

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

Floor Debate  
February 02, 2015

---

[LB18A LB18 LB35 LB40 LB43 LB142A LB149 LB157 LB159 LB168 LB184 LB190  
LB220A LB220 LB244 LB245 LB279 LB289 LB430 LR36 LR37]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE EIGHTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR CRAWFORD. PLEASE RISE.

SENATOR CRAWFORD: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. I CALL TO ORDER THE EIGHTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: MR. PRESIDENT, I HAVE NO CORRECTIONS.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: I HAVE NEITHER MESSAGES, REPORTS, NOR ANNOUNCEMENTS AT THIS TIME.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR36 AND LR37. SPEAKER HADLEY, YOU'RE RECOGNIZED FOR AN ANNOUNCEMENT. [LR36 LR37]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I HAVE DECIDED TO PASS OVER LB88 TODAY AND WE WILL TAKE IT UP TOMORROW, THE REASON BEING, BECAUSE OF THE INCLEMENT WEATHER, WE HAVE ABOUT TEN MEMBERS WHO NOT HERE. SOME...A NUMBER OF THEM ARE ON THE ROAD TRYING TO GET HERE. BUT I THINK, IN ALL FAIRNESS, AND I'VE TALKED TO THE PEOPLE INVOLVED, IN ALL FAIRNESS, BECAUSE OF THE WEATHER SITUATION, I THINK WE SHOULD PASS IT OVER. AGAIN, THIS IS NOT A PRECEDENT MEANING THAT YOU CAN PASS OVER JUST BECAUSE YOU DO

Floor Debate  
February 02, 2015

---

NOT HAVE YOUR PEOPLE HERE. BUT I THINK THE IDEA OF HAVING WEATHER INVOLVED MAKES THIS DIFFERENT. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. WE NOW PROCEED TO GENERAL FILE. MR. CLERK.

CLERK: MR. PRESIDENT, THE NEXT BILL ON THE AGENDA, LB159, INTRODUCED BY SENATOR HADLEY. (READ TITLE.) INTRODUCED ON JANUARY 12 OF THIS YEAR; REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE; THE BILL WAS ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB159]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SPEAKER HADLEY, YOU'RE WELCOME TO OPEN ON LB159. [LB159]

SPEAKER HADLEY: THANK YOU, MR. PRESIDENT. CPA FIRMS IN NEBRASKA THAT PERFORM AUDITS, REVIEWS, AND ISSUE COMPILATIONS HAVE TO BE LICENSED EVERY THREE YEARS BY THE NEBRASKA STATE BOARD OF PUBLIC ACCOUNTANCY, THE STATE BOARD. TO QUALIFY FOR A LICENSE OR LICENSE RENEWAL, A FIRM MUST COMPLETE THE BOARD'S QUALITY ENHANCEMENT PROGRAM, QEP, OR A PEER REVIEW THROUGH THE AMERICAN INSTITUTE OF CPAs, AICPA, EVERY THREE YEARS. LB159 SIMPLY ENABLES THE STATE BOARD TO AMEND ITS RULES AND REGULATIONS TO PHASE OUT ITS QUALITY ENHANCEMENT PROGRAM OVER THE NEXT FEW YEARS BUT STILL MANDATE THAT NEBRASKA CPA FIRMS COMPLETE A BOARD-APPROVED PEER REVIEW PROGRAM. THE STATE BOARD OF PUBLIC ACCOUNTANCY FORMED A TASK FORCE IN 2010 TO REVIEW THE QEP PROGRAM AND MAKE RECOMMENDATIONS TO THE BOARD. LONGTIME MEMBERS AND REVIEWERS OF THE QEP PROGRAM RECOMMENDED THE PROGRAM BE PHASED OUT OVER THE NEXT FIVE YEARS AND REPLACED WITH A PEER REVIEW REQUIREMENT FOR NEBRASKA LICENSED FIRMS PERFORMING ATTEST WORK, AND THE BOARD AGREED. THE QEP TASK FORCE CONCLUDED THAT THE CURRENT PROGRAM DOES NOT SUFFICIENTLY REVIEW THE ATTEST WORK OF NEBRASKA LICENSED FIRMS WHO PERFORM ATTEST WORK. BASED LARGELY ON CHANGING REQUIREMENTS AND THE COMPLEX NATURE OF THE ATTEST ENVIRONMENT, THEY CONCLUDED A MORE COMPLETE REVIEW OF A FIRM'S ATTEST WORK IS NEEDED. DAN SWEETWOOD, THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ACCOUNTANCY, TESTIFIED AT THE HEARING THAT, AFTER CONVERSATIONS WITH THE NEBRASKA ATTORNEY GENERAL, IT WAS SUGGESTED A STATUTORY CHANGE WAS NEEDED. LB159 WOULD GIVE THE BOARD THE AUTHORITY TO PHASE OUT THE QEP PROGRAM AND REQUIRE ALL NEBRASKA LICENSED CPA FIRMS PERFORMING THE ATTEST FUNCTION TO COMPLETE A BOARD-APPROVED PROGRAM OF PEER

Floor Debate  
February 02, 2015

---

REVIEW INSTEAD OF QEP. THE PROPOSED LEGISLATION WOULD NOT IMMEDIATELY CHANGE REQUIREMENTS AS THE BOARD NEEDS TIME TO PROMULGATE NEW RULES AND REGULATIONS TO COMPLEMENT THE PROPOSED LAW. THE QEP TASK FORCE STRESSED THE FOLLOWING REASONS FOR SWITCHING TO A PEER REVIEW: PUBLIC PROTECTION, FAIRNESS TO THE PROFESSION, AND MOBILITY CONSIDERATIONS. MOBILITY PROVISIONS ADOPTED BY 47 OF THE STATE BOARDS OF ACCOUNTANCY LEAN TOWARD CPA FIRMS PARTICIPATING WITH A PEER REVIEW PROGRAM. NEBRASKA CPAs PARTICIPATING IN THE CURRENT QEP PROGRAM WOULD BE AT A DISADVANTAGE, AS MOST STATE BOARDS WOULD NOT ACCEPT NEBRASKA'S CURRENT QEP PROGRAM TO SATISFY THEIR LICENSE...FIRM LICENSE AGREEMENTS. ALL STATES SURROUNDING NEBRASKA REQUIRE A PEER REVIEW PROGRAM FOR FIRM LICENSURE. THE KANSAS BOARD DOES NOT RECOGNIZE NEBRASKA'S QEP PROGRAM SO NEBRASKA CPA FIRMS APPLYING FOR LICENSURE IN KANSAS COMPLETING ATTEST WORK MUST COMPLETE A PEER REVIEW. I WOULD ASK THAT WE APPROVE THIS. IT IS A WAY OF IMPROVING THE PROFESSION. IT IS A WAY OF COMING UP WITH A STANDARDIZED PEER REVIEW PROCESS THAT IS USED BY A LOT OF DIFFERENT PROFESSIONS. IT WAS PASSED OUT OF COMMITTEE ON A UNANIMOUS VOTE, AND I WOULD APPRECIATE YOUR GREEN VOTE ON THIS. [LB159]

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. (DOCTOR OF THE DAY INTRODUCED.) DEBATE IS NOW OPEN ON LB159. SEEING NO SENATORS WISHING TO SPEAK, SPEAKER HADLEY, YOU'RE RECOGNIZED TO CLOSE ON LB159. [LB159]

SPEAKER HADLEY: I WOULD APPRECIATE YOUR GREEN VOTE ON LB159. IT'S A WAY TO UPGRADE OUR CPA PROFESSION AND MAKE SURE THE PUBLIC IS PROTECTED. THANK YOU, MR. PRESIDENT. [LB159]

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. THE QUESTION IS THE ADVANCEMENT OF LB159 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB159]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB159. [LB159]

PRESIDENT FOLEY: LB159 ADVANCES. RETURN TO GENERAL FILE. MR. CLERK. [LB159]

CLERK: LB279, INTRODUCED BY SENATOR SCHUMACHER. (READ TITLE.)

Floor Debate  
February 02, 2015

---

INTRODUCED ON JANUARY 14 OF THIS YEAR; REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE; BILL WAS ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB279]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SCHUMACHER, YOU'RE WELCOME TO OPEN ON LB279. [LB279]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. LB279 IS WHAT HAPPENS WHEN YOU FIX A PROBLEM THAT WASN'T THAT BIG A PROBLEM TO BEGIN WITH, AND THEN YOU MAKE MORE PROBLEMS. THERE'S A THING IN THE WORLD OF CORPORATIONS, IN LLCs, WHERE YOU HAVE TO PAY A FEE EVERY TWO YEARS, AND IN MOST CASES IT'S A RATHER SMALL FEE, A LITTLE BIGGER FEE IN THE CASE OF BIG CORPORATIONS. BUT YOU HAVE TO PAY THAT FEE EVERY TWO YEARS OR YOU GO DELINQUENT ON THE SECRETARY OF STATE'S RECORDS. AND THEN THE ONLY WAY THAT YOU USED TO BE ABLE TO COME BACK FROM BEING DELINQUENT IS BY PAYING THE BACK FEES. AND IT'S PRETTY EASY TO GO DELINQUENT ON THE SECRETARY OF STATE'S RECORDS, BECAUSE THIS IS AN UNUSUAL PIECE OF PAPER THAT COMES FROM THE SECRETARY OF STATE'S OFFICE EVERY TWO YEARS SAYING YOU OUGHT TO FILL OUT A FORM AND PAY WHAT AMOUNTS TO A MINOR FEE. SO IT'S EASY FOR THE BOOKKEEPERS OF LLCs AND CORPORATIONS TO NOT UNDERSTAND AND FILE AWAY AND, SINCE NOTHING IMMEDIATELY BAD HAPPENS TO YOU, TO JUST IGNORE. IF A YOUNG PERSON SETS UP A CORPORATION AND IS ALL GUNG-HO ON AN IDEA AND THEN IT DOESN'T LOOK LIKE IT'S GOING VERY WELL AND LETS THE CORPORATION DISSOLVE BY ACTION OF THE SECRETARY OF THE STATE, BECAUSE THEY DIDN'T PAY THE FEE, AND THEN DECIDES IT WAS A GOOD IDEA AND WANTS TO REVIVE IT, JUST A NUMBER OF REASONS WHY THIS TAX IS OVERLOOKED AND SOMETIMES GOES UNPAID, SOMETIMES BECAUSE PEOPLE WANT TO BE ADMINISTRATIVELY DISSOLVED BECAUSE IT'S CHEAPER THAN PAYING ONE OF THOSE LAWYERS. SO THERE WAS A SITUATION IN SOME OTHER STATES WHERE PEOPLE WERE TAKING THESE DISSOLVED CORPORATIONS AND THEN PAYING THE BACK FEES ON THEM IN ORDER TO MAKE THEM LOOK LIKE OLD ESTABLISHED CORPORATIONS THAT HAD RESPECT, AND THEN ATTEMPTING TO USE THEM FOR CROOKED PURPOSES. SO THE SUGGESTION WAS MADE THAT IF IT WAS DEAD FOR THREE YEARS, IT STAYED DEAD. THE BANKING AND INSURANCE AND COMMERCE COMMITTEE ON THAT PROPOSAL SAID, YOU KNOW, THREE YEARS MIGHT NOT BE LONG ENOUGH, MAYBE WE SHOULD MAKE IT FIVE YEARS. AND SO IT WAS FIVE YEARS THAT WAS ADOPTED AS A FIX TO THIS PROBLEM THAT MAYBE SOMEBODY WOULD COME IN AND REVIVE ONE OF THESE OLD CORPORATIONS FOR CROOKED PURPOSES. WELL, IT...AFTER WE PASSED

Floor Debate  
February 02, 2015

---

THAT AND IT'S GOING INTO EFFECT, WE FIND THAT THERE ARE LOTS OF SITUATIONS THAT NEED TO HAVE A CORPORATION OR AN LLC REVIVED AFTER THE FIVE-YEAR MARK, LOTS OF LEGITIMATE REASONS FOR THAT REVIVAL. AND THIS BILL ADDRESSES THOSE ISSUES, SETS UP A STANDARD FOR REVIEW TO SEE IF IT'S A LEGITIMATE REVIVAL, SETS A FEE FOR THE REVIVAL OF A CORPORATION, CHARGES THEM INTEREST ON THE DELINQUENT TAXES, BUT BASICALLY ALLOWS CORPORATIONS WHO HAVE BEEN ADMINISTRATIVELY DISSOLVED FOR A PERIOD OF MORE THAN FIVE YEARS TO BE REINSTATED UPON A SHOWING THAT IT'S FOR GOOD PURPOSES AND THERE'S NOTHING CROOKED INVOLVED. AS A RESULT, IT SHOULD TAKE CARE OF SOME LEGAL ISSUES THAT ARE COMING ABOUT WHERE, LEGITIMATELY, A CORPORATION THAT'S GONE DEFUNCT NEEDS TO BE BROUGHT INTO EXISTENCE AGAIN FOR PURPOSES OF LAWSUITS, FOR PURPOSES OF PICKING UP WHERE IT LEFT OFF IN LEGITIMATE BUSINESS ACTIVITIES. THIS BILL WAS BROUGHT BY THE BAR ASSOCIATION AFTER SEEING THE VARIOUS PROBLEMS OF WHAT WE DID A COUPLE OF YEARS AGO, MAYBE IT WAS LAST YEAR, DID TO THE SYSTEM. SO IT IS A PATCH ON A TUBE, ON A PATCH ON AN INNER TUBE THAT REALLY DIDN'T HAVE THAT BAD A LEAK TO BEGIN WITH. I WOULD ENCOURAGE YOUR SUPPORT FOR LB279 SO THAT WE CAN FIX THE PROBLEM. THANK YOU. [LB279]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. DEBATE IS NOW OPEN ON LB279. SENATOR CHAMBERS. [LB279]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I ALWAYS HAVE TO SAY SOMETHING JUST SO IT'S CLEAR IN THE RECORD THAT I WAS HERE TODAY, SO I'LL DO IT ON THE "PROFESSOR'S" BILL. I'D LIKE TO ASK HIM A QUESTION IF HE WOULD YIELD. [LB279]

PRESIDENT FOLEY: SENATOR SCHUMACHER, WOULD YOU YIELD? [LB279]

SENATOR SCHUMACHER: WITH PLEASURE. [LB279]

SENATOR CHAMBERS: SENATOR SCHUMACHER, AND THIS IS NOT TO BE A TRICK QUESTION. DID YOU ORIGINATE THIS BILL AND ASK THE BAR IF THEY SUPPORTED IT, OR DID THEY BRING IT TO YOU? [LB279]

SENATOR SCHUMACHER: THE BAR BROUGHT THIS BILL TO ME, BECAUSE I WAS THE ONE ON THE COMMITTEE A YEAR OR WAS IT TWO AGO IN WHICH IT QUESTIONED WHETHER OR NOT IT WAS A SMART IDEA TO DO THIS IN THE FIRST PLACE. SO THEY... [LB279]

SENATOR CHAMBERS: AND YOU TOLD THEM... [LB279]

Floor Debate  
February 02, 2015

---

SENATOR SCHUMACHER: ...I WAS THE NATURAL PERSON TO BRING THE BILL.  
[LB279]

SENATOR CHAMBERS: AND YOU TOLD THEM IT WOULD BE A GOOD IDEA.  
[LB279]

SENATOR SCHUMACHER: YES. [LB279]

SENATOR CHAMBERS: OKAY, THANK YOU VERY MUCH. AND I WANT EVERYBODY TO NOTICE HOW SMOOTHLY EVERYTHING MOVES IN THE MORNING. IT COULD BE LIKE THIS EVERY MORNING. IT CAN BE. BUT THAT'S ALL I'LL SAY ON THAT SUBJECT RIGHT NOW. THANK YOU, MR. PRESIDENT.  
[LB279]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO CLOSE ON LB279. [LB279]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT. THIS BILL FIXES A PROBLEM THAT WAS UNINTENTIONALLY CREATED IN FIXING A PROBLEM. AND I ENCOURAGE YOUR SUPPORT FOR IT. THANK YOU. [LB279]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. THE QUESTION IS THE ADVANCEMENT OF LB279 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB279]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB279.  
[LB279]

PRESIDENT FOLEY: LB279 DOES ADVANCE. WE RETURN TO GENERAL FILE. MR. CLERK. [LB279]

CLERK: LB220, OFFERED BY SENATOR SMITH. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 13 OF THIS YEAR, REFERRED TO THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE, ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB220]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON LB220. [LB220]

