LB739, LB750, LB753, LB757, LB758, LB765, LB766, LB774, LB777, LB780, LB781, LB792, LB798, LB802, LB803, LB806, LB816, LB828, LB859, LB876, LB930, LB937, LB964, LB989, LB997, LB1008, LB1039, LB1044, LB1050, LB1072, and LB1089.) (Legislative Journal pages 1604-1605.) [LR628 LB364 LB558 LB679 LB683 LB687 LB687A LB693 LB697 LB698 LB701 LB702 LB712 LB714 LB735 LB736 LB737 LB739 LB750 LB753 LB757 LB758 LB765 LB766 LB774 LB777 LB780 LB781 LB792 LB798 LB802 LB803 LB806 LB816 LB828 LB859 LB876 LB930 LB937 LB964 LB989 LB997 LB1008 LB1039 LB1044 LB1050 LB1072 LB1089]

Mr. President, I have a priority motion. Senator Watermeier would move to adjourn the body until Thursday, April 17, at 10:30 a.m.

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SENATOR COASH: Senator Adams.

SPEAKER ADAMS: Thank you, Mr. President. Members, there has been a priority motion filed. I can't ignore that. I would tell you that we're not going to deal with these resolutions anymore this year after today. I'm already working on the agenda for next week, for our final day, and we're not going to come back to resolutions; hence, I'm going to request that the Chair take a machine vote on the adjournment. If you want to continue to work, we will; if not, it's the body's call. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Adams. The motion is to adjourn. All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk.

CLERK: 14 ayes, 18 nays to adjourn.

SENATOR COASH: We are not adjourned. Next item, Mr. Clerk.

CLERK: Mr. President, LR399, introduced by Senator Wightman. It's a resolution referred to the Judiciary Committee, reported back to the Legislature for further consideration. I do have a motion on the resolution, Mr. President. [LR399]

SENATOR COASH: Senator Wightman, you're recognized to open on LR399. [LR399]

SENATOR WIGHTMAN: Thank you, Mr. President. By adopting this resolution, Nebraska would join 31 other states that, in 2013, passed resolutions urging Congress to take action on critically needed changes to immigration policy. The controversy and the emotion over illegal immigration are preventing desperately needed changes. As we learned at the public hearing on LR399, if a high-tech Nebraska company needs a green card for a U.S.-trained foreign professional from India, it takes about 50 years. Immigrant agricultural workers are only allowed to work for less than one year at a time in this country, but Nebraska cattlemen need their skills on a long-term basis. The system does not accommodate the number of people in the illegal immigration system. It is broken. The resolution recognizes that the very controversial issues of amnesty or a pathway to citizenship are up to Congress to decide. Only Congress can resolve this issue--not the Nebraska Legislature in debate today. But LR399 recommends that the Nebraska Congressional Delegation take affirmative action to enact comprehensive immigration reform in 2014 to update immigration laws. The resolution makes findings that the immigration policy and laws are the responsibility of the federal government, which they are. The state of Nebraska, nevertheless, has a legitimate interest in effective immigration laws. Nebraska community leaders, educators, business owners, cattlemen, farmers, and the immigrant community recognize the positive contributions of immigrants outweigh the challenges and join in urging comprehensive immigration reform. Nebraska population trends indicate a future work force shortage in agriculture, food processing, skilled trades, and professionally trained people, particularly in our

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rural communities. And current federal immigration laws are creating barriers to community development and undermining the success of Nebraska communities. And certainly, as a resident of Lexington, Nebraska, which has one of the highest minority populations in the state of Nebraska and is absolutely important to continuing the meat packing industry there, it is a very important thing to our community but to the state as a whole. Though the arrival of new immigrants creates some challenges for community services and school systems, the net benefit to the economy and contributions of immigrants to the community, its culture, and tax base more than offset these challenges. Communities, particularly in rural areas, are thriving if they have growing immigration populations, unlike some of their neighboring communities...so while the population decline is a critical issue for rural counties because it leads to economic decay. Census numbers for Nebraska show that the number of persons over 65 is projected to grow from 246,000 in 2010 to 323,000 in 2020 and then to 411,000 in 2030, a major, major increase. Rural communities face a bigger challenge as its native-born young people are attracted to urban areas. The trend in demographics indicates ongoing and future labor shortages in some of the state's key economic sectors--agriculture, meat processing, construction, and a number of others. It should be emphasized that the definition of "immigrant" includes people that came to U.S. in search of a better life or people who acquired an advanced education in the U.S. or elsewhere and would like to work in the U.S. Members of the Nebraska Coalition for Immigration Reform have taken this issue across the state and heard repeatedly that the U.S. are creating barriers to healthy community development and undermining the success of Nebraska communities. I urge you to vote for LR399 and urge Congress to take needed action. Thank you, Mr. President. [LR399]

SENATOR COASH: Thank you, Senator Wightman. Mr. Clerk, you have a motion on your desk? [LR399]

CLERK: Mr. President, Senator Smith would move to bracket the resolution until April 17. [LR399]

SENATOR COASH: Senator Smith, you're recognized to open on your motion. [LR399]

SENATOR SMITH: Thank you, Mr. President and those colleagues that are present this afternoon. You already know that there are three types of resolutions. There are study resolutions that detail an examination of issues that may come before the Legislature in future sessions. There are congratulatory or ceremonial resolutions that congratulate a sport team or an individual, condolences to a family or something of that sort. And then there are resolutions that are considered and adopted in a manner similar to a bill, meaning that there is a public hearing, and that was the case with this bill. And that's...I'm sorry, this resolution. And that's the case of other resolutions that we will be hearing here later this evening, I guess. Typically, a legislative resolution is not debated or amended or filibustered unless there is an attempt to do a great harm. And I

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personally feel that it's appropriate to give it a straight up-or-down vote. And so shortly here I'm going to ask for the withdrawal of the motion. But before I get there, I want you to understand why I filed this bracket motion originally. There is a legislative resolution that's coming up in a couple lines down, LR482, that Senator Haar has filed seven amendments to. It, like this one, has received a public hearing; like this one, voted out of committee; and, like this one, deserves a straight up-or-down vote. And we have had conversations on the floor between myself and Senator Ken Haar and others that have an interest in seeing us have a survivable landing to the legislative session. And so this bracket was used as leverage to make certain that we were able to get both these bills up to a vote. And my understanding from Senator Haar, Senator Ken Haar, is that he is going to speak on LR482 and that he will not prevent it from coming to a vote. And I'd like to ask Senator Wightman a question, please. Would Senator Wightman yield?
[LR399 LR482]

SENATOR COASH: Senator Wightman, will you yield? [LR399]

SENATOR WIGHTMAN: Yes, I will. [LR399]

SENATOR SMITH: Senator Wightman, this legislative resolution had a hearing in front of the committee on February 5, I believe. Is that correct? [LR399]

SENATOR WIGHTMAN: I think that's correct. [LR399]