Floor Debate  
February 02, 2015

---

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. AND GOOD MORNING, NEBRASKA, ON A COLD WINTER'S DAY. LB220 PROVIDES FOR THE SESQUICENTENNIAL LICENSE PLATE. IN 2017, NEBRASKA WILL BE CELEBRATING 150 YEARS OF STATEHOOD. AND IT IS THE INTENT OF THIS BILL FOR A SPECIALTY LICENSE PLATE TO BE PART OF THAT CELEBRATION AND TO HELP IN FUNDING ACTIVITIES THROUGHOUT OUR STATE AS PART OF THAT CELEBRATION. A PUBLIC HEARING ON LB220 WAS HELD IN FRONT OF THE TRANSPORTATION, TELECOMMUNICATIONS COMMITTEE. THERE WAS NO OPPOSITION TESTIMONY, AND THE BILL WAS ADVANCED BY THE COMMITTEE UNANIMOUSLY. AS MANY OF YOU MAY RECALL, LAST YEAR THE LEGISLATURE CREATED THE SESQUICENTENNIAL COMMISSION TO HELP ORGANIZE PROGRAMS AND ACTIVITIES TO RECOGNIZE THIS IMPORTANT MILESTONE IN OUR STATE'S HISTORY. THE PLATES WILL ASSIST THE COMMISSION IN CARRYING OUT ITS DUTIES BY PROVIDING AN IMPORTANT FUND-RAISING MECHANISM, AS WELL AS TO DRAW ATTENTION TO NEBRASKA'S HISTORY AS PEOPLE TRAVEL THROUGH THIS STATE AND ACROSS THIS NATION. UNDER THE BILL, THE DEPARTMENT OF MOTOR VEHICLES IS DIRECTED TO DESIGN A SPECIALTY PLATE IN CONSULTATION WITH THE SESQUICENTENNIAL COMMISSION. THE PLATES WILL BE AVAILABLE IN LIEU OF REGULAR LICENSE PLATES, BEGINNING OCTOBER 1 OF 2015 THROUGH DECEMBER 31 OF 2022, AT A COST OF \$70. A PORTION OF THE FEES COLLECTED ON THE PLATES WILL GO TO THE NEBRASKA SESQUICENTENNIAL PLATE PROCEEDS FUND. THE COMMISSION WILL BE AUTHORIZED TO USE THE FUNDS TO DEVELOP COMMEMORATIVE EVENTS AND ACTIVITIES ACROSS OUR GREAT STATE. AT LEAST 5 PERCENT OF THE FUNDS AVAILABLE IN JANUARY OF 2017 WOULD BE USED AS GRANTS TO HELP SUPPORT LOCAL COMMUNITIES IN THEIR OWN INDIVIDUAL AND UNIQUE CELEBRATIONS. SIMILAR SPECIALTY PLATES HAVE BEEN THE CENTER OF OTHER STATEHOOD CELEBRATIONS IN IOWA, MINNESOTA, WEST VIRGINIA, AND NEVADA, AND HAVE PROVEN TO BE SUCCESSFUL IN RAISING FUNDS TO PROMOTE EACH OF THOSE RESPECTIVE STATES' ACTIVITIES. THESE PLATES WILL BE AVAILABLE FOR A LIMITED AMOUNT OF TIME, WILL BE OPTIONAL AND AFFORDABLE, AND WILL GIVE NEBRASKANS AN OPPORTUNITY TO SHOW THEIR STATE PRIDE. I RESPECTFULLY ASK THAT YOU MOVE LB220 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB220]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. DEBATE IS NOW OPEN ON LB220. SEEING NO SENATORS WISHING TO SPEAK, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE ON LB220. SENATOR SMITH WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB220 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB220]

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

Floor Debate  
February 02, 2015

---

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB220.  
[LB220]

PRESIDENT FOLEY: LB220 DOES ADVANCE. WE RETURN TO GENERAL FILE.  
MR. CLERK. [LB220]

CLERK: MR. PRESIDENT, LB220A, A BILL BY SENATOR SMITH. (READ TITLE.)  
[LB220A]

PRESIDENT FOLEY: SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON  
LB220A. [LB220A]

SENATOR SMITH: THANK YOU, MR. PRESIDENT AND COLLEAGUES. LB220A  
SIMPLY APPROPRIATES MONEY TO CARRY OUT THE ACTIVITIES THAT WE  
IDENTIFIED IN LB220. THANK YOU. [LB220A LB220]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. DEBATE IS NOW OPEN ON  
LB220A. SEEING NO SENATORS WISHING TO SPEAK, SENATOR SMITH, YOU'RE  
WELCOME TO CLOSE ON LB220A. SENATOR SMITH WAIVES CLOSING. THE  
QUESTION IS THE ADVANCEMENT OF LB220A TO E&R INITIAL. ALL THOSE IN  
FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED?  
RECORD, PLEASE, MR. CLERK. [LB220A]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB220A.  
[LB220A]

PRESIDENT FOLEY: LB220A DOES ADVANCE. WE RETURN TO GENERAL FILE.  
MR. CLERK. [LB220A]

CLERK: MR. PRESIDENT, LB157 IS A BILL BY SENATOR McCOLLISTER. (READ  
TITLE.) INTRODUCED JANUARY 12 OF THIS YEAR; AT THAT TIME REFERRED TO  
THE BANKING, COMMERCE AND INSURANCE COMMITTEE; THE BILL WAS  
ADVANCED TO THE GENERAL FILE. I HAVE NO AMENDMENTS PENDING AT THIS  
TIME, MR. PRESIDENT. [LB157]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR McCOLLISTER, YOU'RE  
WELCOME TO OPEN ON LB157. [LB157]

SENATOR McCOLLISTER: GOOD MORNING, MR. PRESIDENT AND MEMBERS OF  
THE BODY. LB157 WOULD DELAY THE OPERATIVE DATE FOR CHANGES TO THE  
NEBRASKA MODEL BUSINESS CORPORATION ACT AS CREATED WITH THE  
PASSAGE OF THE LB749 IN 2014. LB749 PROVIDED AN OPERATIVE DATE OF  
JANUARY 1, 2016. LB157 WOULD SIMPLY DELAY THE DATE BY ONE YEAR TO



Floor Debate  
February 02, 2015

---

JANUARY 1, 2017. LB157 WAS ADVANCED ON...TO THE FLOOR ON A UNANIMOUS VOTE BY THE MEMBERS OF THE BANKING, COMMERCE AND INSURANCE COMMITTEE. YOU MAY RECALL THAT LB35, A COMPANION BILL BY SENATOR HOWARD, ADVANCED TO SELECT FILE ON MONDAY, JANUARY 26. FOR A FEW MEMBERS OF THE BODY, SOME BACKGROUND ABOUT THE NEBRASKA MODEL BUSINESS CORPORATION ACT MAY BE HELPFUL. IN 1995, NEBRASKA ADOPTED THIS ACT BASED ON A MODEL FROM THE AMERICAN BAR ASSOCIATION SECTION OF BUSINESS LAW. NEBRASKA HAS ADOPTED VERY FEW OF THE ABA'S SUBSEQUENT UPDATES DURING THE LAST TWO DECADES. LAST YEAR, LB749 WAS INTRODUCED BY SENATOR BURKE HARR TO REVISE AND UPDATE THE NEBRASKA MODEL BUSINESS CORPORATION ACT. LB749 WAS A COMMITTEE PRIORITY BILL LAST YEAR. THE BILL WAS PASSED BY THE LEGISLATURE ON MARCH 24 AND SIGNED INTO LAW ON MARCH 31, WITH AN OPERATIVE DATE OF JANUARY 1, 2016. NEBRASKA CORPORATIONS NOW BELIEVE AN ADDITIONAL TIME MAY BE NEEDED TO MAKE THE CHANGES REQUIRED FOR THE PASSAGE OF LB749. EXAMPLES OF THE TYPES OF BUSINESSES' ACTIVITIES THAT MAY BE AFFECTED BY CHANGES TO THE ACT INCLUDE CONTRACTS, BANKING AND DEBT OBLIGATIONS, NOTES AND BONDS, AND AGREEMENTS INVOLVING RIGHTS OF DIRECTORS, SHAREHOLDERS, AND IN THE CASE OF MERGERS AND BUSINESS ENTITY CONVERSIONS. LB157 WOULD SIMPLY PROVIDE ONE ADDITIONAL YEAR FOR BUSINESSES TO PREPARE FOR THE CHANGES TO THE NEBRASKA MODEL BUSINESS CORPORATION ACT BY DELAYING THE CURRENT OPERATIVE DATE FROM JANUARY 1, 2016, TO A NEW PROPOSED DATE OF JANUARY 1, 2017. I ASK FOR YOUR SUPPORT FOR THE NEBRASKA BUSINESSES AND FOR LB157. THANK YOU. [LB157 LB35]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. DEBATE IS NOW OPEN ON LB157. SEEING NO SENATORS WISHING TO SPEAK, SENATOR McCOLLISTER, YOU'RE WELCOME TO CLOSE ON LB157. SENATOR McCOLLISTER WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB157 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB157]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB157. [LB157]

PRESIDENT FOLEY: LB157 DOES ADVANCE. WE RETURN TO GENERAL FILE. MR. CLERK. [LB157]

CLERK: LB149, INTRODUCED BY THE URBAN AFFAIRS COMMITTEE AND SIGNED BY ITS MEMBERS. (READ TITLE.) INTRODUCED ON JANUARY 9 OF THIS YEAR, REFERRED TO THE URBAN AFFAIRS COMMITTEE FOR PUBLIC HEARING,

Floor Debate  
February 02, 2015

---

ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL. [LB149]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CRAWFORD, YOU'RE WELCOME TO OPEN ON LB149. [LB149]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. LB149 IS ONE OF FOUR BILLS INTRODUCED BY THE URBAN AFFAIRS COMMITTEE THIS SESSION AND IS A PRODUCT OF THE COMMITTEE'S LR555 INTERIM STUDY THIS PAST FALL. FOR THOSE NEW MEMBERS WHO MAY BE UNFAMILIAR WITH THEM, SANITARY AND IMPROVEMENT DISTRICTS, OR SIDs, ARE A TYPE OF LIMITED-PURPOSE POLITICAL SUBDIVISION THAT IS UNIQUE TO NEBRASKA. PRIMARILY UTILIZED IN URBAN AREAS TO FACILITATE GROWTH OUTSIDE OF CITY LIMITS, SIDs TEND TO BE HEAVILY CONCENTRATED IN THE OMAHA METROPOLITAN AREA. APPROXIMATELY 80 PERCENT OF SIDs ARE LOCATED IN EITHER DOUGLAS OR SARPY COUNTY. ELECTIONS FOR SID BOARD MEMBERS ARE NOT HELD DURING THE PRIMARY OR GENERAL ELECTION BUT, INSTEAD, ARE CONDUCTED ENTIRELY BY MAIL BALLOT AND TAKE PLACE ON THE FIRST TUESDAY AFTER THE SECOND MONDAY IN SEPTEMBER. IN PREPARING MAIL BALLOTS FOR THE SID ELECTIONS, THE COUNTY ELECTION COMMISSIONER OR COUNTY CLERK MUST CONTACT THE REGISTER OF DEEDS TO DETERMINE THOSE SID RESIDENTS AND PROPERTY OWNERS WHO ARE ELIGIBLE TO VOTE NOT MORE THAN 75 DAYS PRIOR TO THE ELECTION. AS BROUGHT TO THE COMMITTEE'S ATTENTION DURING THE LR555 INTERIM STUDY BY THE DOUGLAS COUNTY ELECTION COMMISSION, THIS 75-DAY WINDOW COMMONLY FALLS AROUND THE FOURTH OF JULY HOLIDAY. LB149 WOULD SIMPLY CHANGE THIS WINDOW FROM 75 DAYS TO 80 DAYS, ALLOWING ADDITIONAL TIME FOR ELECTION OFFICIALS AND SID REPRESENTATIVES TO MEET THE STATUTORY DEADLINES FOR THE SID ELECTIONS. LB149 RECEIVED NO OPPOSITION TESTIMONY AT THE HEARING AND WAS ADVANCED BY THE URBAN AFFAIRS COMMITTEE ON A 7-0 VOTE. I WOULD ASK FOR YOUR GREEN VOTE TO ADVANCE LB149 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB149]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. DEBATE IS NOW OPEN ON LB149. SEEING NO SENATORS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE WELCOME TO CLOSE ON LB149. [LB149]

SENATOR CRAWFORD: I'LL WAIVE CLOSING. [LB149]

PRESIDENT FOLEY: SENATOR CRAWFORD WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB149 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD,

Floor Debate  
February 02, 2015

---

PLEASE, MR. CLERK. [LB149]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB149. [LB149]

PRESIDENT FOLEY: LB149 DOES ADVANCE. WE RETURN TO GENERAL FILE. MR. CLERK. [LB149]

CLERK: LB168, A BILL INTRODUCED BY SENATOR MELLO. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 12, REFERRED TO URBAN AFFAIRS, ADVANCED TO GENERAL FILE. I DO HAVE AN AMENDMENT TO THE BILL, MR. PRESIDENT. (AM51, LEGISLATIVE JOURNAL PAGE 326.) [LB168]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB168. [LB168]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB168 WOULD UPDATE AND MODERNIZE THE BUSINESS IMPROVEMENT DISTRICT ACT, AS WELL AS CREATE A PROCESS FOR THE EXPANSION OF EXISTING BUSINESS IMPROVEMENT DISTRICTS. BUSINESS IMPROVEMENT DISTRICTS ARE A VALUABLE TOOL USED BY CITIES ACROSS THE STATE TO HELP FUND IMPROVEMENTS AND DEVELOPMENTS WITHIN ESTABLISHED BUSINESS CORRIDORS. THEY OFFER A VARIETY OF BENEFITS, INCLUDING INCREASING THE SAFETY AND ATTRACTIVENESS OF A BUSINESS CORRIDOR, PROMOTIONAL ACTIVITIES, ASSISTANCE IN FILLING VACANT SPACES AND PROPERTIES, AS WELL AS LONG-TERM COMMERCIAL STRATEGIC PLANNING. CURRENTLY, THERE IS NO PROCEDURE IN STATE STATUTE THAT ALLOWS A CITY TO EXPAND AN EXISTING BUSINESS IMPROVEMENT DISTRICT. IF A CITY WANTS TO EXPAND AN EXISTING DISTRICT, THEY MUST EITHER GO THROUGH A LENGTHY AND CUMBERSOME PROCESS TO ELIMINATE THE EXISTING DISTRICT AND CREATE A NEW LARGER DISTRICT IN ITS PLACE, OR THEY MUST CREATE A NEW BUSINESS IMPROVEMENT DISTRICT ALONGSIDE THE CURRENT DISTRICT. RECENTLY THE CITY OF LINCOLN HAD TO CREATE THREE SEPARATE BUSINESS IMPROVEMENT DISTRICTS IN THE WEST HAYMARKET DEVELOPMENT PROJECT. LB168 WOULD CREATE A METHOD FOR EXPANDING CURRENT BUSINESS IMPROVEMENT DISTRICTS THAT MIRRORS THE PROCESS OF CREATING ONE WHILE STILL MAINTAINING IMPORTANT DUE PROCESS PROTECTIONS FOR PROPERTY OWNERS, BUSINESSES, AND RESIDENTS WITHIN THE PROPOSED EXPANSION AREA. LB168 WOULD ALSO STREAMLINE THE PROCESS FOR CREATING A BUSINESS IMPROVEMENT DISTRICT BY ELIMINATING THE REQUIREMENT THAT THE PROPOSED DISTRICT GOES TO THE CITY'S PLANNING COMMISSION BETWEEN THE BUSINESS IMPROVEMENT

Floor Debate  
February 02, 2015

---

DISTRICT BOARD AND THE CITY COUNCIL. SINCE BUSINESS IMPROVEMENT DISTRICTS CAN ONLY BE CREATED OR EXPANDED WITHIN AN AREA ALREADY ZONED FOR COMMERCIAL PURPOSES, THIS STEP CREATES AN UNNECESSARY DELAY IN THE PROCESS. THE PROCESS WOULD BE FURTHER STREAMLINED AND CLARIFIED BY REMOVING THE REQUIREMENT FOR THE CITY COUNCIL TO PASS A RESOLUTION OF INTENT AND REPLACING THAT WITH A NOTIFICATION. THIS ALLOWS THE CITY COUNCIL TO PERFORM ONE OFFICIAL FINAL ACTION IN THE CREATION OR EXPANSION OF A DISTRICT RATHER THAN TWO ACTIONS WHICH CAN DELAY THE PROCESS AS WELL AS CONFUSE BUSINESS AND PROPERTY OWNERS IN THE PROPOSED DISTRICT. LB168 RETAINS THE INPUT OF OWNERS AND USERS OF THE SPACE IN THE PROPOSED DISTRICT. CURRENTLY, SECTION 19-4024 STATES THAT IF OVER 50 PERCENT OF THE OWNERS OF ASSESSABLE UNITS IN THE PROPOSED DISTRICT PROTEST THE CREATION OF A BUSINESS IMPROVEMENT DISTRICT, THE PROCEEDINGS WILL BE TERMINATED AND THE DISTRICT WILL NOT BE CREATED. CURRENT STATUTE ALSO STATES THAT IF AN OCCUPATION TAX IS TO BE USED, OVER 50 PERCENT OF THE USERS OF THE SPACE CAN PROTEST AND TERMINATE THE PROCEEDINGS. THIS PETITION LANGUAGE IS RETAINED WITHIN LB168. ADDITIONAL DUE PROCESS PROTECTIONS INCLUDE WRITTEN NOTIFICATIONS AND A PUBLIC HEARING ON THE CREATION OR PROPOSED EXPANSION OF A BUSINESS IMPROVEMENT DISTRICT. I'D LIKE TO MAKE ONE QUICK CLARIFICATION REGARDING LB168. THERE WAS OR HAS BEEN SOME MISCONCEPTION ON THE BILL WHERE BUSINESS IMPROVEMENT DISTRICTS CAN BE FORMED. TO CLARIFY THOSE MISCONCEPTIONS AND TO EDUCATE NEW MEMBERS WHO MAY NOT BE FAMILIAR WITH THIS AREA OF STATUTE, BUSINESS IMPROVEMENT DISTRICTS CAN ONLY BE ESTABLISHED IN AN AREA OF A CITY THAT'S ZONED FOR BUSINESS, PUBLIC, OR COMMERCIAL PURPOSES. THEY CANNOT BE CREATED IN RESIDENTIAL AREAS. LB168 WAS ADVANCED FROM THE URBAN AFFAIRS COMMITTEE ON A UNANIMOUS 7-0 VOTE AND HAD NO OPPOSITION AT THE HEARING. THE BILL WAS SUPPORTED BY THE CITY OF OMAHA, THE CITY OF LINCOLN, AND THE LEAGUE OF MUNICIPALITIES. I'D URGE THE BODY TO ADVANCE LB168 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB168]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. MR. CLERK. [LB168]

CLERK: MR. PRESIDENT, SENATOR CRAWFORD WOULD MOVE TO AMEND THE BILL WITH AM51. [LB168]

PRESIDENT FOLEY: SENATOR CRAWFORD, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB168]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND GOOD MORNING,

Floor Debate  
February 02, 2015

---

COLLEAGUES. AM51 IS A TECHNICAL AMENDMENT THAT WAS BROUGHT TO THE URBAN AFFAIRS COMMITTEE AT THE HEARING ON LB168 BUT WAS ACCIDENTALLY NOT ADOPTED AS A COMMITTEE AMENDMENT WHEN THE COMMITTEE ADVANCED THE BILL. AND I OFFER MY APOLOGIES TO SENATOR MELLO AND THE BODY FOR THAT OVERSIGHT ON MY PART. WHEN THE LANGUAGE HAD PREVIOUSLY BEEN LOCATED IN STATUTE...WAS RELOCATED TO SECTIONS 11 AND 15, THE WORD "PRIMARILY" WAS INADVERTENTLY LEFT OUT. AM51 WOULD SIMPLY CORRECT THAT OVERSIGHT. I WOULD URGE THE BODY TO ADOPT AM51. THANK YOU, MR. PRESIDENT. [LB168]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. DEBATE IS NOW OPEN ON AM51. SEEING NO SENATORS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE WELCOME TO CLOSE ON AM51. SENATOR CRAWFORD WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM51. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB168]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR CRAWFORD'S AMENDMENT. [LB168]

PRESIDENT FOLEY: AM51 IS ADOPTED. DEBATE IS NOW OPEN ON LB168 AS AMENDED. SENATOR SCHUMACHER. [LB168]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT. WOULD SENATOR MELLO YIELD TO SOME QUESTIONS? [LB168]

PRESIDENT FOLEY: SENATOR MELLO, WOULD YOU YIELD? [LB168]

SENATOR MELLO: ABSOLUTELY. [LB168]

SENATOR SCHUMACHER: THANK YOU, SENATOR MELLO. SENATOR MELLO, WHAT ARE THE UPSIDES OF BEING IN ONE OF THESE BUSINESS IMPROVEMENT DISTRICTS? AND WHAT ARE THE DOWNSIDES? WHY, IF I WERE A BUSINESS OWNER ON THE EDGE OF ONE OF THESE, WOULD I WANT TO BE IN ON THE GAME OR WANT TO RESIST THE GAME? [LB168]

SENATOR MELLO: WELL, SENATOR SCHUMACHER, BUSINESS IMPROVEMENT DISTRICTS ARE ALLOWED TO BE CREATED IN A VARIETY OF MUNICIPALITIES ACROSS THE STATE. SO EACH INDIVIDUAL BUSINESS IMPROVEMENT DISTRICT MAY HAVE THEIR OWN DESIRES OF WHY THEY WANT TO BE CREATED. FOR AN EXAMPLE, IN DOWNTOWN OMAHA, WHERE THIS HAS BEEN AN ONGOING ISSUE, THERE'S BEEN A NUMBER OF PROJECTS THAT HAVE BEEN FUNDED IN REGARDS TO PUBLIC SAFETY PROJECTS, STREETScape PROJECTS, WAY

Floor Debate  
February 02, 2015

---

FINDING PROJECTS IN REGARDS TO THE DOWNTOWN AND NORTH DOWNTOWN OMAHA AREA THAT BUSINESSES WANTS TO BE PART OF, IN A SENSE, BECAUSE THEN IT ASSISTS THEIR BUSINESS DEVELOPMENT AND BUSINESS GROWTH IN RESPECTS TO WHERE THEY'RE LOCATED AT ON THE BUSINESS CORRIDOR. IN SOME OTHER SMALLER BUSINESS IMPROVEMENT DISTRICTS WE'VE SEEN MORE LOCAL, LIKE, STRATEGIC PLANNING THAT'S BEEN DONE ALONG A CORRIDOR. FOR AN EXAMPLE, IN THE BENSON AREA AND THE DUNDEE AREA IN OMAHA AS WELL, THEY WERE ABLE TO CREATE A BUSINESS IMPROVEMENT DISTRICT TO BE ABLE TO DO SOME MORE STRATEGIC PLANNING IN CONJUNCTION WITH THE CITY OF OMAHA IN RESPECTS TO WHAT KIND OF BUSINESSES THEY WANT TO RECRUIT AND LOCATE IN THIS BUSINESS CORRIDOR, ASSISTING ONCE AGAIN WITH PUBLIC IMPROVEMENT PROJECTS THAT OTHERWISE THEY DON'T HAVE FUNDING TO BE ABLE TO DO. [LB168]

SENATOR SCHUMACHER: SENATOR, IS THERE ADDITIONAL TAXES THAT ARE IMPOSED UPON BUSINESSES IN ONE OF THESE DISTRICTS? [LB168]

SENATOR MELLO: YES, THE BUSINESS IMPROVEMENT DISTRICT HAS THE ABILITY TO LEVY A SPECIAL ASSESSMENT ON ITSELF AND/OR AN OCCUPATION TAX IF THEY SO CHOOSE TO PAY FOR THE BUSINESS IMPROVEMENT DISTRICT PLAN. [LB168]

SENATOR SCHUMACHER: IS THERE A BOARD THEN THAT LEVIES THIS TAX OR IS THIS DONE BY THE CITY COUNCIL OR HOW IS THIS DONE? [LB168]

SENATOR MELLO: THERE IS AN APPOINTED BOARD INITIALLY WHEN A BUSINESS IMPROVEMENT DISTRICT GETS CREATED. THERE'S AN APPOINTED BOARD THAT THEN MOVES THROUGH THE PROCESS OF ONCE THE BUSINESS IMPROVEMENT DISTRICT IS CREATED, THEN CAN HAVE AN ELECTED BOARD BY THE PROPERTY OWNERS THAT FALL WITHIN THAT AREA TO ELECT BOARD MEMBERSHIP THEN TO CARRY OUT THE BUSINESS IMPROVEMENT PLAN. [LB168]

SENATOR SCHUMACHER: WHY WOULDN'T JUST EVERY BUSINESS, WE'D JUST SAY EVERY BUSINESS DISTRICT IS A BUSINESS IMPROVEMENT DISTRICT IF IT'S SO GOOD? [LB168]

SENATOR MELLO: I'M SORRY, SENATOR SCHUMACHER. COULD YOU REPEAT THAT QUESTION? [LB168]

SENATOR SCHUMACHER: WHY, IF THIS IS SUCH A GOOD PROPOSITION, WOULDN'T WE HAVE JUST EVERY BUSINESS BE A BUSINESS IMPROVEMENT

Floor Debate  
February 02, 2015

---

DISTRICT? WHY DO WE HAVE TO CARVE OUT PIECES BITE BY BITE? [LB168]

SENATOR MELLO: WELL, I THINK, SENATOR SCHUMACHER, TO SOME EXTENT, EXISTING LAW DOESN'T ALLOW A BUSINESS IMPROVEMENT DISTRICT TO EXPAND. YOU CAN CREATE ONE. AND ONCE IT'S CREATED, THE ONLY OPTION YOU'VE GOT AVAILABLE, IF YOU WANT TO EXPAND THAT, DUE TO WHATEVER REASON...PRIMARILY WHAT WE'VE SEEN IN SMALLER COMMUNITIES AND IN THE METROPOLITAN AREA AND OMAHA AND LINCOLN, IS THAT YOU'VE SEEN FURTHER GROWTH DEVELOP AROUND THAT BUSINESS IMPROVEMENT DISTRICT WHERE THEY WANT TO BE PART OF THAT OVERALL BUSINESS DEVELOPMENT PLAN. [LB168]

SENATOR SCHUMACHER: SO WHY DO WE HAVE DISTRICTS AT ALL? WHY DON'T WE JUST SAY ALL BUSINESS DISTRICTS ARE BUSINESS IMPROVEMENT DISTRICTS? [LB168]

SENATOR MELLO: WELL, I THINK THE REALITY IS THAT IF A BUSINESS IMPROVEMENT DISTRICT WANTS TO BE CREATED, PROPERTY OWNERS HAVE THE ABILITY, UNDER THE CURRENT LAW, IF THEY WANT TO CREATE ONE. WHAT LB168 SIMPLY DOES IS IT ALLOWS THEM TO EXPAND THE EXISTING BUSINESS IMPROVEMENT DISTRICT AND THE REALITY IS NOT ALL BUSINESSES, SO TO SPEAK, WANT TO BE PART OF A BUSINESS IMPROVEMENT DISTRICT. AND THERE'S DUE PROTECTION AND DUE PROCESS PROTECTIONS IN EXISTING STATUTE THAT ALLOW BUSINESSES TO MAKE THAT DETERMINATION. [LB168]

SENATOR SCHUMACHER: SO THIS IS SORT OF LIKE A BORDER CREEP, EXPANDING THE BOUNDARIES, AND SOME BUSINESSES MAY NOT WANT TO PAY THE ADDITIONAL TAXES TO BE IN ONE OF THESE THINGS. AND THAT'S, RATHER THAN GO THROUGH A CUMBERSOME PROCESS, YOU JUST MAKE IT EASIER TO EXPAND THE DISTRICT AND BRING MORE PEOPLE UNDER THE NET. [LB168]

SENATOR MELLO: I WOULDN'T PERHAPS USE THAT SIMILAR CHARACTERIZATION THAT YOU JUST USED, SENATOR SCHUMACHER, BUT IT DOES ALLOW A BUSINESS IMPROVEMENT DISTRICT TO EXPAND AND BE ABLE TO TAKE IN... [LB168]

PRESIDENT FOLEY: ONE MINUTE. [LB168]

SENATOR MELLO: ...MORE WILLING PROPERTIES WHO...PROPERTY OWNERS WHO WANT TO BE PART OF THIS BUSINESS IMPROVEMENT DISTRICT BECAUSE THEY FEEL THEY GET A...THEY GET SOME KIND OF BENEFIT IN

Floor Debate  
February 02, 2015

---

REGARDS TO THEIR BUSINESS GROWTH AND DEVELOPMENT IN THE FUTURE.  
[LB168]

SENATOR SCHUMACHER: AND IT'S REALLY HARD FOR THEM TO FIGHT THE  
CREEP UNDER THIS MECHANISM. [LB168]

SENATOR MELLO: ONCE AGAIN, SENATOR SCHUMACHER, I DON'T THINK IT'S  
SOMEONE WHO'S FIGHTING A CREEP. THERE ARE DUE PROCESS  
PROTECTIONS IN EXISTING STATUTE AND THOSE DO NOT GO AWAY UNDER  
LB168. IT SIMPLY ALLOWS THAT IF 50 PERCENT OF THOSE WHO ARE BEING  
PROPOSED TO BE PART OF A BUSINESS IMPROVEMENT DISTRICT DON'T WANT  
TO BE PART OF IT, THE BUSINESS IMPROVEMENT DISTRICT DOESN'T CEASE  
TO MOVE FORWARD THEN. [LB168]

SENATOR SCHUMACHER: THANK YOU, SENATOR. [LB168]

SENATOR MELLO: SAME THING WOULD HAPPEN WITH THE EXPANSION. [LB168]

SENATOR SCHUMACHER: THANK YOU, SENATOR MELLO. THANK YOU, MR.  
PRESIDENT. [LB168]

PRESIDENT FOLEY: THANK YOU, SENATORS MELLO AND SCHUMACHER.  
SENATOR KRIST, YOU'RE RECOGNIZED. SENATOR KRIST WAIVES OFF.  
SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB168]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I JUST WANT TO STAND  
IN SUPPORT OF LB168. IT WAS HEARD IN OUR COMMITTEE AND WE  
DISCUSSED THE PROTECTIONS THAT WERE IN THE BILL FOR BUSINESS  
MEMBERS QUITE THOROUGHLY AS A COMMITTEE. AND IT'S IMPORTANT TO  
NOTE THAT THE BILL DOES, IF THERE ARE 51 PERCENT OF THE BUSINESSES  
WHO DON'T...IN THAT EXPANDED AREA WHO DO NOT CHOOSE TO BE  
INCLUDED IN THE DISTRICT, THEY HAVE A MECHANISM TO END THE  
EXPANSION IMMEDIATELY. SO THERE ARE IMPORTANT PROTECTIONS BOTH IN  
THAT PROVISION OF THE BILL, AND ALSO THERE ARE PROTECTIONS BECAUSE  
THE EXPANSION ONLY HAPPENS IF THE CITY COUNCIL VOTES IT AS AN  
ORDINANCE. SO THIS IS NOT SOMETHING THAT CAN HAPPEN BEHIND THE  
SCENES WITH SOME BUSINESS DEVELOPMENT BOARD THAT DECIDES THEY  
WANT TO GO OUT AND GRAB NEW PROPERTY. THERE ARE VERY IMPORTANT  
PROTECTIONS IN THIS BILL. AND I APPRECIATE THE WORK OF SENATOR  
MELLO TO INCLUDE THOSE PROTECTIONS TO MAKE SURE THAT THIS  
HAPPENS WHEN IT'S REALLY SOMETHING THAT A MAJORITY OF THOSE  
BUSINESSES WISH TO SEE HAPPEN TO HELP THEM ADVANCE THEIR  
BUSINESS AND ECONOMIC DEVELOPMENT OF THEIR COMMUNITY. THANK



Floor Debate  
February 02, 2015

---

YOU, MR. PRESIDENT. [LB168]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON LB168. [LB168]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. LB168 SIMPLY MODERNIZES OUR EXISTING BUSINESS IMPROVEMENT DISTRICT ACT BY ALLOWING THE EXPANSION OF EXISTING BUSINESS IMPROVEMENT DISTRICTS THROUGH A PROCESS THAT IS VERY SIMILAR IN STATUTE TO THE CREATION OF A BUSINESS IMPROVEMENT DISTRICT, WHILE PROTECTING DUE PROCESS FOR THOSE PROPERTY OWNERS, AS WELL AS MODERNIZING AND STREAMLINING THE PROCESS THROUGH LOCAL CITY COUNCILS. WITH THAT, I'D URGE THE BODY TO ADOPT LB168. THANK YOU, MR. PRESIDENT. [LB168]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. THE QUESTION IS THE ADVANCEMENT OF LB168 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB168]

CLERK: 33 AYES, 1 NAY, MR. PRESIDENT, ON THE ADVANCEMENT OF LB168. [LB168]

PRESIDENT FOLEY: LB168 ADVANCES. ARE THERE ITEMS FOR THE RECORD, MR. CLERK? [LB168]

CLERK: THERE ARE, MR. PRESIDENT, THANK YOU. YOUR COMMITTEE ON APPROPRIATIONS REPORTS LB430 TO GENERAL FILE, SIGNED BY SENATOR MELLO, AS CHAIR. HEARING NOTICES FROM RETIREMENT SYSTEMS COMMITTEE, AND THE BUSINESS AND LABOR COMMITTEE, SIGNED BY THEIR RESPECTIVE CHAIRPERSONS. NEW A BILLS. (READ LB142A AND LB18A BY TITLE FOR THE FIRST TIME.) THAT'S ALL THAT I HAD, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 370-372.) [LB430 LB142A LB18A]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE RETURN TO GENERAL FILE. MR. CLERK.