SENATOR SMITH: Okay. And it did advance. It advanced not unanimously. Let's see, it looked like there was 5 votes to support it, 1 was absent, and there were 2 present and not voting. Senator Wightman, do you believe that this legislative resolution should have a vote, straight up or down? [LR399]

SENATOR WIGHTMAN: I do. [LR399]

SENATOR SMITH: All right. I agree with you. Thank you for yielding to that question. And so would Senator Ken Haar yield, please? [LR399]

SENATOR COASH: Senator Ken Haar, will you yield? [LR399]

SENATOR HAAR: Yes. [LR399]

SENATOR SMITH: Senator Haar, Senator Ken Haar, what I've expressed here, the understanding of the agreement, would you say that that's your understanding, as well?
[LR399]

SENATOR HAAR: Right, that I will not...restate it for me, okay? [LR399]

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SENATOR SMITH: Yes, that we're going to allow this resolution...well, I'm going to pull my bracket motion off of this because I would like to see this have a straight up-or-down vote, and you're going to pull your amendments. You're going to have a chance to speak on LR482, but you will eventually, after you've had a chance to speak two or three times, four times, pull your amendments. [LR399]

SENATOR HAAR: That is correct. [LR399]

SENATOR SMITH: All right. Well, I appreciate that gentlemen's agreement. Mr. President, I would ask that you withdraw the bracket motion on this bill from me. [LR399]

SENATOR HOWARD: I object. [LR399]

SENATOR COASH: You can't object. Thank you, Senator Howard. Motion is withdrawn. Senator McCoy, you're recognized to...Mr. Clerk, do you have another item? [LR399]

CLERK: Mr. President, Senator McCoy would move to recommit LR399 to the Judiciary Committee. [LR399]

SENATOR COASH: Senator McCoy, you're recognized to open on your motion. [LR399]

SENATOR McCOY: Thank you, Mr. President. Well, it appears we were going to be done for the day, but I guess we aren't. I'm not a fan of LR399. I don't think it's well written. I have a number of amendments filed, and we can talk on it for awhile. Or we can not talk on it for awhile. We'll just start with the first "whereas." "WHEREAS, the Legislature recognizes that our federal immigration laws are long outdated..." Really? Are they long outdated or are they not enforced? I don't think they're enforced. They're not outdated. Every civilized country in the world has immigration laws, including our neighbor to the south, Mexico. And, guess what, they enforce them. We seem to have a problem with that. I've said before, my great-grandmother came here from Switzerland at four years old. Her parents kneeled down and kissed the ground at Ellis Island when they got here. I lived to hear her tell those stories. They came here legally. Legal immigration is the foundation of our state; it's the foundation of our nation, the melting pot of the world. This LR is not the right direction for our state to go. To reference a House bill, U.S. House of Representatives bill, that the United States Senate passed last year that talks about a pathway to citizenship, that talks about amnesty, that talks about comprehensive immigration reform, is not what most Nebraskans expect. They don't expect it out of us, and they don't expect it out of Washington. I was willing to let this go and just vote no on this LR. But the course of action we're headed down is completely within the rules. Or we can find a way to end the day. But I won't stand here and let some members of the body decide to finagle this through at the eleventh hour.

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Not going to happen. [LR399]

_____: (Inaudible.) [LR399]

SENATOR McCOY: Or we can talk about the amendments that I've filed. Thank you, Mr. President. [LR399]

SENATOR COASH: Thank you, Senator McCoy. Members, you've heard the opening to the motion to recommit. Senator Nordquist, you're recognized. [LR399]

SENATOR NORDQUIST: Thank you, Mr. President and members. This resolution and this issue is critical to Senator Wightman's district and my district and a lot of communities across this state. That's why it's introduced. That's why the committee moved it out. That's why it's here. That's why it needs to be debated. Senator McCoy might not get that. And, Senator McCoy, everything we've done tonight has been within the rules. There's no reason we can't continue working on that...on this to debate an issue that is important to our communities. And it's tactics like this, Senator McCoy, at the eleventh hour of filing all these motions, while it's in your right, it's maybe the reason that not a single member of this Legislature has endorsed you in your race for Governor. This is an important issue. Senator Smith said it should be an up-or-down vote. I don't know why Senator McCoy decided to take this action at the last minute, and I don't think this Legislature should be bullied like this. Thank you. [LR399]

SENATOR COASH: Thank you, Senator Nordquist. Senator McCoy, you're recognized. [LR399]

SENATOR McCOY: Thank you, Mr. President. The issue of illegal immigration doesn't have anything to do with my campaign or any campaign. It has everything to do with the rule of law, Senator Nordquist. And the rule of law says that people come to our country legally. That has nothing to do with any candidacy and everything to do with how much we value our country and the laws that have been passed. We seem to have a President in Washington and an administration that want to subvert the laws of immigration. For what reason, I do not know. And if we want to make this an issue, like they do in Washington where it's all about sound bites, Senator Nordquist, I think we can do that. I think most Nebraskans expect us to honor the law and the foundation that legal immigration has provided to our country and to our state. The way to change that is to encourage legal immigration and to encourage reforms of work visas, to continue to respect those that have come here legally. My brother, Lee, and his wife, Heidi, have a neighbor from a country in Africa, a doctor and his wife. They came here legally for a better life, left everything they had behind. You talk to this physician about this issue, he becomes very passionate very, very, quick because, you know, what he says, Senator Nordquist, it's not an imaginary line in the sand between his country and ours. It's 5,000 miles of Atlantic Ocean. He gave everything he had to come to this country, absolutely

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everything, got here with the clothes on his back. He's built a practice. He was featured in the World-Herald a couple months ago with what he's doing to give back to medical care and AIDS prevention in Africa. He's the most passionate advocate for legal immigration that I've ever talked to. It's been an honor to spend time with him. And you know what? [LR399]

SENATOR COASH: One minute. [LR399]

SENATOR McCOY: Senator Nordquist, he's not a registered Republican. But he believes in our laws because he is very, very proud to be a United States Citizen because he came here the right way--the right way. That's what this issue is about, and it's about nothing else. Thank you, Mr. President. [LR399]

SENATOR COASH: Thank you, Senator McCoy. Senator Smith, you're recognized. [LR399]

SENATOR SMITH: Thank you, Mr. President and colleagues. Boy, we're getting kind of testy here. And I wanted to stand back up here and again say that I support getting this to an up-or-down vote. And I hope we can get there, and I hope we can settle down our tempers. You know, Senator Nordquist, I appreciate you and Senator Mello and some of the others that have worked with me to try to find an opportunity to get all these legislative resolutions to a vote, up or down. And I think you've shown good leadership in doing that. But I'm ashamed of what you've said on the mike to Senator McCoy. And I've sat here behind Senator McCoy this year. And whether you like Senator McCoy's ideology or his position on issues or not, there's few of us in this Legislature that are as committed as Senator McCoy and that sit here and work as hard as Senator McCoy. Now that's not to dismiss others of you. And who endorses who is not relevant in this Chamber. So I'm going to ask you to back off those words a bit and show some courtesy to Senator McCoy. And I know Senator McCoy is passionate on this. I respect his rights to speak his mind here. But, once again, I hope that we can settle down our tempers and we can move on and have straight up-or-down votes. Thank you, Mr. President. [LR399]