CLERK: LB40, A BILL BY SENATOR NORDQUIST. (READ TITLE.) INTRODUCED ON JANUARY 8 OF THIS YEAR, REFERRED TO THE RETIREMENT SYSTEMS COMMITTEE, ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB40]

Floor Debate  
February 02, 2015

---

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR NORDQUIST, YOU'RE WELCOME TO OPEN ON LB40. [LB40]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. LB40 WAS INTRODUCED AT THE REQUEST OF THE NEBRASKA PUBLIC EMPLOYEES RETIREMENT SYSTEM. IT GRANTS THE PUBLIC EMPLOYEES RETIREMENT BOARD THE POWER TO COMPEL PRODUCTION OF EVIDENCE DURING INVESTIGATIONS IN ORDER TO ENSURE THAT CONTRIBUTIONS AND DISTRIBUTIONS MADE FROM RETIREMENT PLANS ARE MANAGED IN ACCORDANCE WITH STATUTE. FOR EXAMPLE, ALL PAYMENTS TO RETIREES AND BENEFICIARIES ARE REQUIRED TO BE DIRECT DEPOSITED TO BANK ACCOUNTS. IF A RETIREE OR BENEFICIARY DIES AND A JOINT ACCOUNT HOLDER CONTINUE TO CASH THE CHECKS, THE BOARD HAS BEEN UNABLE TO GET THE NAME AND CONTACT INFORMATION FOR THE JOINT ACCOUNT HOLDER. BANKS ARE PREVENTED BY LAW FROM REVEALING THIS INFORMATION. THE BOARD HAS A FIDUCIARY DUTY TO INVESTIGATE ANY IRREGULARITIES, WHICH INCLUDE A PLAN RECEIVING EXCESS OR INSUFFICIENT CONTRIBUTIONS FROM A MEMBER OR EMPLOYER OR A MEMBER OR BENEFICIARY RECEIVING UNDERPAYMENT OR OVERPAYMENT OF BENEFITS. CURRENTLY, IF THE BOARD MEETS RESISTANCE WHEN ATTEMPTING TO GATHER SUCH EVIDENCE, IT LACKS THE ABILITY TO COMPEL EVIDENCE, THE PRODUCTION OF THE EVIDENCE, AND MUST RELY ON THE ATTORNEY GENERAL'S OFFICE OR THE STATE PATROL TO GET THAT EVIDENCE. THE INVESTIGATORY POWERS GRANTED TO THE BOARD IN LB40 ARE SIMILAR TO THOSE POWERS HELD BY ALL CODE AGENCIES AND A NUMBER OF OTHER NEBRASKA ADMINISTRATIVE BOARDS AND COMMISSIONS. THIS BILL WAS ADVANCED UNANIMOUSLY FROM THE RETIREMENT SYSTEMS COMMITTEE AND SAW NO OPPOSITION AT THE HEARING. THANK YOU. [LB40]

PRESIDENT FOLEY: THANK YOU, SENATOR NORDQUIST. DEBATE IS NOW OPEN ON LB40. SENATOR COASH. [LB40]

SENATOR COASH: THANK YOU, MR. PRESIDENT. WOULD SENATOR NORDQUIST YIELD TO A QUESTION? [LB40]

PRESIDENT FOLEY: SENATOR NORDQUIST, WOULD YOU YIELD TO A QUESTION? [LB40]

SENATOR NORDQUIST: YES. [LB40]

SENATOR COASH: THANK YOU, SENATOR NORDQUIST. A STRAIGHTFORWARD QUESTION FOR YOU: DOES THE AUDITOR OF PUBLIC ACCOUNTS HAVE THE SAME POWERS WITH REGARD TO SUBPOENAS AND INVESTIGATORY POWERS

Floor Debate  
February 02, 2015

---

THAT WE ARE NOW GIVING THE BOARD OF RETIREMENT THROUGH LB40?  
[LB40]

SENATOR NORDQUIST: YOU KNOW, I GUESS I'M NOT FAMILIAR WITH THE POWERS THAT THE AUDITOR HAS. I DO KNOW AND I COULD READ A LONG LIST HERE OF EVERY CODE AGENCY, FROM THE DEPARTMENT OF AGRICULTURE, ROADS, NATURAL RESOURCES, CORRECTIONS, HHS, AND THEN NONCODE AGENCIES AS WELL, THE OMBUDSMAN, THE FIRE MARSHAL, POWER REVIEW BOARD. SO THIS IS A PRETTY WIDESPREAD POWER IN STATE GOVERNMENT. BUT AS FAR AS THE AUDITOR, I'M NOT 100 PERCENT SURE. [LB40]

SENATOR COASH: OKAY. THANK YOU, SENATOR NORDQUIST. [LB40]

SENATOR NORDQUIST: YEP. [LB40]

PRESIDENT FOLEY: THANK YOU, SENATORS COASH AND NORDQUIST. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR NORDQUIST, YOU'RE WELCOME TO CLOSE ON LB40. SENATOR NORDQUIST WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB40 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB40]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB40.  
[LB40]

PRESIDENT FOLEY: LB40 ADVANCES. WE RETURN TO GENERAL FILE. MR. CLERK. [LB40]

CLERK: LB43, A BILL BY SENATOR COASH. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 8, REFERRED TO THE JUDICIARY COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. I DO HAVE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM72, LEGISLATIVE JOURNAL PAGE 323.)  
[LB43]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR COASH, YOU'RE WELCOME TO OPEN ON LB43. [LB43]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. I'M HERE TO INTRODUCE LB43, WHICH IS A BILL THAT PROVIDES FOR STANDBY GUARDIANS AND THE RECOVERY OF ASSETS UNDER THE NEBRASKA PROBATE CODE. LB43 WAS A BILL RECOMMENDED BY THE NEBRASKA SUPREME COURT COMMISSIONED SUBCOMMITTEE OF VULNERABLE ADULTS, OF WHICH I AM A MEMBER, ALONG WITH JUDGES,

Floor Debate  
February 02, 2015

---

ATTORNEYS, STATE OFFICIALS, CONSERVATORS, AND GUARDIANS ACROSS THE STATE. LB43 HAS TWO PROVISIONS THAT WERE RECOMMENDED BY THIS COMMISSION. THIS LEGISLATION WOULD ALLOW FOR THE APPOINTMENT OF A STANDBY GUARDIAN WHO COULD STEP IN SHOULD THE EXISTING GUARDIAN BECOME INCAPACITATED. APPOINTING A STANDBY GUARDIAN ALLOWS FOR THE STANDBY GUARDIAN TO STEP IN AT A LATER DATE WITHOUT FURTHER COURT ORDER AND FURTHER DELAY UPON THE DEATH, THE UNWILLINGNESS OR INABILITY TO ACT, RESIGNATION, OR REMOVAL BY THE COURT OF THE INITIALLY APPOINTED GUARDIAN. THE STANDBY GUARDIAN SHALL HAVE THE SAME POWERS AND DUTIES AS THE INITIALLY APPOINTED GUARDIAN. AND THIS IS SIMILAR TO A STATUTE THAT WE CURRENTLY HAVE IN PLACE FOR GUARDIANS OF MINORS AND IT JUST EXTENDS THIS DESIGNATION TO ALL WARDS OF THE STATE. LET ME GIVE YOU AN EXAMPLE, COLLEAGUES, OF WHERE THIS PARTICULAR PROVISION MIGHT BE IMPORTANT. WE HAVE A GROWING NUMBER OF ADULTS WITH DISABILITIES WHO HAVE GUARDIANS, AND AS WE SIT HERE TODAY MANY OF THEIR PARENTS ARE PROVIDING THAT FUNCTION FOR THEM. AS OUR POPULATION AGES AND WE FIND MORE AND MORE PARENTS TOWARDS THE END OF THEIR LIFE, THEY ARE STARTING TO ASK QUESTIONS ABOUT WHO WILL PROVIDE THE GUARDIANSHIP FOR THEIR SON OR DAUGHTER WHEN THEY ARE GONE. AND BECAUSE OF THE DEMOGRAPHICS OF OUR STATE, THIS IS A POPULATION THAT'S GROWING. SO WHAT LB43 WILL DO IS IT ALLOWS, FOR EXAMPLE, THAT PARENT TO APPOINT A STANDBY GUARDIAN. AND THAT STANDBY GUARDIAN WILL HAVE ALREADY GONE THROUGH THE PROCESS OF THE COURT TO BE APPOINTED AS SUCH. AND SHOULD SOMETHING HAPPEN TO THAT PARENT, THERE WILL BE NO DISRUPTION OF GUARDIANSHIP FOR THEIR LOVED ONE. IT CAN TAKE SEVERAL MONTHS IN SOME CASES TO GET A GUARDIAN APPOINTED, A LITTLE BIT SHORTER IF IT'S UNDER AN EMERGENCY. BUT IN THAT TIME, YOU CAN SEE A REAL DISRUPTION IN SERVICES. YOU CAN SEE A DISRUPTION IN THE QUALITY OF LIFE FOR THE PERSON WHO NEEDS A GUARDIAN. AND LB43 TRIES TO RECTIFY THAT BY ALLOWING THE COURT TO APPOINT THAT STANDBY GUARDIAN BEFORE IT'S NEEDED. NOT EVERY STANDBY GUARDIAN WILL EVER SERVE. IT MAY NOT BE NECESSARY. BUT IT IS IMPORTANT THAT IF SOMEONE NEEDS A GUARDIAN, THAT THEY HAVE IT. AND THIS JUST PROVIDES A LITTLE BIT OF CONTINUITY THERE. THAT'S THE MAIN PART OF THE BILL. THERE'S A SECOND PROVISION OF THE BILL WHICH PROVIDES STATUTORY AUTHORITY IN SECTION 30-3002 FOR GUARDIANS AND CONSERVATORS TO RECOVER THE ASSETS AND ANY MONEY OR PERSONAL PROPERTY OF THE WARD, INCLUDING ANY POWER OF ATTORNEY, ADVANCE HEALTHCARE DIRECTIVE, OR POWER OF ATTORNEY FOR HEALTHCARE DECISIONS EXECUTED BY THE WARD. THIS ADDITION IS AN EXTENSION OF NEBRASKA STATUTE THAT ALLOWS FOR THE RECOVERY OF ASSETS OF A DECEASED PERSON'S ESTATE. SO WITH THAT, COLLEAGUES, I APPRECIATE YOUR SUPPORT OF LB43. THANK

Floor Debate  
February 02, 2015

---

YOU, MR. PRESIDENT. [LB43]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR COASH, AS VICE CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB43]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING AGAIN, COLLEAGUES. LB43 HAS AN AMENDMENT, AM72, THAT WAS ADVANCED BY THE COMMITTEE OR ATTACHED BY THE COMMITTEE ON AN 8-0. I SHOULD MENTION THAT THE UNDERLYING BILL WAS ADVANCED ON AN 8-0 VOTE AS WELL. AM72 HAS TWO PROVISIONS. ONE, IT WOULD PROHIBIT THE APPOINTMENT OF THE OFFICE OF PUBLIC GUARDIAN AS A STANDBY GUARDIAN. WE WANTED TO MAKE IT CLEAR IN THE STATUTE THAT ALTHOUGH WE NOW HAVE AN UP AND RUNNING...WELL, I SHOULDN'T SAY UP AND RUNNING BECAUSE IT'S...THEY HAVEN'T TAKEN ANY CASES. BUT ALTHOUGH WE HAVE ESTABLISHED AN OFFICE OF PUBLIC GUARDIANSHIP, WE DO NOT WANT THAT OFFICE TO BE THE DEFAULT STANDBY. AND SO THIS AMENDMENT CLARIFIES THAT. IT ALSO CLARIFIES, HAS A PROCEDURAL REQUIREMENT FOR PETITIONING THE APPOINTMENT OF STANDBY GUARDIANS, IT ALLOWS THE COURT TO REQUIRE A FORMER CONSERVATOR OR GUARDIAN TO BE CITED TO ACCOUNT FOR MONEY AND PROPERTY OF THE WARD'S ESTATE. IN ADDITION, IT REQUIRE...AM72 WOULD SUBJECT STANDBY GUARDIANS TO THE SAME TRAINING AND BACKGROUND CHECKS AS THE INITIAL GUARDIAN. SO FOR ALL PURPOSES, A STANDBY GUARDIAN IS TREATED EXACTLY LIKE AN APPOINTED GUARDIAN MINUS THE TIMING OF WHEN THEY'RE APPOINTED. SO WITH THAT, I WOULD URGE YOUR ADOPTION OF THE AMENDMENT AND THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB43]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. DEBATE IS NOW OPEN ON THE COMMITTEE AMENDMENT TO LB43. SEEING NO SENATORS WISHING TO SPEAK, SENATOR COASH, YOU'RE WELCOME TO CLOSE ON THE COMMITTEE AMENDMENT. SENATOR COASH WAIVES CLOSING ON THE COMMITTEE AMENDMENT. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT TO LB43. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? [LB43]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB43]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. RETURNING NOW TO DEBATE ON LB43 AS AMENDED. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB43]

Floor Debate  
February 02, 2015

---

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I WAS WONDERING IF SENATOR COASH WOULD YIELD TO A QUESTION. [LB43]

PRESIDENT FOLEY: SENATOR COASH, WOULD YOU YIELD TO A QUESTION? [LB43]

SENATOR COASH: YES, I WILL. [LB43]

SENATOR KOLTERMAN: SENATOR, IS THIS, IF I'M READING THIS CORRECTLY, IS THIS A SITUATION WHERE, WHEN YOU FIRST GET A GUARDIAN APPOINTED, YOU COULD AT THE SAME TIME ADD THE CONTINGENT GUARDIAN? [LB43]

SENATOR COASH: SENATOR KOLTERMAN, I THINK IT'S POSSIBLE THAT WHEN AN INITIAL GUARDIAN IS APPOINTED, LOGISTICALLY, A STANDBY APPOINTMENT COULD BE MADE. THEY WOULD BE SEPARATE MOTIONS WHICH, PRESUMABLY, COULD BE HEARD BY THE COURT AT THE SAME TIME. BUT, YEAH, IT'S POSSIBLE. [LB43]

SENATOR KOLTERMAN: MY FOLLOW-UP QUESTION WOULD BE, IS THERE A PARTICULAR REASON WHY THE STATE JUDICIAL SYSTEM, OR THE NEW SYSTEM THAT WAS CREATED A YEAR OR SO AGO, WHY YOU TOOK THEM OUT OF THE GUARDIANSHIP POSITION FOR THIS? [LB43]

SENATOR COASH: SENATOR KOLTERMAN, IF YOU'RE REFERRING TO THE OFFICE OF PUBLIC GUARDIAN... [LB43]

SENATOR KOLTERMAN: CORRECT. [LB43]

SENATOR COASH: ...THAT WE CREATED, YEAH, I CAN ANSWER THAT QUESTION. SO LAST YEAR, THROUGH A BILL THAT I CARRIED, WE ESTABLISHED THE OFFICE OF PUBLIC GUARDIAN. AND THE OFFICE WAS SET UP FOR VULNERABLE PEOPLE WHO...FOR WHOM NO FAMILY COULD BE IDENTIFIED IN ORDER TO PROVIDE THAT GUARDIANSHIP SERVICE. WE WANT TO MAKE SURE THAT IT'S ALWAYS FAMILY WHO IS THE FIRST CHOICE TO PROVIDE THIS AND WE DON'T WANT A SITUATION WHERE THE OFFICE OF PUBLIC GUARDIAN JUST BECOMES A DEFAULT FOR SOMEBODY WHO NEEDS A GUARDIAN. SO THAT'S WHY WE EXEMPTED THEM OUT THROUGH THE AMENDMENT THAT WE JUST ADOPTED. [LB43]

SENATOR KOLTERMAN: OKAY. THANK YOU. [LB43]

PRESIDENT FOLEY: THANK YOU, SENATORS KOLTERMAN AND COASH. SEEING

Floor Debate  
February 02, 2015

---

NO OTHER SENATORS WISHING TO SPEAK, SENATOR COASH, YOU'RE WELCOME TO CLOSE ON LB43. [LB43]