SENATOR COASH: Thank you, Senator Smith. Senator Nordquist, you're recognized. [LR399]

SENATOR NORDQUIST: Thank you, Mr. President and members. Certainly, probably, jumped the shark on that comment. I would apologize to Senator McCoy. I'm just very disappointed in where we're at. It was my understanding in talking to the introducer that there would not be amendments run. I wasn't aware that there was a time limit on that agreement. I'm hopeful we can move forward because, as I said, this is something...comprehensive immigration reform is something that's important to my community, Senator Wightman's community, in that it's about families, it's about people

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who are working hard, it's about...I've had a number of people who have come into this country legally and businesses who are trying to keep skilled workers and can't keep them because of our broken visa system. This is all part of comprehensive immigration reform. The resolution addresses a number of the concerns that have been expressed nationally by conservatives, including significant border control. I certainly don't...I would agree with Senator McCoy that I don't see this as a partisan issue, by any means, because the bill that passed the U.S. Senate that this is calling on us to pass is very bipartisan, received a lot of bipartisan support in the U.S. Senate. It's supported by business; it's supported by labor; it's supported by faith groups; it's supported by ag groups. It's supported by all those groups in Washington but, also, all those groups right here in our Rotunda. So this is an issue that is very timely, very important. I think it's a voice. This resolution is a voice from our Legislature, and I'm just hopeful that we can find a way to have an up-or-down vote on this, as well as Senator Carlson's resolution that I know he cares about that, quite frankly, I disagree with. I will be a no vote on Senator Carlson's resolution. But I certainly won't take...try to attempt to delay that resolution. Thank you. [LR399]

SENATOR COASH: Thank you, Senator Nordquist. Senator McCoy, you're recognized. [LR399]

SENATOR McCOY: Thank you, Mr...(recorder malfunction)...thank you, Mr. President. Would Senator Nordquist yield, please? [LR399]

SENATOR NORDQUIST: Yes. [LR399]

SENATOR McCOY: Thank you, Senator. What does comprehensive immigration reform mean to you? You talk about it being necessary to our state. What does that mean to you? [LR399]

SENATOR NORDQUIST: Certainly, step one would be some sort of securing of the borders. I think, that U.S. Senate Bill, Senator Mike Johanns did a significant amount of work. He ultimately voted against it. I'm not sure the reason for that. But I know he was able to get a significant investment that was criticized by some as being too much spending, but a significant investment in border security. So I think that would be one step. I think reforming our visa system so our businesses can get the people that they need but, also, at some point, you have to do something with the--whatever number it is--12 million individuals that are here. And that doesn't mean putting them at any front of the line for citizenship; it doesn't mean anything like that. You know, I...it doesn't mean a pathway to citizenship. I would support that. But if Congress came up short on that but put some sort of a permanent worker provision in that's, you know, addressed those who are here illegally, I don't know that there's anyone in this body that would say we can deport 12 million people or that deporting 12 million people would be good for our economy and our communities. So those would be the key fundamental principles,

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and I think they're pretty well laid out. Also, enforcement of current immigration law. [LR399]

SENATOR McCOY: Including deportation laws? [LR399]

SENATOR NORDQUIST: Yes, I would say so. This President has a very clear record on deportation, so much so that the immigrant community is criticizing him for stepping up deportations significantly more than under the Bush administration. I think that would have to continue to move forward. Quite frankly,... [LR399]

SENATOR McCOY: That was until... [LR399]

SENATOR NORDQUIST: ...reading... [LR399]

SENATOR McCOY: Excuse me, Senator. [LR399]

SENATOR NORDQUIST: Sorry. [LR399]

SENATOR McCOY: That was until the DACA program and the ability to not deport a certain amount of the population. And Nancy Pelosi today, actually, as you're probably aware, I'm sure--I think it was in The Hill newspaper--criticized the administration on this issue, actually. And there appears to be a real mishmash in the Obama administration and their cohorts in the minority in the U.S. House of Representatives on this very issue. And the issues that you described, Senator Nordquist, I don't see them in LR399--border security, reform the visa program. We certainly...there's nothing in there about a pathway to citizenship or amnesty. [LR399]

SENATOR NORDQUIST: No. No, there...but there is about...there is border security, maintain respect for law, in clause 2. And then it also references the Senate bill that I think addresses those issues. [LR399]

SENATOR McCOY: Did the Senate bill speak of a pathway to citizenship, Senator Nordquist? [LR399]

SENATOR NORDQUIST: It's my understanding that there is a pathway. It certainly is not an easy pathway. It's a 13-year pathway that would include fines, background checks, a language test, paying all back taxes and fees, and no public benefits of any kind during that 13-year period. So while eventually it would,... [LR399]

SENATOR COASH: One minute. [LR399]

SENATOR NORDQUIST: ...these individuals by no means would be put, you know, in any way, at the front of the line. They would have to work their way towards citizenship

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and become the kind of contributing taxpayers that our economy needs at that time. There's no doubt that comprehensive immigration reform would have a tremendous impact on our economy. To Nebraska--I had it in my remarks here--I think it was \$130 million...\$169 million of new economic activity, 2,000 new jobs, and down the road we could be looking at economic activity of almost \$1.1 billion by the year 2045. But just in 2014, \$169 million of new economic output that would be created by comprehensive immigration reform. [LR399]

SENATOR COASH: Time, Senator. Those still wishing to speak: Senators Wightman, Carlson, and McCoy. Senator Wightman, you're recognized. [LR399]

SENATOR WIGHTMAN: Thank you, Mr. President. I stand just asking that we could take this to a vote. It seems to me that it's only fair we take each of the next two to a vote--I would hope as rapidly as we can. You know, I could make a long argument from the notes I have here. But I would much prefer to see us move more quickly than that. So I would hope that the motion to recommit could be voted on immediately or could be withdrawn. But...and I do think it's important that we vote on this...the following resolution, as well, and I certainly do support that, as well. Thank you, Mr. President. [LR399]

SENATOR COASH: Senator Carlson, you're recognized. [LR399]

SENATOR CARLSON: Thank you, Mr. President. Members of the Legislature, I'm speaking once and weighing in on this. I certainly am one who believes that...I think the number-one priority should be that of securing the border and trying to stop people from coming in here. And we have...and I've talked about this before, but I can get really wound up about it. We have two populations of people involved in immigration that are a problem. One population are those that come here illegally intentionally. They sneak in. And what they've found out is that, once they get in and kind of disappear into the crowd, they get along pretty well. And some of them even get benefits, which I don't understand at all, just don't understand at all. We have another population of people that are here illegally, but they didn't want to be and they didn't mean to be and they got hoodwinked. And they come from...I'm thinking of those that have come from South Africa. And they gave their life savings because they wanted asylum. And they were watching neighbors get murdered back home. And so they gave their life savings to another South African who promised that they would have the right papers when they got to the United States. And they got to the United States and found out they had no papers. But they're here. And the person who swindled them was nowhere to be found. Their money is gone and they are not legal. At that point they had a choice: They could have disappeared into the crowd, like those who come here illegally intentionally do, and they may have been okay, in a sense; or they could try and go through the legal process to do it the right way, which is what the decision was made by them. They go to the immigration office. When they do that and fill out the forms, they are categorized as

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documented. But that's all they are. But now the immigration office knows where they are and who they are. Several of these families ended up in Holdrege. They are good people. All they want to do is be able to work, earn a living and, eventually, become a citizen. Now you'd think that we would have an immigration program that might help facilitate people like this who are good, productive people and they do things the right way and they don't try to hide. Folks, that was 13 years ago, and they're still just classified as documented. And I get so irate that we can have an immigration program that treats people that way, and we're not smart enough that it takes 13 years or more to decide that somebody is productive. They don't want any benefits. All they want is the right to live and work. One of them, in particular, owns a construction business. And all they want is the right to work. They're good people. They don't break the law. One particular family had three children. [LR399]

SENATOR COASH: One minute. [LR399]

SENATOR CARLSON: They go to the Holdrege schools. They graduate. They're outstanding students. But they can't get document...they can't get beyond documentation. What kind of a system is that? And they take off work and they go to Omaha and they're going to get it all settled that day. And then their result is: No, we're going to come back in six months. Thirteen years, that's what our system is. It's so broken that it's pathetic. And it does need to be fixed. It needs to be fixed the right way so that good people that want to live here and be productive have an opportunity to do it and do it legally. Thank you. [LR399]

SENATOR COASH: Thank you, Senator Carlson. Senator McCoy, you're recognized. [LR399]

SENATOR McCOY: Thank you, Mr. President. Would Senator Nordquist yield, please? [LR399]

SENATOR COASH: Wait, Senator...Senator McCoy, I apologize. You only have your closing left, and we have more lights in the queue. Senator Wallman, you're recognized. [LR399]

SENATOR WALLMAN: Question. [LR399]

SENATOR COASH: The question has been called. I see five hands. The question is, shall debate cease? All those in favor vote aye; opposed, nay. Senator Wallman. [LR399]

SENATOR WALLMAN: A call of the house. [LR399]

SENATOR COASH: There has been a request to put the house under call. The

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question is, shall the house go under call? All those in favor vote aye; those opposed, nay. Record, Mr. Clerk. [LR399]

CLERK: 18 ayes, 1 nay to place the house under call. [LR399]

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. The house is under call. Senator Chambers, please return to the Chamber and record your presence. Senator Ashford, please check in. Senator Wallman, all members are not present or accounted for. Do you want to move forward? [LR399]

SENATOR WALLMAN: Are...is everybody here or checked out? [LR399]

SENATOR COASH: Senator Chambers is not excused, and he's not checked in. [LR399]

SENATOR WALLMAN: Okay, go ahead, call the roll. [LR399]

SENATOR COASH: Members, the question for the body is, shall debate cease? Mr. Clerk, please call the roll. [LR399]

CLERK: (Roll call vote taken, Legislative Journal page 1606.) 23 ayes, 2 nays, Mr. President, to cease debate. [LR399]

SENATOR COASH: Debate does not cease. Raise the call. Return to discussion on the motion to recommit. Senator Lathrop, you're recognized. [LR399]

SENATOR LATHROP: Thank you. Would Senator McCoy yield to a question? [LR399]

SENATOR COASH: Senator McCoy, will you yield? [LR399]

SENATOR McCOY: Yes. [LR399]

SENATOR LATHROP: Senator McCoy, you filed somewhere on the order of ten amendments. Do you intend to take each one of those to a vote and debate each of them? [LR399]

SENATOR McCOY: Well, that depends, Senator Lathrop. We'll see what happens in the course of discussion. [LR399]

SENATOR LATHROP: Okay. I've heard that answer before. I suspect, colleagues, that we are here for the long haul. And Senator McCoy has every right in the world to do

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that, but I think we are now hanging around so that we can have somebody talk about immigration reform for as long as he cares to. And that's his right. And we have a right to leave and not listen to it or not stay to debate it and adjourn. I want to make this observation about the resolution, and that is: You know, I've sat in Judiciary Committee for eight years and, because the federal the government has failed to act on immigration, because the federal government has failed act on immigration, we have Fremont passing ordinances, we have the state of Nebraska trying to pass laws that are substitutes for comprehensive immigration reform. And sort of the working assumption in this series of amendments is that, if we had comprehensive immigration reform, that somehow we would just grant amnesty to 18 million people or whatever the number is up to now. But that isn't what we're calling for. We're calling for our federal government to do something, to do something, so that Fremont doesn't have to pass ordinances and be divided on the issue of immigration, so the state of Nebraska, the Judiciary Committee, and this Unicameral doesn't have to pass laws that are a poor substitute for comprehensive immigration reform. This isn't about whether you want somebody who came here illegally to stay or not. We just want them to do something, just do something, act like we sent you there to act and get something done, because we cannot take control of the immigration issue. It's preempted by federal law and they won't do anything. They won't do anything, our entire federal delegation, nothing. That's what this resolution is about. We're not trying to grant amnesty to anybody. That's not what this calls for. Just do something, because we can't...we cannot work in an area that's been preempted. Our hands are tied. We've done what we can here. And if you stand here and say you're not in favor of it, what are you in favor of, more of the same, because then all you've got left is a hot-button issue for a campaign, because we cannot control the circumstance. If you want to write your congressman, write your senator and tell them what you think it ought to look like, do it. Call them, e-mail, start a rally, do whatever you want. But in the meantime, these people need to act. And that's all Senator Wightman wants, that's all Senator Carlson wants, that's all I want, and that's all this resolution asks for. Please, pull your amendments, let us vote, and let it be not about what the crazy people that are sending me e-mails have been told it is, which is some form of amnesty, and it is not. But let it be about a message to our federal government that... [LR399]

SENATOR COASH: One minute. [LR399]

SENATOR LATHROP: ...we can't regulate in an area that's been preempted and we want something done. Get together and agree. Do something functional. But they won't. They won't and we're left to do the only thing that's left, which is pass a resolution and ask them to. That's all this is. Senator McCoy, I really wish you would pull these amendments and this commit and let us take a vote. And if you want to be on the red side, you can be on the red side and tell people why you're on the red side; and the rest of us can tell people why we think the federal government needs to act. Thank you. [LR399]

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SENATOR COASH: Thank you, Senator Lathrop. Those still in the queue: Senators Nordquist, Ashford. Senator Nordquist, you are recognized. Senator Nordquist waives. Senator Ashford, you're recognized. Senator... [LR399]