SENATOR COASH: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES, FOR YOUR SUPPORT OF THIS BILL. WHAT WE'RE DOING HERE IN LB43 IS NO SMALL MEASURE. THIS LEGISLATURE LAST YEAR, BY ESTABLISHING THE OFFICE OF PUBLIC GUARDIAN, STARTED TO SEND THE MESSAGE THAT THE VULNERABLE PEOPLE IN OUR STATE DESERVE THE BEST THAT WE CAN OFFER. AND WITH REGARD TO THAT, WE SET UP AN OFFICE OF PUBLIC GUARDIANSHIP WHEN WE'RE THE 50TH STATE TO FINALLY DO THAT. AND SO NOW, VULNERABLE PEOPLE OF OUR STATE HAVE AN OPTION. WHEN THEY NEED A GUARDIAN, ONE CAN BE PROVIDED TO THEM. IT IS THE POLICY OF THIS STATE, AND IT IS THE POLICY OF THAT BILL FROM LAST YEAR AND THE POLICY OF LB43, THAT WHEN A PERSON WHO NEEDS A GUARDIAN NEEDS ONE, THEN IT SHOULD BE FRIENDS OR FAMILY WHO STEP UP. FOR YEARS AND YEARS, THAT'S BEEN THE CASE. FAMILY MEMBERS AND COMMUNITY MEMBERS HAVE STEPPED UP TO PROVIDE THAT SERVICE. BUT SOMETIMES THERE IS NO FRIENDS OR FAMILY TO PROVIDE THAT SERVICE AND SO THAT OFFICE WAS SET UP. LB43 IS AN EXTENSION OF THAT IN THAT WHEN FRIENDS AND FAMILY ARE PROVIDING THAT SERVICE AND THEY'RE WORRIED ABOUT WHO'S GOING TO DO THAT SHOULD THEY BE UNABLE TO, LB43 ALLOWS FOR THAT TO OCCUR WITHOUT A DISRUPTION IN THAT SERVICE. AND SO THIS IS AN IMPORTANT NEXT STEP. IT MEANS A LOT TO FAMILY MEMBERS WHO ARE PROVIDING THIS SERVICE NOW, PROVIDING THAT GUARDIANSHIP NOW, AND ARE WORRIED ABOUT WHAT'S GOING TO HAPPEN WITH THEIR LOVED ONES WHEN THEY'RE NO LONGER ABLE DO IT. LB43 GIVES THEM THAT REMEDY. AND FOR THAT REASON, I WOULD URGE YOUR ADVANCEMENT OF LB43. THANK YOU, MR. PRESIDENT. [LB43]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATORS, YOU'VE HEARD THE DEBATE AND THE CLOSING ON LB43. THE QUESTION IS THE ADVANCEMENT OF LB43 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB43]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB43. [LB43]

PRESIDENT FOLEY: LB43 ADVANCES. WE RETURN TO GENERAL FILE. MR. CLERK. [LB43]

CLERK: MR. PRESIDENT, LB190, INTRODUCED BY SENATOR BLOOMFIELD AND OTHERS. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 12 OF THIS YEAR,

Floor Debate  
February 02, 2015

---

AT THAT TIME REFERRED TO THE JUDICIARY COMMITTEE, BILL WAS ADVANCED TO GENERAL FILE. I DO HAVE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM48, LEGISLATIVE JOURNAL PAGE 324.) [LB190]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR BLOOMFIELD, YOU'RE WELCOME TO OPEN ON LB190. [LB190]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. LB190 AND AM48 ARE FAIRLY STRAIGHTFORWARD, MAKING TWO CHANGES TO THE CONCEALED HANDGUN PERMIT ACT. CURRENTLY, 69-2433 STATES THAT IF AN APPLICANT IS A MEMBER OF THE UNITED STATES ARMED FORCES, SUCH APPLICANT SHALL BE CONSIDERED A RESIDENT OF THIS STATE FOR THE PURPOSES OF THIS SECTION AFTER HE OR SHE HAS BEEN STATIONED AT A MILITARY INSTALLATION IN THIS STATE PURSUANT TO PERMANENT DUTY STATION ORDERS EVEN THOUGH HE OR SHE MAINTAINS A RESIDENCE IN ANOTHER STATE AND CLAIMS THAT RESIDENCE FOR VOTING OR TAX PURPOSES. LB190 SIMPLY SEEKS TO ADD THIS SAME BENEFIT TO THE SPOUSE OF THAT SERVICE MEMBER BY ADDING THE LANGUAGE: THE SPOUSE OF SUCH APPLICANT SHALL ALSO BE CONSIDERED A RESIDENT OF THIS STATE FOR THE PURPOSES OF THIS SECTION. WE ARE FORTUNATE ENOUGH TO HAVE MILITARY INSTALLATIONS IN OUR STATE. AND WHEN INDIVIDUALS ARE ASSIGNED TO A PERMANENT DUTY STATION HERE, THEY BRING THEIR FAMILIES. THESE SPOUSES HAVE ESSENTIALLY NO SAY IN WHERE THEY'RE MOVED, AND IT ONLY SEEMS RIGHT THAT WE ALLOW THEM THE SAME RIGHTS THAT WE WOULD ALLOW THE SERVICE MEMBER. CURRENTLY, THE ACT REQUIRES THAT YOU BE A CITIZEN OF THE UNITED STATES. LB190 WOULD CHANGE THE LANGUAGE TO SAY THAT THE APPLICANT BE A CITIZEN OF THE UNITED STATES OR AN ALIEN LAWFULLY IN THE UNITED STATES. THIS LANGUAGE WAS INCLUDED AS THE RESULT OF A 2013 COURT CASE WHERE THE COURT FOUND THE DEFENDANT IN THIS CASE, DAVID SANKEY, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF THE NEBRASKA STATE PATROL, SHALL ALLOW PLAINTIFFS AND OTHER LAWFUL PERMANENT RESIDENTS RESIDING IN NEBRASKA TO APPLY FOR AND OBTAIN A PERMIT TO CARRY A CONCEALED HANDGUN, PROVIDED THEY ARE OTHERWISE QUALIFIED TO OBTAIN SUCH A PERMIT PURSUANT TO THE NEBRASKA CONCEALED HANDGUN PERMIT ACT. AFTER DISCUSSIONS WITH LEGAL COUNSEL FOR THE COMMITTEE, THE RECOMMENDATION WAS MADE TO STRIKE THE CITIZENSHIP REQUIREMENT ALTOGETHER, WHICH IS WHAT AM48 DOES. I'D LIKE TO THANK SENATOR SEILER AND THE JUDICIARY COMMITTEE FOR THEIR WORK AND PROMPT ACTION ON LB190. I WOULD ALSO LIKE TO THANK THE 35 MEMBERS OF THIS BODY THAT HAVE ATTACHED THEIR NAMES TO THIS BILL. AND WITH THAT, I WOULD ASK FOR YOUR SUPPORT ON LB190 AND AM48. THANK YOU, MR. PRESIDENT. [LB190]



Floor Debate  
February 02, 2015

---

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR COASH, AS VICE CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB190]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. AM48 WAS ADVANCED FROM THE JUDICIARY COMMITTEE BY A 6-2 VOTE. THIS AMENDMENT WOULD ELIMINATE THE REQUIREMENT THAT THE APPLICANT FOR A CONCEALED HANDGUN BE A CITIZEN OF THE UNITED STATES. LET ME TRY TO EXPLAIN WHY IT WAS IMPORTANT TO AMEND THIS BILL AS SUCH. UNDER THE CURRENT CONCEALED HANDGUN PERMIT ACT, AN APPLICANT FOR A CONCEALED HANDGUN MUST BE A U.S. CITIZEN. BUT AS THE ACT IS WRITTEN, A LAWFUL PERMANENT RESIDENT OR OTHER NONCITIZEN, LAWFULLY PRESENT IN THE COUNTRY, COULD BE A RESIDENT FOR PURPOSES OF THE ACT BUT COULD NOT APPLY FOR A CONCEALED HANDGUN PERMIT IN NEBRASKA. IN RESPONSE TO A COURT ORDER IN 2013, THE STATE PATROL HAD BEEN ORDERED NOT TO ENFORCE THE CITIZENSHIP REQUIREMENT IN THIS SECTION, AS APPLIED TO THE APPLICATION OF LAWFUL PERMANENT RESIDENTS TO OBTAIN A PERMIT TO CARRY A CONCEALED HANDGUN, PROVIDED THEY WERE OTHERWISE QUALIFIED. AM48 WOULD PREVENT THE POSSIBILITY OF FUTURE LAWSUITS AGAINST THIS SECTION OF THE CONCEALED HANDGUN ACT BY ELIMINATING THIS...THE CITIZENSHIP REQUIREMENT ENTIRELY. IT'S A VERY TECHNICAL AMENDMENT THAT WE'RE TALKING ABOUT. IT IS ONE THAT WILL AVOID SOME LAWSUITS BECAUSE OF A COURT ORDER. AND I WOULD URGE YOUR ADOPTION OF AM48. THANK YOU, MR. PRESIDENT. [LB190]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. DEBATE IS NOW OPEN ON THE COMMITTEE AMENDMENTS TO LB190. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB190]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, IN A PLACE CALLED TOMBSTONE, ARIZONA--SOME OF MY FACTS MAY NOT BE QUITE CORRECT--BUT I THINK THERE WAS A CORRAL THERE CALLED THE O.K. CORRAL. AND THERE WAS TO BE A CONFRONTATION. ONE OF THE PARTICIPANTS WAS A FELLOW NAMED IKE CLANTON. I'D LIKE TO ASK SENATOR BLOOMFIELD A QUESTION OR TWO. [LB190]

PRESIDENT FOLEY: SENATOR BLOOMFIELD, WOULD YOU YIELD TO A QUESTION? [LB190]

SENATOR BLOOMFIELD: YES, I WILL. [LB190]

Floor Debate  
February 02, 2015

---

SENATOR CHAMBERS: SENATOR BLOOMFIELD, WAS THERE A GUY NAMED WYATT EARP WHO WAS THERE, AS FAR AS YOU KNOW OR HAVE READ ABOUT? [LB190]

SENATOR BLOOMFIELD: SENATOR CHAMBERS, I HAD THE OPPORTUNITY TWO YEARS AGO TO VISIT TOMBSTONE AND, YES, WYATT EARP WAS THERE ALSO. [LB190]

SENATOR CHAMBERS: AND IKE CLANTON WAS ONE OF THE PARTICIPANTS. [LB190]

SENATOR BLOOMFIELD: I BELIEVE SO, YES. [LB190]

SENATOR CHAMBERS: NOW I'VE NEVER BEEN A COWBOY. I'VE NEVER BEEN TO TOMBSTONE. HOW DO YOU THINK IT COMES TO BE THAT I MAY KNOW SOMETHING ABOUT THIS O.K. CORRAL SHOWDOWN AND EVEN THE NAMES OF SOME OF THE PARTICIPANTS? [LB190]

SENATOR BLOOMFIELD: WELL, THERE HAVE BEEN A NUMBER OF MOVIES MADE ABOUT IT. THERE HAVE BEEN DOZENS OF BOOKS WRITTEN ABOUT TOMBSTONE AND THE SHOOTOUT AT THE O.K. CORRAL... [LB190]

SENATOR CHAMBERS: OKAY. [LB190]

SENATOR BLOOMFIELD: ...AND ALL SORTS OF THINGS THAT WOULD MAKE IT, THAT KNOWLEDGE, AVAILABLE TO YOU. [LB190]

SENATOR CHAMBERS: NOW THAT INDICATES TO ME THAT YOU'RE QUALIFIED TO ANSWER QUESTIONS THAT I MIGHT HAVE ON THIS BILL. THIS PARTICULAR COMMITTEE AMENDMENT STRIKES SOME LANGUAGE. AND WOULD YOU STATE AGAIN WHAT LANGUAGE IS BEING STRICKEN, BECAUSE SOMETIMES WHEN THE COMMITTEE AMENDMENT IS OFFERED THERE'S NOT MUCH ATTENTION GIVEN TO WHAT IS SAID. [LB190]

SENATOR BLOOMFIELD: THE AMENDMENT STRIKES LANGUAGE PERTAINING TO ALIENS, AS THEY WERE CONSIDERED UNDER THE ORIGINAL LAW THAT IS...PERTAINS ONLY TO THE SERVICE MEMBER. AND THIS STRIKES THAT LANGUAGE BECAUSE OF THE COURT CASE THAT WAS HELD IN 2013. SENATOR COASH EXPLAINED THAT AND I... [LB190]

SENATOR CHAMBERS: AND THERE MUST BE, AS A SUPPORTING REASON FOR REMOVING THIS LANGUAGE AND A COURT CASE THAT WAS MENTIONED, THE

Floor Debate  
February 02, 2015

---

IDEA THAT THAT PARTICULAR STATUS HAS NOTHING TO DO WITH THE SUITABILITY OF A PERSON TO POSSESS A FIREARM UNDER THE CIRCUMSTANCES IN THE LAW. IS THAT CORRECT? [LB190]

SENATOR BLOOMFIELD: OTHER THAN THE...I THINK THEIR CONCERN WAS WITH THE LEGALITY OF THE CITIZEN. [LB190]

SENATOR CHAMBERS: RIGHT. AND HERE'S... [LB190]

SENATOR BLOOMFIELD: BUT THE LANGUAGE, IF YOU WOULD LIKE, SENATOR,... [LB190]

SENATOR CHAMBERS: I DON'T MIND. [LB190]

SENATOR BLOOMFIELD: OKAY. [LB190]

SENATOR CHAMBERS: HERE'S THE POINT. THERE ARE ANY NUMBER OF QUALIFICATIONS THAT MAY BE PUT ON WHETHER OR NOT A PERSON CAN POSSESS THIS FIREARM OR CARRY CONCEALED OR WHATEVER THE GENERAL LAW IS DEALING WITH FIREARMS. IT HAD TO HAVE BEEN DETERMINED THAT THIS PARTICULAR STATUS SHOULD NOT BE ENOUGH TO PREVENT A PERSON, WHO MEETS ALL OF THE OTHER REQUIREMENTS, FROM POSSESSING OR TAKING ADVANTAGE OF THE FIREARM LAWS. WOULD YOU AGREE WITH THAT? [LB190]

SENATOR BLOOMFIELD: YES, I THINK I WOULD. [LB190]

SENATOR CHAMBERS: OKAY. NOW, SENATOR, DO YOU CONSIDER YOURSELF TO BE BASICALLY A FAIR-MINDED PERSON? [LB190]

SENATOR BLOOMFIELD: I CERTAINLY HOPE SO. [LB190]

SENATOR CHAMBERS: NO, NO, AND REMEMBER I SAID "BASICALLY," TO GIVE YOU SOME WIGGLE ROOM WITHOUT YOU HAVING TO WORRY ABOUT THAT. WHETHER OR NOT YOU ARE A FAIR-MINDED PERSON DOESN'T HAVE TO BE BASED ON WHAT YOU HOPE BUT BASED ON THE WAY YOU BELIEVE AND CONDUCT YOURSELF. WOULD YOU CONSIDER YOURSELF TO BE A BASICALLY FAIR-MINDED PERSON? [LB190]

SENATOR BLOOMFIELD: THANK YOU FOR THE WRIGGLE ROOM. AND, YES, I WOULD. [LB190]

SENATOR CHAMBERS: NOW... [LB190]

Floor Debate  
February 02, 2015

---

PRESIDENT FOLEY: ONE MINUTE. [LB190]

SENATOR CHAMBERS: ...THIS WOULD INCLUDE THE IDEA THAT IF AN IMPEDIMENT OR AN OBSTACLE IS PLACED IN A PERSON'S WAY TO DOING SOMETHING AND IT CAN BE SHOWN THAT THAT OBSTACLE SHOULD NOT BE THERE, IT CAN BE SHOWN IT SHOULDN'T BE THERE, WOULD YOU HAVE OBJECTION TO REMOVING THAT OBSTACLE, IN GENERAL? [LB190]

SENATOR BLOOMFIELD: NO, NOT NECESSARILY. [LB190]

SENATOR CHAMBERS: OKAY. AND I'M GOING TO TURN ON MY LIGHT. WE'LL GET SPECIFIC, BUT I NEEDED TO ESTABLISH THAT PRINCIPLE FIRST. [LB190]

PRESIDENT FOLEY: THANK YOU, SENATORS CHAMBERS AND BLOOMFIELD. DEBATE CONTINUES ON JUDICIARY COMMITTEE AMENDMENTS. SENATOR BLOOMFIELD, YOU'RE NEXT IN THE QUEUE. [LB190]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. IN THE INTEREST OF WHAT SENATOR CHAMBERS HAS BROUGHT UP, I'D LIKE TO ASK SENATOR COASH A QUESTION, IF HE'S AVAILABLE. [LB190]

PRESIDENT FOLEY: SENATOR COASH, WOULD YOU YIELD TO A QUESTION? [LB190]

SENATOR COASH: YES, I WOULD. [LB190]

SENATOR BLOOMFIELD: SENATOR COASH, BEING AS IT WAS THE COMMITTEE THAT ASKED THAT THIS LANGUAGE BE REMOVED, WOULD YOU BE MAYBE BETTER ABLE, REALIZING THAT SENATOR SEILER IS THE ATTORNEY IN THE BUNCH, WOULD YOU BE BETTER ABLE TO ANSWER SOME OF SENATOR CHAMBERS' QUESTIONS THAN I MIGHT BE? [LB190]