_____ : Question. [LR399]

SENATOR COASH: That is unnecessary. There are no other lights in the queue. Senator McCoy, you're recognized to close on your motion to recommit. [LR399]

SENATOR McCOY: Thank you, Mr. President and members. Well, Senator Lathrop, I think that's pretty objectionable, to call a lot of well-meaning Nebraskans crazy people. Crazy people sending e-mails, crazy that they would want to enforce the laws that we have on the books about immigration. Crazy people, crazy like the retired army captain, Vietnam veteran, that sent me an e-mail this morning who is a disabled veteran and wants our laws enforced because that's a country he almost lost his life to protect. Really, crazy people. No, Senator Lathrop, these aren't crazy people. These are Nebraskans, a lot of them, who want the federal government to enforce the laws on the books. We already have them. We don't need new laws. We need reforms to work visa, the work visa program. I already talked about that. I don't disagree with that. You heard Senator Carlson talk about that. We have a border for a reason. As I said, every civilized country in the world protects their border and has immigration laws. Somehow, we have a problem securing ours. This resolution doesn't say secure our borders; it says protect them. From what? These aren't crazy people that send e-mails. These aren't crazy people that came to your office and my office. These aren't crazy people from Chadron to Auburn, Omaha to Scottsbluff. These are Nebraskans that want the rule of law enforced. I didn't bring this legislative resolution to the floor. I didn't keep us here for hours earlier this afternoon. Senator Chambers has his right as a member of this body to do what he did this afternoon, and I have mine. And so do you, Senator Lathrop. But to call Nebraskans who care about an issue, either side of it, crazy people is ridiculous--ridiculous. I don't have to agree with every person that e-mails my office or calls or sends a letter. But they're not crazy. They have a different viewpoint. Thank goodness we have a Unicameral where we can respect different viewpoints. Is this issue a hot-button issue? Sure. Is it, in an election cycle, a hot-button issue? Absolutely, always is, and has been for a long time, long before you or I were in elected office. I don't particularly care for this legislative resolution because I don't think it does what it's set out to do, and I don't think it does what the majority of Nebraskans want us to do. The majority of Nebraskans I talk to don't want a pathway to citizenship; they don't want amnesty. [LR399]

SENATOR COASH: One minute. [LR399]

SENATOR McCOY: They want us to enforce the law. It's not complicated. The laws are

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on the books. Secure the border. Thank you, Mr. President. [LR399]

SENATOR COASH: Thank you, Senator McCoy. Members, you've heard the closing on the motion to recommit. The question is, shall LR399 be recommitted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LR399]

CLERK: 1 aye, 17 nays, Mr. President, on the motion to recommit. [LR399]

SENATOR COASH: Motion fails. Next item, Mr. Clerk. [LR399]

CLERK: Mr. President, the next motion I have is Senator McCoy, AM2939. (Legislative Journal page 1606.) [LR399]

SENATOR COASH: Senator McCoy, you're recognized to open on AM2939. [LR399]

SENATOR McCOY: Thank you, Mr. President. This amendment would insert language that I just was talking about--securing the border and enforcing the laws that are already on the books. They aren't outdated, in my view, like the resolution says. They don't need to be updated. They need to be enforced. And the only way that happens is if we have an administration in Washington and a Department of Homeland Security and all of our other federal agencies, including the Border Patrol, follow the law. It's not complicated. It's not complicated. This issue is a huge one. And if you don't think it's a huge one, go out and talk to a few Nebraskans and see. Doesn't matter where you are; doesn't matter if it's someone that's elderly and maybe been retired for awhile or someone that's young. We have laws for a reason. The federal government ought to enforce them. It's their job to secure the border. It's our job to say no to illegal immigration. This isn't the first time we've talked about this issue. We've talked about it time after time, whether it's voter ID, whether it's benefits for illegal immigrants through prenatal coverage, whether it's using the E-Verify system. My first year here, 2009, Senator Karpisek had LB403 that passed with wide support in this body that said that, if you do business with a political subdivision in Nebraska, you've got to use E-Verify to check those who might come to work for you to make sure they're here legally. We've talked about this issue time and time and time again. And here we are today, in the waning hours of this session, talking about it again. And if we're going to talk about it and if we're going to vote on a legislative resolution, it ought to be written in the way the majority of Nebraskans would want to see it written. And there have been many, many, many Nebraskans that have called, e-mailed, and some are in the building today, on this very issue. Their voices count. And if nobody else is going to stand up for them, I will, because, if I don't, who is? Somebody might say, well, this is a just a legislative resolution. But look who it goes to: the President of the United States. We are speaking for the state of Nebraska with this legislative resolution. As such, we'd better take it serious, and it better say what it ought to say and what the majority of Nebraskans or

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the majority of this body, at the very least, want it to say. And this LR399 does not. Would Senator Nordquist yield, please? [LR399]

SENATOR COASH: Senator Nordquist, will you yield? [LR399]

SENATOR McCOY: How much time do I have, Mr. President? [LR399]

SENATOR COASH: 5:30. [LR399]

SENATOR McCOY: Thank you. [LR399]

SENATOR NORDQUIST: Yes. [LR399]

SENATOR McCOY: Thank you, Senator. In the fourth "whereas," on page 1,... [LR399]

SENATOR NORDQUIST: Fourth "whereas," on page 1... [LR399]

SENATOR McCOY: ...where it says, "WHEREAS, although comprehensive immigration reform is a federal and not a state matter, the State of Nebraska has legitimate interests in the passage of effective immigration laws at the federal level." [LR399]

SENATOR NORDQUIST: Right. [LR399]

SENATOR McCOY: What does "effective" mean to you? Why the use of the word "effective"? [LR399]

SENATOR NORDQUIST: I would say laws that...for instance, on the visa issue, where I've had businesses, including an auto dealership in Senator Smith's district that came to me and tried to talk about their mechanic, one of their mechanics who was here on a visa, hit up against the limit, a very well-trained person, and the only way he could stay in the country was going back to school and trying to...try to get...basically, stay here on a student visa, which he was able to do. But we had somebody who was well trained, in demand, in a career field, and the law wouldn't let him stay here. He couldn't get his visa extended. That is an ineffective law. We need to change that and make that effective. So that would be an example of what I would say. I would also say effective border security would be one area that would constitute...would need to be effective. [LR399]

SENATOR McCOY: That's great, Senator. But I don't see anything in LR399 that talks anything about reform of the visa program. Am I missing that? [LR399]

SENATOR NORDQUIST: I think...yeah, as I mentioned earlier, I would say that's why we're referencing the Senate bill, because that includes a tremendous amount of

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components. But I would also say, clause 4 that says, "protect agriculture, small businesses, and working Nebraskans and facilitate increases in the labor market and (the) professions necessary to protect is specific to rural communities"--but I would say "any communities"--that it doesn't specifically say the word "visa," but that would be encompassed in that. We're not writing the federal legislation here. We're laying out broad principles that should be adopted. [LR399]

SENATOR McCOY: But that's the same piece of legislation passed by the United States Senate, sent to the House, that we have no idea, (a), correct me if I'm wrong, Senator Nordquist, that it may pass the U.S. House of Representatives that is held by a party, a majority party, that's different than the United States Senate and different from our process. That would have to go to a conference committee, correct? [LR399]

SENATOR NORDQUIST: Right, and...but the language in clause 5 says, also, either that bill, "or alternatively should enact similar legislation (in 2014) which embodies the principles..." [LR399]

SENATOR McCOY: What would similar...what do you mean by "similar"? [LR399]

SENATOR NORDQUIST: I would...similar, that "embodies the principles and needs outlined in this resolution." So we are saying: Here are the principles that we would like to see. Border security is one component. I noticed that your amendment strikes the word "protect families" and "embody fairness" and "maintain the respect for law." I don't know why those would be struck, but those are pieces that we would like to see maintained or included in legislation, that it would take account for those so we're not tearing families apart. So I think we've laid out the values here with the importance of the protecting workers, increases...protecting the labor market, which I think gets the visa issue. Those are all pieces that need to be in whatever they enact if they decide not to enact the Senate legislation. [LR399]

SENATOR McCOY: Okay. Now, as you're giving me an explanation for what you think is effective and, I think, probably, partially, what you talked about as comprehensive, that's not embodied in LR399. It could have been embodied in LR399 but it's not. When you referenced that U.S. Senate legislation, and you even said it yourself earlier, that embodies, members, a pathway to citizenship, amnesty, if you will. [LR399]

SENATOR COASH: One minute. [LR399]

SENATOR McCOY: Does it not, Senator Nordquist? [LR399]

SENATOR NORDQUIST: It...yeah, there's...thank you, Senator Ashford. He has spent a lot of time studying this before the Judiciary Committee. There are triggers in the Senate law that only go into effect when there's sufficient border security, it hits certain

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parameters. But even if those triggers are hit, the soonest anyone could make the pathway to citizenship that would be here in an illegal capacity right now would be 13 years. But again, those triggers of border security would have to be met first. I'm not familiar with all of those. I know Senator Ashford may be better than I. [LR399]

SENATOR McCOY: Do you think that's modernizing our immigration laws? [LR399]

SENATOR NORDQUIST: Oh, absolutely, Senator McCoy. I... [LR399]

SENATOR McCOY: So a 13-year process is modernizing our immigration laws? [LR399]

SENATOR NORDQUIST: I think putting them in a legal capacity so they could work but not making them citizens, because if we pull 13 million people... [LR399]

SENATOR COASH: Time, Senator. [LR399]

SENATOR NORDQUIST: ...out of our economy, it would collapse. [LR399]

SENATOR COASH: Thank you. Senator Burke Harr, you're recognized. [LR399]

SENATOR HARR: Thank you, Mr. President. Members of the body who are still present, I want to thank you for sticking it out. This is an important issue. And I want to thank Senator McCoy for sticking it out too. You know, and there's a song by Kenny Rogers that says: You have to know when to hold 'em, when to fold 'em, when to walk away. And so what we have here is an interesting situation. He's doing a great job standing up for what he believes in. In this body, oftentimes, if there's something...well, not often, but occasionally, I should say, there's a bill you don't like, you just kind of walk away and you don't vote, you don't want to a stance on something controversial. And Senator McCoy has been nice enough to take a stand on something he truly believes in and that conviction, and that's good. But there comes a time when you have to know when to hold 'em and when to fold 'em and realize that there isn't...there are other hills to die on and that...you have to ask yourself, is this what I want my legacy to be? And I understand what he's doing, and I'm fine with that. And we can sit here as long as we want tonight. I know a lot of good Americans, I know a lot of good Nebraskans, who are proud of the fact that there are a lot of us still here sticking it out after a long week. And I'm partially to blame for that as much as anyone. And it's been tough. And we're tired. I took a little time off and took a nap, and it was nice. I feel a little more refreshed. This is an important issue, and it's kind of gotten visceral. It's gotten angry. And we aren't talking about the underlying subject because what's going on here...Senator Carlson did a great job talking about this isn't left versus right. There are plenty of people on both sides of the issue traditionally that...maybe four that aren't normal alliances, I should say. But, folks, this is about people. There are people caught in the middle of a system

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that doesn't work. Now maybe the answer is we need to enforce the laws on the book; maybe we need to look at freshening up the laws a little bit; maybe we need a hybrid. I don't know. What I know is that when we just look at the other side and yell and scream without trying to see where we're...where we are in agreement, what we can work on together, so that those who are caught, whether they're the people Senator Carlson talked about or the kids who are brought here at age six months, six weeks, who live here their whole life and don't have a home where they're a citizen. This is a real life. That's why there's so much passion in here. I understand the anger about...well, I guess I...that the laws weren't followed. That's fair. But I'm not sure why this demands such a higher level of law must be followed than other parts of the law. There are a lot of laws that aren't enforced. I don't know how much we do with the General Pulaski Day, October 8. I never knew about it until I was bored reading the statute. We don't really honor that, follow that. But I know there's a difference. But what I'm trying to get at is that there...we need to do something here, folks. There are people caught... [LR399]

SENATOR COASH: One minute. [LR399]

SENATOR HARR: ...thank you...some through their own volition, understandably, but all they want is a better life for their kids. That's the American dream, folks. You want your life to be better for your kids than it was for you. And for some people who are born into desperation and into poverty, the only way to do that is to violate the law. If that's wrong...maybe, but I think there is a bigger, greater good, and that's to make sure that your child gets a solid education and has a chance in life so that your child doesn't have to live in the poverty that you were born into. That's all we're asking to do here, folks, to look into it, because you see the frustration. I feel it. You can cut it with a knife in this room, the frustration... [LR399]

SENATOR COASH: Time, Senator. [LR399]

SENATOR HARR: ...over the current...thank you. [LR399]

SENATOR COASH: Senator Nordquist, you're recognized. [LR399]

SENATOR NORDQUIST: I'll yield my time to Senator Ashford. [LR399]

SENATOR COASH: Senator Ashford, you're recognized, 5:00. [LR399]

SENATOR ASHFORD: Thank you. I'd like to just comment a bit on what the Judiciary Committee had before it, to try to respond to all the comments. The one thing I would say is that, if this body were given the charge to do comprehensive immigration reform, my guess is it would be a lot shorter timespan than since the Reagan bill in 1986 was the last time we did immigration reform. I think we could do it a lot more quickly. We had before us the Senate bill. The Senate bill is the only comprehensive immigration reform