SENATOR COASH: WELL, I'LL DO MY BEST, SENATOR BLOOMFIELD. LET ME JUST...I'LL REPEAT WHAT WE HAVE HERE AND THEN WE'LL SEE IF SENATOR CHAMBERS HAS SOME ADDITIONAL QUESTIONS. AS THE ACT, THE CONCEALED GUN PERMIT, IS CURRENT...THE ACT IS CURRENTLY WRITTEN, A LAWFUL PERMANENT RESIDENT IN THE COUNTRY COULD BE A RESIDENT FOR PURPOSES OF THIS ACT. SO IN OTHER WORDS, A PERSON COULD BE CONSIDERED LAWFUL FOR PURPOSES OF THIS ACT ONLY, RIGHT, BUT COULD NOT APPLY. BUT IN...BUT THEN WE HAD A COURT CASE BACK IN 2013 WHERE THE STATE PATROL WAS ORDERED BY THE JUDGE NOT TO ENFORCE THE CITIZENSHIP REQUIREMENT OF THIS ACT AS APPLIED TO THE APPLICATION

Floor Debate  
February 02, 2015

---

OF LAWFUL PERMANENT RESIDENTS TO OBTAIN A PERMIT TO CARRY, PROVIDED IF THEY'RE ALL QUALIFIED OTHERWISE. SO WHAT THE JUDGE SAID WAS YOU CAN'T ENFORCE THAT PIECE OF IT BECAUSE THE LAW SAYS YOU ARE A LAWFUL CITIZEN FOR PURPOSES OF THIS ACT. SO HOPEFULLY THAT ANSWERS YOUR QUESTION. I'VE GOT COPIES OF THE COURT CASE IF PEOPLE WANT TO TAKE A LOOK AT THAT. BUT I'LL TURN THE TIME BACK OVER TO YOU, SENATOR. [LB190]

SENATOR BLOOMFIELD: THANK YOU, SENATOR COASH. AM48 WAS ASKED FOR BY THE COMMITTEE. THE LEGAL SCHOLARS INVOLVED IN IT FAR UNDERSTAND OR FAR BETTER UNDERSTAND THE COMPLICATIONS OF THE CASE THAT WAS BROUGHT. SENATOR CHAMBERS, WITH HIS LEGAL MIND, MAY HAVE A LOT OF QUESTIONS THERE. BUT AM48, BY REMOVING THAT LANGUAGE, DOES NO HARM TO WHAT I INTENDED THE BILL TO BE, AND THAT WAS TO GIVE THE RIGHTS TO THE SPOUSE OF THE SERVICE MEMBER TO BE TREATED AS A CITIZEN WHEN APPLYING FOR A CONCEALED CARRY PERMIT. SENATOR CHAMBERS, DO YOU HAVE ANYTHING YOU'D CARE TO ADD AT THIS POINT, IF YOU'LL YIELD TO THAT QUESTION? [LB190]

SENATOR CHAMBERS: YES, I WILL YIELD. SENATOR, MY QUESTIONS WERE NOT TO CHALLENGE THE REMOVAL OF THE LANGUAGE. WHENEVER WE COME TO EXISTING LANGUAGE IN AN EXISTING STATUTE, AND THAT LANGUAGE SHOULD NOT BE THERE, ESPECIALLY BECAUSE OF A COURT OPINION, I THINK IT'S A GOOD IDEA TO REMOVE IT. SO MY QUESTIONS WERE NOT TO CHALLENGE THE COMMITTEE AMENDMENT AND THE REMOVAL OF THAT LANGUAGE, WHICH SHOULD BE REMOVED UNDER ANY CIRCUMSTANCES, BUT BECAUSE THE PRINCIPLE UNDERLYING THE REMOVAL OF THAT LANGUAGE IS BASED ON THE IDEA THAT AN INDIVIDUAL, WHOSE STATUS IS DESCRIBED BY THIS LANGUAGE, IS NOT GOING TO BE PREVENTED FROM THE BENEFITS OF THE FIREARMS LAWS BECAUSE OF THAT STATUS. IN OTHER WORDS, THERE IS NOTHING ABOUT THAT STATUS WHICH WOULD MAKE A PERSON ESPECIALLY DANGEROUS OR ANY OF THE NEGATIVES THAT CAN BE USED TO PREVENT A PERSON FROM HAVING THE FIREARM. [LB190]

PRESIDENT FOLEY: ONE MINUTE. [LB190]

SENATOR CHAMBERS: SO IF A PERSON MEETS THE STANDARDS THAT ARE IN THAT LANGUAGE AND ALL THE OTHER REQUIREMENTS OF THE LAW, THAT PERSON CAN OWN, POSSESS A FIREARM LIKE ANYBODY ELSE. THAT'S THE ONLY POINT THAT I'M GETTING TO. AND I THINK YOU AGREE WITH THAT. [LB190]

SENATOR BLOOMFIELD: YES, I THINK WE'RE IN AGREEMENT THERE. SO

Floor Debate  
February 02, 2015

---

BASICALLY WHAT YOU'RE SAYING, IN BETTER LANGUAGE THAN I HAVE, IS THAT YOU SUPPORT THE AMENDMENT. [LB190]

SENATOR CHAMBERS: CERTAINLY, I DO. [LB190]

SENATOR BLOOMFIELD: THANK YOU. [LB190]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB190]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, NOW THAT I HAVE ACKNOWLEDGED I'M GOING TO SUPPORT THAT AMENDMENT, I'D LIKE TO ASK SENATOR BLOOMFIELD A QUESTION OR TWO. [LB190]

PRESIDENT FOLEY: SENATOR BLOOMFIELD, WOULD YOU YIELD? [LB190]

SENATOR BLOOMFIELD: YES, SIR. [LB190]

SENATOR CHAMBERS: SENATOR BLOOMFIELD, GOING BACK TO THAT LANGUAGE ONLY FOR THE PURPOSE OF PROCEEDING BEYOND IT, THERE MIGHT BE CERTAIN OBSTACLES PLACED IN THE PATH OF A PERSON TAKING ADVANTAGE OF THE FIREARMS LAW, AND EVEN THOUGH THAT LANGUAGE MAY BE IN THE LAW, IT MAY BE FOUND TO BE UNLAWFUL TO HAVE THAT KIND OF OBSTACLE AND IT WOULD HAVE TO BE TAKEN OUT. THIS LANGUAGE IS IN THAT CATEGORY. IT'S SAYING THAT WHAT HAD BEEN USED BEFORE TO PREVENT A PERSON FROM TAKING ADVANTAGE OF THESE LAWS CAN NO LONGER BE USED. EVEN IF THAT PERSON HAS OTHER DISABILITIES IN OTHER AREAS, THEY DO NOT APPLY WHEN IT COMES TO POSSESSING THE FIREARM. AND THAT'S WHAT WE'RE AGREEING ON. NOW YOU HAVE HEARD ME SAY THAT I'M OPPOSED TO BILLS THAT ALLOW THE PROLIFERATION OR THE SPREADING OF FIREARMS. IS THAT TRUE OR FALSE? YOU'VE HEARD ME SAY THAT, HAVEN'T YOU? [LB190]

SENATOR BLOOMFIELD: IF YOU'RE ASKING ME A QUESTION ON YOUR TIME,... [LB190]

SENATOR CHAMBERS: YES. [LB190]

SENATOR BLOOMFIELD: ...YES, I HAVE. [LB190]

SENATOR CHAMBERS: YES, AND IT IS ON MY TIME. DO YOU THINK THIS IS A BILL THAT I WOULD OPPOSE OR THAT I WOULD SUPPORT OR THAT I WOULD

Floor Debate  
February 02, 2015

---

JUST LEAVE ALONE? [LB190]

SENATOR BLOOMFIELD: WELL, SEEING YOUR VOTE IN COMMITTEE, I DIDN'T THINK PROBABLY YOU WERE GOING TO SUPPORT IT. I WAS RATHER HOPEFUL YOU'D LEAVE IT ALONE. [LB190]

SENATOR CHAMBERS: WELL, WHAT I'M GOING TO DO IS NOT DISCUSS IT FURTHER AT THIS POINT ON THE COMMITTEE AMENDMENT, SINCE THAT'S SOMETHING WE HAVE BEEN ABLE TO AGREE ON. AND IF I AGREE WITH YOU ON THE COMMITTEE AMENDMENT, YOU MAY AGREE WITH ME SOMETHING ON A BIGGER AMENDMENT. [LB190]

SENATOR BLOOMFIELD: WE'LL SEE. [LB190]

SENATOR CHAMBERS: AND THAT'S ALL THAT I HAVE. THANK YOU, MR. PRESIDENT. [LB190]

PRESIDENT FOLEY: THANK YOU, SENATORS CHAMBERS AND BLOOMFIELD. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB190]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. THIS PARTICULAR BILL IS KIND OF INTERESTING, BECAUSE WHEN THE COMMITTEE AMENDMENT SHOWED UP AND SAID, OKAY, THIS LINE THAT WE'RE TAKING OUT OF IT, REQUIRING SOMEONE TO BE A CITIZEN BUT STILL HAVING TO PASS OTHER TESTS, WAS UNCONSTITUTIONAL, THEN ONE WOULD ASK, IS ALL OF OUR CONCEAL AND CARRY ACT UNCONSTITUTIONAL? AND SO IF YOU GO BACK ON THE WEB PAGE THAT SHOWS OUR LAWS, THAT SHOWS THE HISTORY OF THE LAWS, AND GO BACK TO THE ORIGINAL CONCEAL AND CARRY ACT, IT HAS IN IT A THING CALLED A SAVINGS CLAUSE. AND IT SAYS THAT IF ANY OF THE PROVISIONS ARE UNCONSTITUTIONAL, THE REMAINING WILL STILL STAND, WHICH WOULD MEAN THAT THE ORIGINAL LAW WOULD STILL BE CONSTITUTIONAL IN SPITE OF THIS ONE LINE BEING UNCONSTITUTIONAL. AND THAT'S AN IMPORTANT PROVISION TO HAVE IN ACTS WHICH MAY HAVE CONTROVERSIAL...CONSTITUTIONALLY CONTROVERSIAL PROVISIONS, SO THAT YOU DON'T LOSE THE WHOLE THING IN THE PROCESS OF A LAWSUIT THAT MIGHT BE ON A PART OF IT. BUT WHAT'S A LITTLE BIT INTERESTING IS MUCH OF THE ORIGINAL ACT WAS THEN REPEALED AND REPLACED WITH OTHER LANGUAGE IN SUBSEQUENT ACTS. AND WHAT IMPACT THAT HAS ON WHETHER OR NOT WE ARE SAVING, BY DOING THIS, THE CONCEAL AND CARRY ACT, IS KIND OF AN INTERESTING QUESTION. I HAVEN'T REACHED A CONCLUSION ON IT YET. BUT IT DOES UNDERSCORE THE IMPORTANCE OF HAVING SAVINGS CLAUSES IN ACTS WHICH MAY HAVE CONSTITUTIONAL CONTROVERSY. AND WHAT WE MIGHT

Floor Debate  
February 02, 2015

---

ALSO BE DOING HERE IS SAVING THE CONCEAL AND CARRY ACT FROM A CONSTITUTIONAL INFIRMITY THAT IT MIGHT HAVE NOW BY CHANGING IT. THANK YOU. [LB190]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR COASH, YOU'RE RECOGNIZED TO CLOSE ON THE ADOPTION OF THE COMMITTEE AMENDMENTS. [LB190]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, BRIEFLY, AM48 REMOVES A REQUIREMENT THAT THE PERSON SUBJECT TO THE CONCEALED FIREARM ACT BE A RESIDENT. THIS IS A REQUIREMENT THAT DID NOT NEED TO BE IN THERE BECAUSE OF A COURT ORDER. THIS SAVES THIS BILL FROM BEING SUBJECT TO CONSTITUTIONALITY. WE APPRECIATE YOUR VOTE. THE JUDICIARY COMMITTEE LOOKED AT THIS. WE ATTACHED THIS AMENDMENT UNANIMOUSLY AND WOULD ENCOURAGE YOUR SUPPORT FOR THAT AS WELL. THANK YOU, MR. PRESIDENT. [LB190]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB190 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB190]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE JUDICIARY COMMITTEE AMENDMENT. [LB190]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE COMMITTEE AMENDMENTS ARE ADOPTED. DEBATE NOW CONTINUES ON LB190 AS ADOPTED. SENATOR CHAMBERS. [LB190]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SENATOR BLOOMFIELD, NOW IT BEGINS. I WOULD LIKE TO ASK YOU A FEW QUESTIONS IF YOU WILL YIELD, SENATOR BLOOMFIELD. [LB190]

PRESIDENT FOLEY: SENATOR BLOOMFIELD, WOULD YOU YIELD TO A FEW QUESTIONS? [LB190]

SENATOR BLOOMFIELD: YES, I WILL. [LB190]

SENATOR CHAMBERS: SENATOR BLOOMFIELD, WHAT I WAS LEADING UP TO WITH THAT PRIOR DISCUSSION IS THE PROVISION IN THE EXISTING LAW THAT IF A PERSON HAS BEEN CONVICTED OF A FELONY, HE OR SHE CANNOT...NOW I DON'T WANT TO MENTION ALL OF THE PROVISIONS OF THE LAW, SO WHEN I SAY THE BENEFITS OF THE FIREARMS LAW, WHAT I MEAN BY THAT IS THE



Floor Debate  
February 02, 2015

---

ALLOWANCE TO POSSESS ONE, TO OWN ONE, OR EVEN CARRY IT IF YOU MEET THE CONDITIONS. SO BUT IT SAYS IF YOU'VE BEEN CONVICTED OF A FELONY, YOU CANNOT DO ANY OF THOSE THINGS. DO YOU AGREE THAT THAT'S IN THE EXISTING LAW? [LB190]

SENATOR BLOOMFIELD: YES. [LB190]

SENATOR CHAMBERS: DO YOU THINK THAT EVERY PERSON HAS A RIGHT TO DEFEND AND PROTECT HIS OR HER LIFE? [LB190]

SENATOR BLOOMFIELD: YES. [LB190]

SENATOR CHAMBERS: IF A PERSON HAS COMMITTED A FELONY, SHOULD THAT PERSON BE DENIED OF THE MEANS THAT SOCIETY HAS SAID IS A LEGITIMATE WAY TO PROTECT YOUR LIFE IF PLACED IN PERIL? [LB190]

SENATOR BLOOMFIELD: WELL, NO. I... [LB190]

SENATOR CHAMBERS: COME ON. [LB190]

SENATOR BLOOMFIELD: WHEN THE LAW CLEARLY SAYS THAT IF YOU'VE COMMITTED A FELONY YOU LOSE CERTAIN RIGHTS, AND THE ABILITY TO CARRY A CONCEALED WEAPON IS ONE OF THOSE AND I SUPPORT THAT LAW. [LB190]

SENATOR CHAMBERS: HAVE YOU HEARD THE EXPRESSION UNJUST LAW? [LB190]

SENATOR BLOOMFIELD: OF COURSE. [LB190]

SENATOR CHAMBERS: I'M GOING TO ASK YOU A FEW QUESTIONS, AND I DON'T WANT YOU TO MAKE A MORAL JUDGMENT ABOUT THE ISSUES THAT THESE LAWS THAT I'M TALKING ABOUT WILL DEAL WITH. BUT I WANT YOU TO CONSIDER THE NATURE OF THE OFFENSE AND SEE IF YOU THINK THAT PERSONS WHO COMMIT THESE TYPES OF OFFENSES SHOW BY COMMISSION OF THAT OFFENSE THAT IT WOULD BE HAZARDOUS OR WHATEVER THE REASON IS FOR DENYING THE RIGHT TO POSSESS EVEN, TO OWN EVEN, OR TO CARRY A CONCEALED WEAPON. THEY HAVE A CHARGE: UNAUTHORIZED PERSON CARRYING A WEAPON. SENATOR BLOOMFIELD, DO YOU THINK PROSTITUTION THAT SOMEBODY WHO SOLICITS...NOT A PIMP NOW, BUT SOMEBODY WHO SOLICITS SEX IN EXCHANGE FOR MONEY OR SOMEBODY WHO AGREES TO SELL SEX FOR MONEY SHOULD BE DENIED THE RIGHT TO POSSESS OR OWN OR CARRY A CONCEALED WEAPON? [LB190]

Floor Debate  
February 02, 2015

---

SENATOR BLOOMFIELD: SENATOR CHAMBERS, YOU ARE ATTEMPTING TO LEAD ME DOWN A PATH OF... [LB190]

SENATOR CHAMBERS: RIGHTEOUSNESS. (LAUGHTER) [LB190]

SENATOR BLOOMFIELD: WELL, I WISH WE COULD BOTH WALK DOWN THAT PATH. BUT I STRUGGLE WITH IT. BUT YOU'RE ATTEMPTING TO LEAD ME INTO A DEBATE ON LAW AND I DO NOT UNDERSTAND FULLY WHAT IS A FELONY AND WHAT IS A MISDEMEANOR. AND, THEREFORE, I'M NOT GOING TO BE ABLE TO ANSWER THOSE QUESTIONS. [LB190]