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bill there is. It was introduced in the Senate in 2013 by a bipartisan group of senators. It does call for border security, and that's why border security is important. And Democrats, Republicans came together and said, we have to bulk up the number of border guards and we have to extend to 700 miles the number of fences...the length of the fences on the southern border. Only when those border security elements are in place can the federal government start to consider applications for both provisional status and then, finally, naturalization. I don't think anybody would want to have a system whereby naturalization occurs immediately. And to Senator McCoy's point--well, that's 13 years--well, it's 13 years because the naturalization process should be earned, and it should be earned and it should be earned in a variety of ways: no felonies; no serious misdemeanors can be committed; no...and a series of other events, including the payment of fines, have to occur. There's a new "W" visa program that's initiated to deal with worker permits. We have worker permits, but they're totally inadequate because the quotas are too small, they're too few. So there's no way of getting people into the country to do worker...to do temporary worker jobs and then...effectively. So there's a new worker visa program. And you can, once you're in on a worker visa, you can, in fact, apply for a provisional status and then go on to naturalization. It has a number...it has DREAM Act provisions. The DREAM Act already is law. So what this...because the DREAM Act is not working effectively, there are provisions to deal with the DREAM Act for...and again, to the point...the point was made earlier: The DREAM Act talks about young people who don't know any other country. That was brought up by Senator Harr. They don't know any other country, so they don't speak...they may speak Spanish if they come from a Latin country, but they don't know their home. Their home is in Nebraska or some other U.S. state. President Bush, President Johnson, President Reagan, President Kennedy, President Eisenhower, President Truman, every single one of those presidents...this is a nonpartisan issue. It is a terrible shame that I...Senator McCoy is correct: It is a terrible shame that the two parties haven't gotten together. But it is hardly the fault of the Democrats or the Republicans. They simply can't get it done. And Senator Lathrop's point, I think, was not that Nebraskans are crazy; I don't think that's the point he was making. The problem...the point he was making is that, because there's so much frustration in this country because of the failure of the federal government to act--and I think that's Senator McCoy's point--the failure of the federal government to act on comprehensive reform, the Judiciary Committee said, stop... [LR399]

SENATOR COASH: One minute. [LR399]

SENATOR ASHFORD: ...stop this. It's not Republicans. It's not Democrats. It has to be done and it has to be comprehensive. The problem with piecemeal legislation, the House bill and some Senate versions, is it's piecemeal. We'll never get there. It needs to be comprehensive. So what Senator Wightman is saying and what the committee forwarded to this body...we can't put together every single aspect of this. But what Senator Wightman was asking us to consider was comprehensive, meaning it covers all

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these aspects that I just talked about. I don't know what the outcome of the Congress...of the federal government's reforms will be, but they have to occur. That's what this committee has done. That's what we tried to do. We're not making a value judgment on who's right and who's wrong. We're just saying do it. Do it, that's what Senator Lathrop was saying. The debate is fine, but we...the debate has to happen in the Congress and it has to happen with the President and it has to get done. And it isn't getting done, and that's a problem. Thank you, Mr. President. [LR399]

SENATOR COASH: Thank you, Senator Ashford. Senator Gloor, you're recognized. [LR399]

SENATOR GLOOR: Thank you, Mr. President. In a step towards restoring the fundamental equilibrium in the universe, I would like to yield my time to Senator McCoy. [LR399]

SENATOR COASH: Senator McCoy, you're recognized, and you've been yielded 4:50. [LR399]

SENATOR McCOY: Thank you, Mr. President, and thank you, Senator Gloor. We are a nation, it's been said many times, a United States of America. That's what's great about our body and every state legislature in the country. We deliberate what goes on inside the confines and the borders of our individual states. And what may work in Maine may not work in the Commonwealth of Virginia. And what may work in the great state of Nebraska may not work in the state of Arizona. But we somehow have a federal government that's forgotten that the rights of states matter. And they've somehow gotten the impression that they have the ability to tell all 50 of us states what to do and what not to do. And we have an Attorney General of the United States who has the audacity to publicly tell other attorneys general at the state level, ah, just disregard your laws, disregard federal laws. And we have an administration bound and determined to not uphold the rule of law, to just willfully disregard and choose what laws they enforce and what ones they turn a blind eye to. That's why I filed these amendments today, because Nebraskans are tired of it. Nebraskans don't want to hear more of the same. They don't think it's complicated and it's not. Enforce the laws we have on the books. Secure the borders, enforce the laws, and we fix immigration. It's not a pathway to citizenship; it's not amnesty. There are things that we can agree on, all of us. But it starts with respecting the rule of law. That's what this is about this afternoon. That's why I care about this issue, and that's why an awful lot of Nebraskans do, as well, and a lot of Americans across the country. So I may stand here as one of a few that don't think this LR399 is the way to go. But I'll stand here just the same. But it is Day 59, and our time is short. And while what I'm doing I have every right as a member of this body to do, as we all do, I choose to ask Mr. Clerk that my amendments be withdrawn. [LR399]

SENATOR COASH: AM2939 is withdrawn. Senator McCoy, did you want to withdraw all

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amendments that you filed? [LR399]

SENATOR McCOY: Yes, Mr. President. [LR399]

SENATOR COASH: Amendments are withdrawn. Returning to discussion on LR399, Senator Karpisek, you're recognized. Senator Karpisek waives closing. Senator McCoy, you are recognized. Senator McCoy waives. Senator Smith, you are recognized. [LR399]

SENATOR SMITH: Thank you, Mr. President and colleagues. And I just wanted to stand and tell Senator McCoy how much I appreciate his leadership, his courage in expressing his opinions on this legislative resolution, raising the issues and concerns, and speaking very passionately on it. Once again, I believe that he's shown great courage and leadership, and I thank him for that. Thank you, Mr. President. [LR399]

SENATOR COASH: Thank you, Senator Smith. Seeing no other lights on, Senator Wightman, you're recognized to close on the advancement of LR399. [LR399]

SENATOR WIGHTMAN: Thank you, Mr. President. Thank you, Senator McCoy. I think everybody has heard all they need to hear on the issue, probably. I don't think we're going to change any votes. So with that, I'll waive any further closing. Thank you. [LR399]

SENATOR COASH: Thank you, Senator Wightman. Members, you've heard the closing to LR399. The question is, shall LR399 advance...be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted? Record, Mr. Clerk. [LR399]

CLERK: 20 ayes, 3 nays, Mr. President, on adoption of the resolution. [LR399]

SENATOR COASH: LR399 is adopted. Next item, Mr. Clerk. [LR399]

CLERK: Mr. President, LR440, introduced by Senator Karpisek, referred to the Banking, Commerce, and Insurance Committee, was advanced back to the floor for further consideration. I have no amendments at this time. [LR440]

SENATOR COASH: Senator Karpisek, you're recognized to open on LR440. [LR440]

SENATOR KARPISEK: Thank you, Mr. President, and thank you, members of the body. I hope that this will be fast. There is no reason not to. I want to send a shout out real quick to all of our friends at the Red Fox. I hope that you choke on a bone. (Laughter) LR440 would allow us to call upon Congress to pass the Terrorism Risk Insurance Program Reauthorization Act, or "TRIA," to maintain stability in the insurance and reinsurance markets, to continue to deliver substantive direct benefits to businesses,

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workers, consumers, and the economy overall in the aftermath of a terrorist attack on the United States. Colleagues, this came from the 9/11 attacks. Congress issued Terrorism Risk Insurance Program. If there is another terrorist attack, the insurance companies are reimbursed by the government, then they make the money back up in premiums. It has to be renewed every five years, and it's time to ask them to reauthorize this. Workers' comp, many of the insurances that affect our state are needed. Thank you, Mr. President. [LR440]

SENATOR COASH: Thank you, Senator Karpisek. Members, you've heard the opening to LR440. The floor is now open. Seeing no members wishing to speak, Senator Karpisek, you're recognized to close on LR440. Senator Karpisek waives closing. The question for the body is, shall LR440 be adopted? All those in favor vote aye; opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LR440]

CLERK: 21 ayes, 0 nays, Mr. President, on the adoption of LR440. [LR440]

SENATOR COASH: LR440 is adopted. Next item, Mr. Clerk. [LR440]

CLERK: Mr. President, the next resolution is LR482, offered by Senator Carlson. It's referred to the Natural Resources Committee for hearing. It was advanced to the floor for further consideration. I do have amendments pending to the resolution, Mr. President. [LR482]

SENATOR COASH: Senator Smith, on behalf of Senator Carlson, you're recognized to open on LR482. [LR482]

SENATOR SMITH: Thank you, Mr. President and colleagues. I'm pinch hitting for Senator Carlson on introducing his LR482. It was a legislative resolution that was in front of the Natural Resources Committee. It advanced from committee. There was one person not voting that was present and not voting. I believe there was one person voting negative, and the remainder were voting supportive of the legislative resolution. Basically, colleagues, EPA has issued rules for new power plants regarding carbon dioxide emissions for power generation. However, no economically feasible technology currently exists to meet such standards successfully. The EPA's analysis that carbon capture is possible is based...what many believe is incomplete and insufficient data, including three coal plants that have received more than \$2.5 billion in federal subsidies. The current EPA standards are impossible to meet. They're placing great burden on generation. And they ensure that no new power plants will be built in Nebraska or, possibly, the country. The EPA is now directed to propose carbon dioxide reduction standards for existing power plants. Implementation of these standards should not be on a one-size-fits-all. In order to be effective, guidelines and standards should be based on what is economically feasible for each unit. Additionally, the Clean Air Act is a federal-state partnership. The EPA develops the guidelines and the states must

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implement those guidelines. We're asking that the states have flexibility to develop reduction plans that meet and work for each state's unique needs and circumstances. What LR482 does, colleagues, and what it asks is that the EPA allow Nebraska and other states to set less stringent performance standards or allow longer compliance schedules that give each state maximum flexibility to implement carbon dioxide performance standards for fossil fuel-powered plants within their own jurisdiction. The United States Energy Information Administration projects that in the United States...we've already seen a great reduction in the projections of emissions, of carbon dioxide emissions. And we believe we're moving in the right direction, and we're just asking the EPA to allow a bit more flexibility for our states to be able to comply, give it a little bit more time for these standards to be met. And that's what this resolution does, colleagues. I would ask that you support the resolution. I understand there is some opposition to this, and I appreciate Senator Ken Haar working with me on this. Thank you, colleagues. Thank you, Mr. President. [LR482]

SENATOR COASH: Thank you, Senator Smith. Members, you heard the opening to LR482. Mr. Clerk for an amendment. [LR482]

CLERK: Mr. President, Senator Haar would move to amend with AM2900. (Legislative Journal page 1478.) [LR482]

SENATOR COASH: Senator Haar, you're recognized to open on your amendment. [LR482]

SENATOR HAAR: Mr. President, this will be very brief. I believe the resolution on coal is frivolous. I think coal is old school and I think in 20 years, when I may or may not be alive, we're going to see very little coal. Since I always hand out things, I'll just show those to you, and then we'll close this down. The one that says "dirty" on it is an interesting poll. And people were asked on the various sources of energy just what word comes to mind. And so this is a word cloud. And the bigger the words, the more attitude people had towards it. It speaks for itself. Americans view coal as dirty. And I certainly think we can't transition off of fossil fuels at the snap of the fingers, but it's going to have to happen. The second handout I gave you--it's not the bad EPA that's been causing the increase in our electric rates--if you look at this, the blue line...the red line is the actual increase in electricity...I'm sorry...in coal from 2004 to 2012. The blue line is a 10-year, 10-percent line, and you can see that the average increase in coal has been 10 percent or more every year since 2004. Coal is a bad risk. We see LES paying big fines or big investments in Wyoming to bring that up to EPA standards. It's bad for your health. The World Health Organization now says that one in eight deaths is exacerbated by air pollution in this world. And, of course, burning coal and other fossil fuels is a major contributor to carbon dioxide and climate change. So what I would have liked to have said in 20 minutes I'm going to end here. I hope you will either vote no on this resolution or simply not vote. Thank you very much. [LR482]

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SENATOR COASH: Thank you, Senator Haar. You heard the opening to AM2900. There are... [LR482]

SENATOR HAAR: I'd like to get...if there's no one else talking, I'd like to get rid of my other amendments. [LR482]

SENATOR COASH: You're recognized to close, Senator. Would you like to pull this amendment as well? [LR482]

SENATOR HAAR: Yes. [LR482]

SENATOR COASH: AM2900 is withdrawn. All subsequent amendments are withdrawn, correct, Senator Haar? [LR482]

SENATOR HAAR: That's correct. [LR482]

SENATOR COASH: All withdrawn. Return to discussion on LR482. Senator Smith, you are recognized to close. [LR482]

SENATOR SMITH: Thank you, Mr. President. And again, colleagues, thank you very much for sticking with this. I appreciate the tone that Senator Haar has had with his amendments and pulling his amendments. We're going to punch the time clock on this one, he and I, and we will resume our discussions next year. I'm certain we'll have plenty of opportunity in the Natural Resources Committee, on the floor, to discuss energy policy. We both are passionate about it, and I believe that I'm right. (Laughter) So with that, colleagues, thank you for listening. I hope that you will...I ask that you vote green on this with me and that we're able to advance this legislative resolution. Thank you, Mr. President. [LR482]

SENATOR COASH: Thank you, Senator Smith. Members, you've heard the closing on LR482. The question for the body is, shall LR482 be adopted? Those in favor vote aye; those opposed, nay. Have all voted who wish? Record, Mr. Clerk. [LR482]

CLERK: 15 ayes, 2 nays, Mr. President, on the adoption of the resolution. [LR482]

SENATOR COASH: LR482 is adopted. Items, Mr. Clerk? [LR482]

CLERK: Mr. President, I don't have any items. I'm sorry. I do, one. Excuse me. Senator Cook would like to add her name to LB...LR399 as cointroducer. (Legislative Journal page 1607.) [LR399]

Senator Adams would move to adjourn the body until April 17 at 10:30.

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