SENATOR CHAMBERS: WELL, YES, YOU CAN IF YOU TRY. THERE ARE A LOT OF THINGS WE CAN DO IF WE JUST SET OUR MIND TO IT OR IF WE DON'T TAKE AWAY FROM OURSELVES THE ABILITY TO DO IT. NOW SOME PEOPLE FEEL, AND GEORGE BERNARD SHAW MAY HAVE BEEN ONE OF THEM, THAT MARRIAGE AMOUNTS TO THIS, OR FIANCE AND HIS OR HER OTHER PARTNER IS DOING THIS ALL THE TIME. BECAUSE SEX IS INVOLVED... [LB190]

PRESIDENT FOLEY: ONE MINUTE. [LB190]

SENATOR CHAMBERS: ...THERE ARE EXCHANGES OF THINGS OF VALUE AND IT'S ALL PART OF ONE THING. SO ONLY IN A LIMITED AREA IS THIS IDEA OF EXCHANGING SEX FOR SOMETHING OF VALUE DETERMINED TO BE A CRIME. WOULD YOU AGREE WITH THAT? [LB190]

SENATOR BLOOMFIELD: WELL, I DON'T BELIEVE CONSENSUAL SEX BETWEEN A MARRIED COUPLE IS A CRIME. [LB190]

SENATOR CHAMBERS: NO. YOU'RE ADDING SOMETHING ELSE. [LB190]

SENATOR BLOOMFIELD: AGAIN, YOU ARE ATTEMPTING TO GO DOWN THE LEGAL LOOPHOLES THAT I'M NOT FAMILIAR WITH. [LB190]

SENATOR CHAMBERS: THEN WE'LL GO TO ANOTHER THING. THERE IS A CRIME IN THE STATUTES CALLED OBTAINING A FALSE...USING A FALSE FINANCIAL STATEMENT TO OBTAIN A TRANSACTION DEVICE. AND THE TRANSACTION DEVICE WOULD BE A CREDIT CARD, A CHECK, A DEBIT CARD, ALL THOSE KIND OF DEVICES YOU USE. [LB190]

PRESIDENT FOLEY: TIME, SENATOR. [LB190]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB190]

Floor Debate  
February 02, 2015

---

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. AND, SENATOR CHAMBERS, YOU ARE NEXT IN THE QUEUE. [LB190]

SENATOR CHAMBERS: THANK YOU. LET ME ASK A QUESTION THAT IS BROADER THAN MY TAKING THESE INDIVIDUAL EXAMPLES. DO YOU THINK THAT A PERSON WHO COMMITS A NONVIOLENT FELONY SHOULD BE DENIED THESE RIGHTS UNDER THE FIREARMS LAWS? [LB190]

SENATOR BLOOMFIELD: MY UNDERSTANDING OF THE LAW IS THAT IF YOU ARE CONVICTED OF A FELONY, YOU ARE PROHIBITED, AND I AM NOT ATTEMPTING TO DO ANYTHING TO CHANGE THAT LAW. [LB190]

SENATOR CHAMBERS: I KNOW, BUT WE'RE TALKING ABOUT SOMETHING BROADER. YOU AND I ARE PHILOSOPHIZING THIS MORNING. DO YOU THINK THAT THE CONDITION THAT WOULD DEPRIVE A PERSON OR PROHIBIT A PERSON FROM BENEFITING UNDER THE FIREARMS LAWS SHOULD BE A CRIME OF VIOLENCE? AND THAT WOULD MEAN THREATENING VIOLENCE AND ALL THESE OTHER THINGS ASSOCIATED WITH IT. OR DO YOU BELIEVE, NOW I'M TALKING ABOUT YOU AS A BASICALLY FAIR-MINDED PERSON, DO YOU BELIEVE THAT THE COMMISSION OF A NONVIOLENT FELONY SHOULD PROHIBIT A PERSON FROM GAINING THE BENEFITS OF THE FIREARMS LAW? [LB190]

SENATOR BLOOMFIELD: SENATOR, WE ARE OBVIOUSLY DISCUSSING TWO SEPARATE THINGS HERE. I'M DISCUSSING THE LAW AS WRITTEN; YOU'RE ATTEMPTING TO DISCUSS MY PERSONAL OPINIONS WHICH REALLY HAVE NO BEARING ON THE LAW AS WRITTEN. [LB190]

SENATOR CHAMBERS: NO, I SAID DON'T LET YOUR PERSONAL OPINION INFLUENCE THE WAY YOU ANSWER THE QUESTIONS. BUT THAT'S ALL I'LL ASK YOU FOR NOW. THANK YOU. [LB190]

SENATOR BLOOMFIELD: THANK YOU. [LB190]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHAT THESE PEOPLE WHO WANT THE PROLIFERATION OF FIREARMS WILL TRY TO DO IS TAKE AWAY ANY OBJECTION THAT A PERSON MIGHT RAISE. AND THE WORD FELONY CONJURES UP IN MOST PEOPLE'S MIND A VERY SERIOUS OFFENSE INVOLVING VIOLENCE THAT HURT ANOTHER PERSON. I DON'T LIKE TO SEE PROSTITUTION FLOURISHING BECAUSE IT GENERALLY IS A WOMAN IN BAD STRAITS WHO GETS INVOLVED OR AN UNDERAGE PERSON. AND WHEN YOU LOOK AT ALL OF THE THINGS THAT OCCUR IN CONNECTION WITH

Floor Debate  
February 02, 2015

---

PROSTITUTION, IT IS NOT A WHOLESOME ACTIVITY EVEN THOUGH THE DEFINITION OF IT COULD FIT WHAT GOES ON WITHIN A MARRIAGE. SO NOT ONLY IS A MARRIAGE LICENSE THE STATE'S PERMISSION TO ENTER THAT STATUS OF MARRIAGE, IT SANCTIFIES AND APPROVES OF WHAT BASICALLY AMOUNTS TO PROSTITUTION. IT'S APPLYING A DIFFERENT NAME TO THE SAME THING. THAT'S WHY IT'S OFTEN SAID THAT THE PERSON WHO IS ENTITLED AND HAS THE AUTHORITY TO NAME THINGS IS THE ONE WHO IS IN CHARGE. TAKE IT ALL THE WAY BACK TO THE "BIBBLE." ADAM WAS GIVEN AUTHORITY TO NAME EVERYTHING. SO THE POWER TO NAME, LABEL, OR BRAND IS EXTREMELY IMPORTANT. THERE IS POWER HIDDEN WITHIN THAT WHICH MOST PEOPLE DON'T THINK ABOUT BECAUSE WE DON'T ANALYZE, WE DON'T THINK REFLECTIVELY, WE GENERALLY DON'T DO WHAT COULD BE CALLED THINKING AT ALL. BUT WHEN AN ISSUE SUCH AS THIS COMES UP, IT GIVES ME THE OPPORTUNITY TO RAISE SOME OTHER... [LB190]

PRESIDENT FOLEY: ONE MINUTE. [LB190]

SENATOR CHAMBERS: ...MATTERS THAT I THINK ARE VERY IMPORTANT. SO THAT'S WHAT I'M GOING TO DO IN THE CONTEXT OF THIS BILL. AND IT DOESN'T LOOK LIKE I'M GOING TO HAVE MUCH COOPERATION FROM SENATOR BLOOMFIELD WHOSE BILL IT IS, SO I'M GOING TO HAVE TO UNDERTAKE TO DO IT ALL BY MYSELF, LIKE THE LITTLE RED HEN, AND I'M PREPARED TO DO THAT. BUT SOMETIMES NOT EVERYTHING THAT APPEARS TO BE A CERTAIN WAY OR A CERTAIN THING NECESSARILY IS THAT. THERE CAN BE AN OVERLY DEFENSIVE AND OVERLY EVEN SUSPICIOUS ATTITUDE THAT DEVELOPS AND IT CAUSES OR CREATES THE NECESSITY TO GO INTO MUCH MORE DETAIL THAN WOULD ORDINARILY BE THE CASE. SO I... [LB190]

PRESIDENT FOLEY: TIME, SENATOR. [LB190]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB190]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD SPEAKING OPPORTUNITY, SENATOR. [LB190]

SENATOR CHAMBERS: I KNOW BUT WHERE THERE'S A WILL, THERE IS A WAY. AND I WANT TO SHOW MY GOOD FRIEND SENATOR BLOOMFIELD THAT HE CAN DO THINGS IF HE WOULD. HE COULD DISCUSS EVERY ONE OF THESE ISSUES WITH ME THAT I'M BRINGING UP. THERE ARE CERTAIN MISDEMEANORS. CLASS I IS THE HIGHEST LEVEL MISDEMEANOR. YOU CAN BE SENTENCED TO UP TO ONE YEAR OF IMPRISONMENT. BUT THERE IS NO MINIMUM. A CLASS IV FELONY, YOU CAN BE SENTENCED UP TO FIVE YEARS. THERE IS NO MINIMUM.

Floor Debate  
February 02, 2015

---

SO A PERSON WHO COMMITS A MISDEMEANOR, AND YOU'D HAVE TO GO THROUGH THE STATUTES TO SEE WHAT THESE MISDEMEANORS CONSIST OF AND SOME OF THEM INVOLVE VIOLENCE, BUT STILL THERE IS NO MINIMUM. SOME OF THESE CLASS IV FELONIES DO NOT INVOLVE VIOLENCE, THE THREAT OF VIOLENCE, OR ANYTHING ELSE. IT JUST HAS THAT NAME OR THAT LABEL. NO MINIMUM. SO THE ONE WHO COMMITTED THE MISDEMEANOR COULD SERVE A LONGER TIME OF INCARCERATION THAN THE PERSON WHO COMMITTED THE CLASS IV FELONY. SO WHEN YOU HAVE FUZZY THINKING, I'M NOT TALKING ABOUT SENATOR BLOOMFIELD NOW. WE WERE JUST GOING BACK AND FORTH. THIS IS FOR THE SOCIETY AND FOR THOSE PEOPLE WHO SUPPORT THESE GUN LAWS. YOU NEED TO LEARN NOT TO BE A MONKEY SEE, MONKEY DO, NOT ONLY ON THE GUN LAWS BUT ON ABORTION. YOU TAKE YOUR ORDERS FROM A NATIONAL ORGANIZATION THAT DOES NOT HAVE THE INTERESTS OF THE CITIZENS OF THIS STATE AT HEART, BUT SOME OVERARCHING AGENDA. THE NRA, THE NATIONAL RIFLE ASSOCIATION, AND THE GUN MANUFACTURERS ARE INTERESTED IN THE MONEY THAT'S INVOLVED IN THE PRODUCTION, SALE, PROLIFERATION OF GUNS. THEY DON'T EVEN WANT BACKGROUND CHECKS BECAUSE SOMEBODY MIGHT BE PROHIBITED FROM HAVING A GUN AND THAT'S ONE LESS CUSTOMER. MONEY IS WHAT THEY WANT. AND THEY'LL GET IT. AND MONEY TALKS. IF YOU READ ANYTHING ABOUT THIS PROBLEM, YOU'LL SEE THAT THE NRA HAS GAINED MORE CLOUT BECAUSE THEY HAVE MORE MONEY TO INFLUENCE POLITICIANS. AND I DON'T KNOW IF THEY SEE THE NEED TO EXPEND ANY MONEY ON MEMBERS OF THE NEBRASKA LEGISLATURE BECAUSE YOU GET THEM FREE OR, AS I SAID, FOR A MEATLOAF SANDWICH AND A CHICKEN DINNER OR COLD CUTS AND A CAN OF POP IF THAT'S ALL THE LOBBYIST CAN AFFORD. BUT THERE ARE DEEPER, MORE PROFOUND ISSUES WE OUGHT TO LOOK AT. AND THE FIRST ONE SHOULD BE WHO HAS A RIGHT TO USE LETHAL FORCE, AND UNDER WHAT CIRCUMSTANCES, TO PROTECT HIS OR HER LIFE. SHOULD THE MERE COMMISSION OF A PROHIBITED ACT REMOVE FROM THAT PERSON THE RIGHT TO DEFEND HIMSELF OR HERSELF THROUGH THE USE OF LETHAL FORCE? BUT THAT WILL NEVER BE DISCUSSED. IT WILL NEVER BE DEBATED BECAUSE THERE IS A FEAR IN THIS SOCIETY OF FOLLOWING AN INQUIRY BASED ON TRUTH AND FACTS WHERE IT WILL ACTUALLY LEAD YOU AND YOU KNOW WHERE THAT WILL BE. HOW MUCH TIME DO I HAVE, MR. PRESIDENT? [LB190]

PRESIDENT FOLEY: 1:10. [LB190]

SENATOR CHAMBERS: I'M GOING TO STOP BECAUSE I WON'T BE ABLE TO SAY WHAT I WANT TO SAY AND I HAVE A MOTION UP THERE AND THEN I'LL CONTINUE. THANK YOU, MR. PRESIDENT. [LB190]

Floor Debate  
February 02, 2015

---

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. MR. CLERK. [LB190]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO INDEFINITELY POSTPONE LB190. SENATOR BLOOMFIELD WOULD HAVE THE OPTION OF LAYING THE BILL OVER OR TAKING THE MOTION UP. [LB190]

SENATOR BLOOMFIELD: WE'LL TAKE THE MOTION UP. [LB190]

PRESIDENT FOLEY: THANK YOU. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB190]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, ONE DAY I HAD MENTIONED I HAD GRADUATED FROM A JESUIT UNIVERSITY, CREIGHTON. BY THE WAY, IT WAS EASY FOR ME, EASY. THEY TALK ABOUT HOW DIFFICULT JESUIT EDUCATION IS. THE RECORD WILL SHOW I DID NOT ATTEND CLASSES. AND I NEVER FLUNKED A COURSE. THEIR LAW SCHOOL WAS THE SAME THING. I DIDN'T ATTEND CLASSES ON A REGULAR BASIS. AND I PASSED ALL THE COURSES. SO SOME OF THE WHITE STUDENTS, ALL OF THEM WERE WHITE, GOT OFFENDED BECAUSE WHEN WE FINISHED OUR FRESHMAN YEAR, I WAS NUMBER FOUR ON THE DEAN'S LIST. AND APPARENTLY THEY WERE MAKING BOOK ON HOW BADLY WOULD I FLUNK OUT. AND I DIDN'T. BUT BECAUSE I WAS NUMBER FOUR, THERE WAS A GROUP OF THEM BELOW ME, AND RATHER THAN PUT ALL OF THEM ON THE DEAN'S LIST AND DILUTE THE VALUE OF IT, I WAS THE CUTOFF POINT. SO IN THEIR MINDS, NOT THEIR INABILITY TO MASTER THE LAW AND WRITE A GOOD EXAMINATION WAS WHAT KEPT THEM OFF THE DEAN'S LIST, BUT, RATHER, MY BEING ON THE DEAN'S LIST KEPT THEM OFF. SO THEY STARTED INSISTING THAT THE ATTENDANCE RULE BE ENFORCED. YOU WERE ALLOWED TO MISS UP TO 20 PERCENT OF YOUR CLASSES WITHOUT PENALTY. MAYBE THE PROFESSORS CAME TO THE CONCLUSION THAT SINCE LAW SCHOOL CAN BE EQUATED TO A GRADUATE SCHOOL, BY THE TIME YOU REACH THAT STAGE OF YOUR EDUCATION, YOU SHOULD BE ALLOWED TO DETERMINE HOW MUCH TIME YOU NEED TO BE IN CLASS TO PASS. THAT MEANS YOU'RE MATURING. YOU MADE JUDGMENTS. AND IF YOU HAPPEN TO GUESS WRONG, THEN THAT WRONG GUESS CARRIES ITS OWN PENALTY WHICH IS THAT YOU'LL FLUNK EXAMS AND FLUNK OUT OF SCHOOL. BUT I DIDN'T DO EITHER ONE. I CONTINUE TO ROLL ALONG. I WORKED AT THE POST OFFICE IN THOSE YEARS IN THE ROLE OF WHAT'S CALLED A SUBSTITUTE CLERK. YOU'RE NOT A FULL-TIME EMPLOYEE. AND YOU HAVE TO SHOW UP EVERY DAY IN CASE A REGULAR CLERK IS ABSENT AND THEY NEED SOMEBODY TO FILL IN. BUT YOU'RE NOT NECESSARILY ALLOWED TO WORK IF NOBODY IS THERE. BUT ONCE THEY DO PUT YOU TO WORK, THEY CAN WORK YOU UP TO 12 HOURS. THAT'S THE WAY THE LAW WENT. AND I NEEDED AS MANY HOURS AS I COULD

Floor Debate  
February 02, 2015

---

GET. SO SOMETIMES I WOULD WORK ALL NIGHT AND I WOULD COME TO LAW SCHOOL AFTER WORKING. AND I, IN THOSE DAYS, WORE KHAKIS. AND THOSE WHO HAVE BEEN IN THE MILITARY KNOW THOSE OLD BOOTS THEY GIVE YOU. THEY DON'T LOOK LIKE MUCH BUT THEY WEAR AND WEAR AND WEAR. SO WHEN YOU'RE AT THE POST OFFICE, THERE WERE TIMES YOU'D BE IN A SITUATION WHERE SOMETHING MIGHT FALL ON YOUR FEET, SO YOU WEAR WELL-CONSTRUCTED FOOTWEAR. SO I'D GO TO LAW SCHOOL WITH A T-SHIRT, KHAKIS, AND BOOTS. AND THESE GUYS WOULD BE TALKING, ALL OF THEM WHITE, FATHERS HAD BEEN LAWYERS, TALK ABOUT I SHOULDN'T EVEN BE ALLOWED IN THE SCHOOL BECAUSE I DIDN'T EVEN KNOW HOW TO DRESS. AND I WASN'T AWARE THAT ATTIRE HAD ANYTHING TO DO WITH WHAT'S IN YOUR BRAIN BECAUSE WHEN I WAS A LITTLE-BITTY CHILD, I HEARD SOMEBODY SAY CLOTHES DO NOT MAKE THE MAN. I HEARD ANOTHER VERSION OF IT THAT SAID YOU CANNOT JUDGE A BOOK BY ITS COVER. BUT IN ANY CASE, EARLY ON IN LIFE, I DEVELOPED AN ATTITUDE WHERE I DIDN'T CARE WHAT PEOPLE SAID ABOUT ME WHETHER IT WAS IN PRAISE, COMPLIMENTARY, OR CRITICISM. THEIR THOUGHTS COULDN'T HURT ME. THEIR WORDS MEANT NOTHING TO ME. AND THEY DID NOT UTTER FIGHTING WORDS TO ME BECAUSE I WOULD FIGHT. I DIDN'T WANT TO. I DIDN'T LIKE TO BUT I WOULD. SO I DIDN'T HAVE TO WORRY ABOUT ANYTHING LIKE THAT. FINALLY, THEY BEGAN TO PUT PRESSURE ON THE SCHOOL ADMINISTRATORS. AND THEY POINTED OUT THAT A RULE IS A RULE, SO THEY OUGHT TO ENFORCE IT. AND THERE WAS A PERSON GOING TO THAT SCHOOL WHO WAS IN CONTINUOUS VIOLATION OF THAT RULE. EVEN WHEN HE CAME TO SCHOOL HE DIDN'T ATTEND CLASS. HE WOULD GO DOWN INTO THE LOUNGE WHERE THEY HAD THESE PLUSH LEATHER...I GUESS YOU ALL CALL THEM DIVANS OR WHATEVER. WE CALL THEM COUCHES OR DO FOLDS AND I'D JUST STRETCH OUT AND GO TO SLEEP BECAUSE I WOULD BE TIRED FROM HAVING WORKED ALL NIGHT. BUT WHEN I WOULD GO TO CLASS, BECAUSE I BECAME AWARE OF WHAT THEY WERE DOING, I CAN THINK. SEE, THAT SITTING ON TOP OF YOUR NECK CAN BE REFERRED TO AS YOUR NOODLE. THERE WERE THINGS GOING ON IN MY NOODLE BECAUSE MY NOODLE WAS NOT MADE OF PASTA. THEY HAD A RULE IN THAT SCHOOL THAT WHEN YOU CAME TO CLASS, IF YOU WERE CALLED ON AND YOU DIDN'T KNOW THE ANSWER TO A QUESTION, YOU WERE EXCUSED FROM THE CLASS. AND THESE WHITE KIDS WERE TERRIFIED OF THAT. BUT IN THAT RULE I SAW MY SALVATION. I WOULD GO TO CLASS SO I WAS MARKED PRESENT, AND BECAUSE THERE WAS SO MUCH CONDEMNATION OF ME BECAUSE I DIDN'T ATTEND CLASS, SOME OF THE PROFESSORS THOUGHT I DIDN'T KNOW ANYTHING ALSO. BUT I WAS JUST A WEE BIT SMARTER THAN THEY THOUGHT THAT I WAS. SO IF I'D LOOK KIND OF HUNCHED OVER...I'D READ THINGS ABOUT BODY LANGUAGE. IF YOU HUNCH YOUR SHOULDERS UP, PUT YOUR HEAD DOWN, YOU ARE TRYING TO BE LIKE A TURTLE AND DISAPPEAR. AND THEN I'D GET CALLED ON. AND EVEN THOUGH

Floor Debate  
February 02, 2015

---

I COULD ANSWER ANY QUESTION THEY ASKED ME, I'D SAY I DON'T KNOW. WELL, YOU KNOW THE RULE. I'D SAY, CERTAINLY DO, AND I'D WALK OUT OF THE CLASSROOM SMILING. THEY THOUGHT THAT THEY HAD WHIPPED ME. AND I WAS JUST LIKE BR'ER RABBIT, BORN AND BRED IN THE BRIAR PATCH, DON'T THROW ME THERE. THEN THEY CAUGHT ON. AND I COULD RAISE MY HAND AND THEY WOULDN'T CALL ON ME. SO THEN I HAD TO GO BACK TO WHAT I WAS DOING WHICH WAS NOT ATTENDING THE CLASSES. WHEN THE EXAMINATION WAS GIVEN, I DID NOT TRY TO PRETEND THAT I KNEW WHAT I DIDN'T SO I WOULD ANSWER THE QUESTIONS THE BEST I COULD AND I'D LEAVE. AND I WAS ALWAYS THE FIRST ONE TO LEAVE SO THE STUDENTS THOUGHT THAT MEANT I DIDN'T KNOW THE SUBJECT MATTER. AGAIN, JUDGING ME BY THEMSELVES. AND I PASSED. SO THEN ENOUGH PRESSURE WAS BROUGHT TO BEAR AND I WENT TO THE SCHOOL TO REGISTER AT THE BEGINNING OF A FALL SEMESTER, AND THE DEAN TOLD ME I COULD NOT REGISTER BECAUSE I HAD CUT TOO MANY CLASSES THE PREVIOUS SEMESTER. AND I ASKED HIM, HOW CAN YOU TREAT ME THIS WAY WHEN AT THE TIME THAT I WAS CUTTING THESE CLASSES YOU DID NOT PREVENT ME FROM TAKING THE EXAMINATIONS? YOU ALLOWED ME TO REMAIN A STUDENT IN GOOD STANDING AND EVEN TAKE THOSE EXAMINATIONS. AND WE TALK ABOUT JUSTICE. I KNOW HOW TO RUN THAT BACK BY THEM. YOU HEAR ME DOING IN IT HERE ABOUT HOW YOU ALL HAVE YOUR CONSTITUTION AND IT DOESN'T APPLY. I PUT THAT ON THE DEAN BECAUSE WE'RE IN A LAW SCHOOL WHERE THE LAW IS WHAT WE TALKED ABOUT ALL THE TIME. THEN SOMETHING THAT I THINK SHOOK UP THE DEAN OCCURRED. THERE WAS A PROFESSOR WHO GOT THE OTHERS TO SIGN WHAT AMOUNTED TO A PETITION WHICH SAID I SHOULD BE ALLOWED TO REGISTER. SO THE DENIAL OF THE RIGHT TO REGISTER WAS RESCINDED AND I WENT TO SCHOOL AGAIN. HOWEVER, HABITS ARE HARD TO BREAK AND I DIDN'T GO TO CLASS. BUT AGAIN, I WAS NOT PUT OUT OF THE SCHOOL FOR CUTTING CLASSES AND I PASSED ALL MY EXAMS. SO THE NEXT FALL... [LB190]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB190]

SENATOR CHAMBERS: ...AGAIN, I WAS PROHIBITED FROM REGISTERING. AND THIS PROFESSOR WHO HAD LED THE EFFORT SAID, MR. CHAMBERS, YOU MAKE IT VERY HARD FOR PEOPLE TO HELP YOU, BUT WE THINK THAT WHAT YOU ARE TALKING ABOUT GOES TO THE HEART OF WHAT IS JUST AND EQUITABLE. I SAID, WHEN WE SAY...WHEN YOU SAY WE, DO YOU MEAN ALL THOSE OTHER PROFESSORS WHO SIGNED THAT PETITION? I STILL HAVE A COPY OF IT SOMEWHERE. AS YOU SEE FROM THE ARTICLES I HAND OUT, I DON'T THROW THINGS AWAY. HE SAID, WELL, I'M GOING TO UNDERTAKE IT. I



Floor Debate  
February 02, 2015

---

SAID, DON'T DO IT BECAUSE IT'S NOT GOING TO WORK. THERE IS NO NEED IN YOU PUTTING YOUR COLLEAGUES ON THE SPOT WHEN YOU'RE NOT GOING TO ACHIEVE ANYTHING. THERE'S NO NEED IN YOU FALLING OUT WITH THE DEAN BECAUSE YOU'RE NOT GOING TO ACHIEVE ANYTHING. I AM A GROWN MAN. I DO TAKE RESPONSIBILITY FOR WHAT I'VE DONE. [LB190]

SPEAKER HADLEY: TIME, SENATOR, AND YOU'RE NEXT IN THE QUEUE. [LB190]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I TAKE RESPONSIBILITY FOR MY CONDUCT. AND I'LL TAKE RESPONSIBILITY HERE. SO DON'T CIRCULATE ANY PETITIONS. I WON'T BE BEHOLDEN TO YOU ANYWAY. BUT I'M GOING TO TALK TO THE DEAN ONE MORE TIME. AND I WENT TO HIM, AND I SAID, DO YOU THINK THAT ANY EXAMINATION AT THIS SCHOOL CAN BE WRITTEN WHICH OTHER STUDENTS WILL PASS AND I CANNOT PASS IT? HE SAID, NO. THAT'S BEEN SHOWN NOT TO BE THE CASE. I SAID, WELL...AND THEN I WENT THROUGH WHAT I JUST MENTIONED TO YOU ALL ABOUT WE'RE SUPPOSED TO BE RESPONSIBLE AND KNOW WHAT WE NEED AND SO FORTH. RATHER THAN STOPPING ME FROM REGISTERING, YOU OUGHT TO USE ME AS AN EXAMPLE OF WHAT THIS LEVEL OF EDUCATION IS TO PRODUCE: A PERSON WHO UNDERSTANDS HIS OR HER RISKS IF HE OR SHE DOES NOT DO CERTAIN THINGS. AND IF YOU'RE ABLE TO DO WHAT I DO, AND MEET ALL THE OTHER REQUIREMENTS, THAT'S WHAT THE SCHOOL IS FOR, TO TEACH YOU ENOUGH ABOUT THE LAW TO PASS THE EXAMINATIONS AND I'VE DEMONSTRATED I CAN DO THAT. HE SAID, NO, YOU'RE NOT COMING BACK TO THIS LAW SCHOOL. I SAID, WELL, WHAT WOULD YOU, IF YOU DIDN'T HAVE THIS FEELING TOWARD ME THAT YOU OBVIOUSLY HAVE, WHAT WOULD YOU SUGGEST TO A YOUNG PERSON...BY THE WAY, I WAS YOUNG AT ONE TIME. AS BILLY JOEL SANG, WHEN I WORE A YOUNGER MAN'S CLOTHES, WELL, THERE WAS A TIME I WORE A YOUNGER MAN'S CLOTHES EVEN THOUGH THEY LOOK VERY MUCH LIKE THOSE I WEAR AS A OLDER MAN. HE SAID, I'LL TELL YOU WHAT I'LL DO, MR. CHAMBERS. I THINK THAT YOU COULD PASS. YOU COULD DO THE WORK SUCCESSFULLY AT ANY LAW SCHOOL IN THIS COUNTRY. I SAID, THAT MAKES ME FEEL GOOD. AND I'M OUT OF LAW SCHOOL NOW. HE SAID, NO. HE SAID, I WILL WRITE A RECOMMENDATION FOR YOU TO ANY LAW SCHOOL IN THIS COUNTRY. AND I THINK I WAS SUPPOSED TO BE GRATEFUL. I SAID, I THINK THAT'S THE MOST HYPOCRITICAL THING THAT YOU COULD DO. AND HE DIDN'T TURN WHITE. HE WAS WHITE ALREADY. HE TURNED VERY RED. AND IT LOOKED LIKE HE WAS SWELLING UP, LIKE HE MIGHT BURST. AND I SAID, I'LL TELL YOU WHY I SAY THAT. YOU DON'T THINK THAT I'M FIT TO GO TO YOUR LAW SCHOOL BUT ALL THE PEOPLE WHO RUN THESE OTHER SCHOOLS ARE YOUR COLLEAGUES. YOU'RE GOING TO DROP SOMEBODY WHO IS UNFIT TO GO TO YOUR LAW SCHOOL ON THEM AND GO A STEP FURTHER AND WRITE A RECOMMENDATION. I DON'T WANT IT. HE SAID, WELL, WHAT DO YOU

Floor Debate  
February 02, 2015

---

PROPOSE TO DO THEN? I SAID, WHEN I START SOMETHING, I FINISH IT, AND I STARTED AT CREIGHTON AND I'LL FINISH LAW SCHOOL AT CREIGHTON. HE SAID, AND IF YOU DON'T FINISH LAW SCHOOL AT CREIGHTON? I SAID, THEN I WON'T FINISH LAW SCHOOL. AND HE THOUGHT I WAS LIKE THESE WHITE KIDS: THAT HAVING THAT PIECE OF PAPER AND THE DEGREE AND BEING ABLE TO DO WHAT THAT WAS SUPPOSED TO ENTITLE ME TO DO MADE THAT MUCH DIFFERENCE TO ME. BUT YOU KNOW WHAT MEANT MORE TO ME THAN ANYTHING ELSE: WHAT I THINK OF MYSELF, JUST LIKE NOW. AND I WAS YOUNG THEN. AND I'VE ONLY GOTTEN MORE ENTRENCHED IN THAT ATTITUDE NOW. SO I COULDN'T GET BACK IN LAW SCHOOL. BUT PERIODICALLY I WOULD REAPPLY JUST TO MAKE SURE THAT GOD HAD NOT TOUCHED HIS HEART OR MAYBE GOD HAD, WHATEVER GOD HE BELIEVED IN. THE GOD OF JUSTICE WOULDN'T CHANGE HIS MIND. CREIGHTON DECIDED THEY WERE GOING TO EMBARK ON A BUILDING FUND DRIVE SO THEY COULD GET A BRAND-NEW LAW SCHOOL. A MAN CAME FROM YALE OR SOMEPLACE OUT THERE, ONE OF THOSE BIG-TIME SCHOOLS, HIS NAME WAS STEVEN FRANKINO. [LB190]

SPEAKER HADLEY: ONE MINUTE. [LB190]

SENATOR CHAMBERS: AND AT THAT TIME I WAS A BARBER. I WENT TO BARBER SCHOOL. I HAD A DEGREE IN ONE POCKET, PART OF A LAW DEGREE IN ANOTHER POCKET, AND I WENT TO BARBER SCHOOL BECAUSE I HAD TO WORK AND MAKE A LIVING. SO I WAS CUTTING HAIR AND THESE FOUR WHITE KIDS CAME DOWN. THEY WERE YOUNG MEN BUT...AND ONE OF THEM SAID, MR. CHAMBERS, WE HAVE GOOD NEWS, WORDS TO THAT EFFECT. I SAID, WHAT'S THAT? THE DEAN WANTS YOU TO COME BACK TO LAW SCHOOL. I SAID, WHY WOULD HE WANT ME TO COME BACK TO LAW SCHOOL? WELL, HE SAID THAT...DIGRESSION I HAVE TO MAKE. THERE WERE PREACHERS, THERE WERE PRIESTS FROM THE JESUIT UNDERGRADUATE SCHOOL WHO TALKED TO THE DEAN AND SAID THAT I SHOULD BE ALLOWED BACK IN THAT SCHOOL. THERE WAS A JUDGE WHO BECAME THE MAYOR. HIS NAME WAS LEAHY. [LB190]

SPEAKER HADLEY: TIME. [LB190]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB190]

SPEAKER HADLEY: MR. CLERK. [LB190]

CLERK: MR. PRESIDENT, AN AMENDMENT TO BE PRINTED TO LB18 BY SENATOR GROENE. I HAVE A SERIES OF NAME ADDS: SENATOR RIEPE WOULD LIKE TO ADD HIS NAME TO LB244 AND LB245; SENATOR KINTNER TO LB184 AND LB289; SENATOR CHAMBERS TO LB245 AND LB244. (LEGISLATIVE

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

Floor Debate  
February 02, 2015

---

JOURNAL PAGE 373.) [LB18 LB244 LB245 LB184 LB289]

MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR KEN HAAR WOULD MOVE TO ADJOURN THE BODY UNTIL TUESDAY MORNING AT 9:00 A.M.

SPEAKER HADLEY: ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES.