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Floor Debate
March 30, 2015

[LB15 LB32 LB33 LB56 LB70A LB81 LB81A LB106 LB128 LB131 LB139A LB139 LB152
LB156 LB183 LB199A LB199 LB265 LB324 LB329 LB347 LB349 LB356 LB367 LB390
LB413A LB415 LB482 LB498 LB519 LB627 LR7CA LR31CA LR41 LR127 LR128 LR129
LR130 LR131 LR132 LR133 LR134 LR135 LR136 LR137 LR138 LR158]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS MONSIGNOR JOSEPH NEMEC OF ST. TERESA'S CATHOLIC CHURCH IN LINCOLN, NEBRASKA, SENATOR PANSING BROOKS'S DISTRICT. AND MONSIGNOR NEMEC IS THE GUEST OF SENATOR COASH TODAY. PLEASE RISE.

MONSIGNOR NEMEC: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, MONSIGNOR NEMEC. I CALL TO ORDER THE FIFTY-FOURTH 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: (READ CORRECTIONS RE LB32, LEGISLATIVE JOURNAL PAGE 1005.) THAT'S ALL THAT I HAD, MR. PRESIDENT. [LB32]

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

CLERK: THERE ARE: YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS HAVE EXAMINED LB347 AND RECOMMEND IT BE PLACED ON SELECT FILE. LB265, LB482, LB415, LB56, LB152 AND LB70A, SOME OF THOSE HAVING ENROLLMENT AND REVIEW AMENDMENTS ATTACHED. YOUR COMMITTEE ON THE EXECUTIVE BOARD REPORTS LB349 TO GENERAL FILE. JUDICIARY REPORTS LB390 TO GENERAL FILE WITH AMENDMENTS, BOTH SIGNED BY THE RESPECTIVE CHAIRS.

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NEW A BILL: LB413A BY SENATOR MELLO. (READ LB413A BY TITLE FOR THE FIRST TIME.) COMMUNICATIONS FROM THE GOVERNOR REGARDING AN APPOINTMENT. (TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES.) THAT WILL BE REFERRED TO REFERENCE FOR REFERRAL TO STANDING COMMITTEE FOR CONFIRMATION HEARING. NEW RESOLUTION: LR158, SENATOR EBKE; THAT WILL BE LAID OVER AT THIS TIME, MR. PRESIDENT. AND FINALLY, MOTION TO BE PRINTED, SENATOR DAVIS TO RECONSIDER THE VOTE TO RECOMMIT LB128 TO THE AGRICULTURE COMMITTEE. THAT WILL BE LAID OVER AT THIS TIME. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1005-1008.) [LB347 LB265 LB482 LB415 LB56 LB152 LB70A LB349 LB390 LB413A LR158 LB128]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND I DO HEREBY SIGN LR41, LR127, LR128, LR129, LR130, LR131, LR132, LR133, LR134, LR135, LR136, LR137, AND LR138. WE'LL NOW PROCEED TO THE FIRST ITEM ON TODAY'S AGENDA, SELECT FILE, LB15. MR. CLERK. [LR41 LR127 LR128 LR129 LR130 LR131 LR132 LR133 LR134 LR135 LR136 LR137 LR138 LB15]

CLERK: MR. PRESIDENT, LB15, SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL. (ER52, LEGISLATIVE JOURNAL PAGE 905.) [LB15]

PRESIDENT FOLEY: SENATOR HANSEN. [LB15]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB15 BE ADOPTED. [LB15]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB15]

CLERK: SENATOR KRIST WOULD MOVE TO AMEND WITH AM1005. (LEGISLATIVE JOURNAL PAGE 957.) [LB15]

PRESIDENT FOLEY: SENATOR KRIST, YOU ARE WELCOME TO OPEN ON AM1005. [LB15]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. AS I SPOKE ON LB15 AND THE COMMITTEE AMENDMENTS A FEW DAYS AGO ON GENERAL FILE, I TOLD YOU THAT WE WERE WORKING ON AN AMENDMENT TO CLARIFY A FEW THINGS. AND, INDEED, THIS IS THAT AMENDMENT. YOU'LL FIND THAT ON...I'LL JUST GO THROUGH THIS, IT'S SO BRIEF. ON PAGE 2, STRIKE LINES 20 THROUGH 23 AND INSERT THE FOLLOWING NEW SUBSECTION. THAT IS: THE SUPREME COURT'S--AND I EDITORIALIZE HERE--AT'S THE SUPREME COURT'S REQUEST FOR THE ADAPTATION OF THE GUIDELINES AS COURT RULE. SO--AND I'LL QUOTE LINE 4--BY JULY 1, 2015, THE SUPREME COURT SHALL PROVIDE BY COURT RULE STANDARDS FOR GUARDIANS AD LITEM FOR JUVENILES IN JUVENILE COURT PROCEEDINGS, WHICH IS THE INTERPRETATION OF THE COURT, COLLEAGUES, THAT THIS WILL ALLOW THEM TO ADOPT THE PRESENT GUIDELINES AND THEN TO AMEND AS NECESSARY IN THE FUTURE WITHOUT OUR HELP OR ASSISTANCE IN ADDITIONAL LEGISLATION. AND THEN ON PAGE 3, LINE 27, STRIKE THE NEW MATTER AND REINSTATE THE STRICKEN MATTER, WHICH ESSENTIALLY TAKES IT BACK TO A REQUIREMENT THAT GUARDIANS AD LITEM, AT A MINIMUM, AT A MINIMUM, WILL HAVE TO SEE THEIR CHARGES EVERY SIX MONTHS INSTEAD OF EVERY THREE. THIS, OF COURSE, IT WAS MY PROMISE TO TRY TO TAKE THE FISCAL NOTE TO ZERO IF POSSIBLE. AND GIVEN THAT LAST CHANGE, IT, INDEED, WILL DO JUST THAT. I ASK FOR YOUR SUPPORT ON AM1005 AND THE UNDERLYING LB15. THANK YOU, MR. PRESIDENT. [LB15]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. (DOCTOR OF THE DAY INTRODUCED.) DEBATE IS NOW OPEN ON AM1005 TO LB15. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST WAIVES CLOSING. THE QUESTION IS, THE ADOPTION OF AM1005 TO LB15. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB15]

CLERK: 39 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB15]

PRESIDENT FOLEY: AM1005 IS ADOPTED. [LB15]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB15]

PRESIDENT FOLEY: SENATOR HANSEN. [LB15]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB15 BE ADVANCED TO E&R FOR ENGROSSING. [LB15]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADVANCE LB15 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB15 ADVANCES. SELECT FILE, LB498, MR. CLERK. [LB15 LB498]

CLERK: LB498. SENATOR, I DO HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER55, LEGISLATIVE JOURNAL PAGE 932.) [LB498]

PRESIDENT FOLEY: SENATOR HANSEN. [LB498]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB498 BE ADOPTED. [LB498]

PRESIDENT FOLEY: SENATORS, THE QUESTION IS, THE ADOPTION OF THE E&R AMENDMENTS TO LB498. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB498]

CLERK: SENATOR HADLEY WOULD MOVE TO AMEND WITH AM895. (LEGISLATIVE JOURNAL PAGE 921.) [LB498]

PRESIDENT FOLEY: SPEAKER HADLEY, YOU'RE RECOGNIZED TO OPEN ON AM895. [LB498]

SPEAKER HADLEY: MR. PRESIDENT AND MEMBERS OF THE BODY, AS YOU REMEMBER, LB498 PLACES THE IDEA OF COLLECTING OF SALES TAX ON ATVs AND UTVs AT THE DEALERSHIP WHEN IT'S SOLD BY A DEALER. AND WHEN IT'S SOLD IN A PRIVATE SALE IT IS COLLECTED AT THE COUNTY TREASURER. WE INADVERTENTLY LEFT THE SECTION OF LAW THAT DEALS WITH OCCASIONAL SALES OUT, SO WE NEED TO CHANGE THAT. SO WHAT AM895 DOES, IT, BASICALLY, EXCLUDES ATVs AND UTVs FROM THOSE SALES THAT ARE LISTED AS OCCASIONAL SALES. AND, BASICALLY, MAKES IT SO THAT SINCE YOU HAVE TO GO TO THE TREASURER TO HAVE THE TITLE AND REGISTRATION, THAT'S WHERE THE SALES TAX WILL BE PAID ON USED ATVs AND UTVs. WITH THAT, I WOULD ASK FOR A GREEN VOTE ON AM895. [LB498]

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PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. DEBATE IS NOW OPEN ON AM895 ON THE UNDERLYING BILL, LB498. SEEING NO SENATORS WISHING TO SPEAK, SPEAKER HADLEY, YOU'RE WELCOME TO CLOSE. SPEAKER HADLEY WAIVES CLOSING. THE QUESTION IS, THE ADOPTION OF AM895 TO LB498. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB498]

CLERK: 39 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SPEAKER HADLEY'S AMENDMENT. [LB498]

PRESIDENT FOLEY: AM895 IS ADOPTED. MR. CLERK. [LB498]

CLERK: NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB498]

PRESIDENT FOLEY: SENATOR HANSEN. [LB498]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB498 BE ADVANCED TO E&R FOR ENGROSSING. [LB498]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB498 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB498 ADVANCES. RETURNING TO SELECT FILE, LB367. MR. CLERK. [LB498 LB367]

CLERK: LB367. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB367]

PRESIDENT FOLEY: SENATOR HANSEN. [LB367]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB367 BE ADVANCED TO E&R FOR ENGROSSING. [LB367]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB367 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB367 ADVANCES. MOVING TO SELECT FILE, 2015 COMMITTEE PRIORITY BILLS, LB627. MR. CLERK. [LB367 LB627]

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CLERK: SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL. (ER50, LEGISLATIVE JOURNAL PAGE 887.) [LB627]

SPEAKER FOLEY: SENATOR HANSEN. [LB627]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB627 BE ADOPTED. [LB627]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS TO LB627. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB627]

CLERK: SENATOR MELLO WOULD MOVE TO AMEND WITH AM1032. (LEGISLATIVE JOURNAL PAGE 989.) [LB627]

PRESIDENT FOLEY: SENATOR MELLO, YOU'RE WELCOME TO OPEN ON AM1032. [LB627]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AM1032 MAKES THREE CHANGES TO THE UNDERLYING BILL THAT ADDRESSES SOME OF THE CONCERNS AND ISSUES BROUGHT FORTH ON GENERAL FILE BY SENATOR SCHUMACHER AND SENATOR STINNER. THE FIRST CHANGE BROUGHT FORWARD BY AM1032 SEEKS TO ADDRESS THE CONCERN THAT THE LANGUAGE DEFINING WHO IS GRANTED THE PROTECTIONS UNDER THE BILL MAY BE TOO BROAD. IN ORDER TO MAKE SURE THAT THE BILL'S PROTECTIONS ARE ONLY DIRECTED TO THE PREGNANT WORKER AND NOT ANY OTHER FAMILY MEMBER, AM1032 CHANGES THE WORDING FROM "AN INDIVIDUAL AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION" TO "AN INDIVIDUAL WHO IS PREGNANT, WHO HAS GIVEN BIRTH, OR WHO HAS A RELATED MEDICAL CONDITION". THE BUSINESS ORGANIZATIONS THAT HAVE COME FORWARD TO DISCUSS THE BILL WITH MY OFFICE HAVE ALL AGREED THAT THIS CHANGE SUFFICIENTLY DIRECTS THE PROTECTIONS TO THE INTENDED RECIPIENTS OF THE BILL. THE SECOND CHANGE THAT AM1032 BRINGS WOULD STRIKE SECTION 48-1107.02,(2)(i) BEGINNING ON PAGE 10 OF AM1032. AFTER THE COMMUNICATION WITH THE EMPLOYMENT ATTORNEY AND THE NEBRASKA EQUAL OPPORTUNITY COMMISSION, IT WAS RELAYED TO ME THAT THE INCLUSION OF THIS SUBSECTION IN STATUTE OPENS UP THE POSSIBILITY OF ADDITIONAL LITIGATION WITHOUT PROVIDING ANY ADDITIONAL PROTECTIONS. THE EQUAL OPPORTUNITY COMMISSION CURRENTLY FOLLOWS STANDARDS

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THAT TAKE THE SITUATIONS CONTEMPLATED BY SUBSECTION 1 INTO ACCOUNT AND AGREES THAT ELIMINATING THE SUBSECTION WILL DO NO HARM TO EMPLOYEES SEEKING ACCOMMODATIONS RELATING TO PREGNANCY IN THE WORKPLACE. THE FINAL CHANGES MADE BY AM1032 IS TO CORRECT AN OVERSIGHT THAT WAS MADE IN THE DRAFTING PROCESS AND FURTHER DEFINES WHO THE PROTECTIONS IN LB627 ARE DIRECTED TO. YOU WILL SEE ON PAGE 2, LINE 24, THAT STATUTE CURRENTLY DEFINES WHO IS ELIGIBLE FOR PROTECTION AS A DISABLED INDIVIDUAL. AM1032 ADDS A SECTION BELOW WHICH MIRRORS THAT LANGUAGE TO FURTHER DEFINE WHO IS ELIGIBLE FOR THE WORKPLACE PROTECTION PROVIDED IN LB627. YOU ALSO MAY HAVE SEEN, COLLEAGUES, RECENTLY IN THE NEWS THAT THE SUPREME COURT HANDED DOWN ITS DECISION ON THE YOUNG V. UPS CASE, A CASE THAT DEALT WITH PREGNANCY DISCRIMINATION ACT AND MAY BE WONDERING IF LB627 IS STILL NECESSARY IN THE WAKE OF THE SUPREME COURT DECISION. WHAT THE SUPREME COURT DID IN ITS DECISION WAS TO CREATE A NEW ADJUDICATION PROCESS WITHIN THE CONSTRAINTS OF THE EXISTING LAW THAT LAYS OUT HOW TO COMPARE A PREGNANT WORKER WITH OTHER EMPLOYEES. I BELIEVE THAT IF YOU READ THE DECISION IN YOUNG V. UPS YOU CAN SEE THE MAJORITY OF THE COURT ALSO BELIEVES THAT THE PREGNANCY DISCRIMINATION ACT OF 1978 WAS NOT ADEQUATELY WRITTEN TO ACCOMPLISH ITS INTENT AND NEEDS TO BE CHANGED. HOWEVER, THE SUPREME COURT CAN ONLY INTERPRET LAWS THAT ARE ON THE BOOKS, NOT WHAT IT WISHES THE LAWS WERE. LB627 IS STILL NEEDED BECAUSE IT MOVES NEBRASKA FROM USING THE CONFUSING AND COMPLICATED COMPARATIVE STANDARD USED IN THE PREGNANCY DISCRIMINATION ACT TO USING A REASONABLENESS ACCOMMODATION STANDARD SIMILAR TO CURRENT LAWS REGARDING WORKERS WITH DISABILITIES. LASTLY, I'D JUST LIKE TO THANK SENATOR STINNER, SENATOR SCHUMACHER, SENATOR WILLIAMS, AND THE BUSINESS COMMUNITY FOR THEIR INSIGHTS IN THE BACKGROUND ON WHAT THEY BROUGHT TO THIS AMENDMENT. THEIR DILIGENCE HAS HELPED SHAPE THE BILL TO THE POINT THAT ALL INTERESTED PARTIES WHO HAVE BEEN IN CONTACT WITH MY OFFICE ARE SATISFIED WITH THE FINAL PRODUCT AS RELATED IN AM1032. I'D URGE THE BODY TO ADOPT AM1032 AND ADVANCE IT TO THE FINAL READING. THANK YOU, MR. PRESIDENT. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. (VISITORS INTRODUCED.) MR. CLERK. [LB627]

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CLERK: MR. PRESIDENT, SENATOR SCHUMACHER WOULD MOVE TO AMEND SENATOR MELLO'S AMENDMENT WITH AM1047. (LEGISLATIVE JOURNAL PAGE 1009.) [LB627]

PRESIDENT FOLEY: SENATOR SCHUMACHER, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB627]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. EVERY ONCE IN A WHILE WE GET AN OPPORTUNITY TO CLEAN UP AN ARCHAIC PART OF OUR STATUTES. AND IN REVIEWING SENATOR MELLO'S BILL, I READ THROUGH THE ENTIRE NEBRASKA FAIR EMPLOYMENT PRACTICES ACT, AND AT THE VERY END OF IT IS A PROVISION THAT SAYS, FOR PURPOSES OF THE ACT, THE PHRASE "UNLAWFUL EMPLOYMENT PRACTICE" SHALL NOT BE DEEMED TO INCLUDE ANY ACTION OR MEASURE TAKEN BY AN EMPLOYER OR LABOR ORGANIZATION OR LABOR MANAGEMENT COMMITTEE OR EMPLOYMENT AGENCY WITH RESPECT TO ANY INDIVIDUAL WHO IS A MEMBER OF THE COMMUNIST PARTY OF THE UNITED STATES OR ANY OTHER ORGANIZATION REQUIRED TO REGISTER AS A COMMUNIST-ACTION OR COMMUNIST-FRONT ORGANIZATION BY FINAL ORDER OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD PURSUANT TO THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950. THE SUBVERSIVE ACTIVITIES CONTROL BOARD WAS REPEALED IN THE "NONDETENTION" ACT ON SEPTEMBER 25, 1971. A LOT OF TIME HAS PASSED SINCE THIS WAS INITIALLY PUT IN OUR STATUTES IN 1965. IN FACT, SO MUCH TIME THAT THE OTHER DAY I HAPPENED TO BE PITCHING A BILL TO THE APPROPRIATIONS COMMITTEE AND THE DEPARTMENT OF ECONOMIC DEVELOPMENT WAS AHEAD OF ME TALKING IN TERMS OF THE IMPORTANCE OF GETTING BUSINESS FROM COMMUNIST CHINA WHICH, ALONG WITH CANADA, IS OUR TOP TRADE PARTNER RIGHT NOW. A LOT OF TIME HAS PASSED. THIS PARTICULAR PROVISION IS OBSOLETE. THE SUPREME COURT, IN CONNECTION WITH THOSE PARTICULAR DAYS, HAS FOUND THEM VIOLATIVE OF FREE SPEECH. AND IT WOULD INDEED BE ODD THAT WE WOULD WANT TO EXEMPT FROM ITS PROTECTIONS, INCLUDING THE PROTECTIONS PROPOSED BY SENATOR MELLO, PEOPLE OF...COMMUNISTS FROM CHINA THAT WE ARE TRYING TO WOO. AND, IN FACT, HAVING SUCH AN ARCHAIC PROVISION ON OUR BOOKS MAY, IN FACT, BE COUNTERPRODUCTIVE TO OUR ABILITY TO GAIN BUSINESS WITH THE PEOPLE'S REPUBLIC AND I THINK WAS PART OF THE REASON THAT 1971 WHEN PRESIDENT NIXON WAS OPENING THE DOOR TO TRADE WITH CHINA THAT THE ACT OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD WAS REPEALED. I'D ASK THE BODY TO TAKE THIS OPPORTUNITY TO REMOVE FROM OUR STATUTES AN ARCHAIC

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PIECE OF LEGISLATION WHICH MAY, IN FACT, BE COUNTERPRODUCTIVE TO OUR INTERESTS AT THIS TIME. THANK YOU. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. DEBATE IS NOW OPEN ON LB627 AND THE PENDING AMENDMENTS. SENATOR McCOY, YOU'RE RECOGNIZED. [LB627]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, GOOD MORNING, MEMBERS. I RISE IN SUPPORT OF LB627 AND AM1032. AND I HAVEN'T HAD A CHANCE TO GLANCE AT SENATOR SCHUMACHER'S AMENDMENT BUT I WILL MOMENTARILY. HOWEVER, I RISE THIS MORNING, AS I SAID I WOULD DO LAST WEEK ON THE FLOOR OF THE LEGISLATURE, AND I WANT TO READ OMAHA WORLD-HERALD EDITORIAL THAT WAS POSTED LAST FRIDAY, THE 27th. IT'S TITLED "ERNIE CHAMBERS' REMARKS GO MUCH TOO FAR." SERIOUSLY, SENATOR, WHATEVER THE CONTEXT, WHATEVER THEIR PERSPECTIVE, STATE SENATOR ERNIE CHAMBERS' COMMENTS ABOUT POLICE WERE TOO MUCH. POLICE OFFICERS ARE NOT THE EQUIVALENT OF A TERRORIST GROUP THAT BEHEADS AND BURNS ITS CAPTIVES ALIVE. NO ONE, ESPECIALLY SUCH AN ARDENT OPPONENT OF THE DEATH PENALTY, SHOULD EVEN HINT ABOUT LOOKING UPON SOMEONE WEARING A BADGE WITH A SHOOT FIRST, ASK QUESTIONS LATER ATTITUDE. OFFICERS WHO RISK THEIR LIVES TO PROTECT OUR COMMUNITIES DESERVE BETTER. IN THE WAKE OF RECENT EVENTS AT FERGUSON, MISSOURI, AND ELSEWHERE, POLICE DEPARTMENTS ACROSS THE NATION HAVE BEEN LOOKING IN THE MIRROR. THEY'VE BEEN EXAMINING ATTITUDES, PROCEDURES, TRAINING, RELATIONS WITH THEIR CITIZENS. MANY DEPARTMENTS HAVE ACKNOWLEDGED THEIR RESPONSIBLE CRITICS AND LOOKED FOR AREAS WHERE IMPROVEMENTS COULD BE MADE. RESPONSIBLE CRITICISM BRINGS A RESPONSE. IT'S PART OF THE CIVILITY THAT'S ESSENTIAL IN PUBLIC DISCOURSE AND WHICH WAS LACKING IN CHAMBERS' REMARKS DURING A LEGISLATIVE COMMITTEE MEETING LAST WEEK. HIS USE OF HYPERBOLE IS HARDLY UNPRECEDENTED, OF COURSE, AS EVIDENCED BY THE COMMITTEE'S CHAIRMAN CALLING IT ANOTHER INCIDENCE OF "ERNIE BEING ERNIE." CHAMBERS SAYS HE WILL NOT APOLOGIZE. HE SHOULD RETHINK THAT STANCE. THE MEN AND WOMEN OF OUR STATE'S POLICE DEPARTMENTS, THE VAST MAJORITY OF WHOM ARE DEDICATED PROFESSIONALS, DESERVE IT AND SO, TOO, DO CHAMBERS' OMAHA CONSTITUENTS. RELATIONS BETWEEN SOME NORTH OMAHA RESIDENTS AND THE CITY'S POLICE DEPARTMENT HAVE AT TIMES BEEN STRAINED. LEGITIMATE GRIEVANCES HAVE BEEN LODGED, BUT OMAHA POLICE CHIEF, TODD SCHMADERER, HAS HEARD THEM. HE HAS ACTED FORCEFULLY TO DISCIPLINE THE OCCASIONAL UNPROFESSIONAL ACTION BY AN OFFICER. HE

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HAS REACHED OUT TO CIVIC LEADERS AND NEIGHBORHOOD GROUPS, WORKING HARD TO KEEP RACIAL TENSIONS BETWEEN POLICE AND THE COMMUNITY FROM ESCALATING. PROBLEMS REMAIN, BUT PROGRESS IS BEING MADE. HOW DOES IT HELP IMPROVE PUBLIC SAFETY TO HURL SUCH INSULTS? HOW DOES IT DO ANYTHING TO BRIDGE THE GAP? HOW DOES IT IMPROVE ENFORCEMENT OF LAWS THAT THE STATE'S LONGEST SERVING LEGISLATOR HELPED WRITE? TWO KEYS TO BRINGING ABOUT POSITIVE CHANGE ARE CONSTRUCTIVE CRITICISM AND CIVIL DIALOGUE. THE SENATOR'S COMMENTS WERE NEITHER. THAT CONCLUDES MY READING OF THE OMAHA WORLD-HERALD'S EDITORIAL FROM FRIDAY. AND AS I SAID LAST WEEK, I'LL STAND AGAIN TODAY AND ASK AND SEEK SENATOR CHAMBERS' APOLOGY AND DENOUNCEMENT OF WHAT HE SAID ON THE 20th OF MARCH ABOUT LAW ENFORCEMENT IN REFERENCE TO ISIS AND WHAT HE WOULD DO WITH A FIREARM IF HE HAD ONE. I THINK IT'S REPREHENSIBLE AND OUR LAW ENFORCEMENT AND THE PEOPLE OF NEBRASKA DESERVE AN APOLOGY. THANK YOU, MR. PRESIDENT. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB627]

SENATOR WILLIAMS: THANK YOU, MR. LIEUTENANT GOVERNOR. AND I RISE TODAY TO SUPPORT LB627 AND ALSO BOTH AMENDMENTS, "PROFESSOR" SCHUMACHER'S AMENDMENT AM1047 AND SENATOR MELLO'S AMENDMENT, AM1032. I REALLY APPRECIATE THE SENATORS, IN PARTICULAR SCHUMACHER, STINNER, AND MELLO, WORKING TOGETHER WITH THE BUSINESS COMMUNITY TO FINE TUNE THIS PIECE OF LEGISLATION SO THAT IT NOT ONLY PROVIDES THE PROTECTION THAT WE ALL WANT FOR THE WOMEN IN THE WORKPLACE, BUT IT ALSO DEFINES THINGS IN SUCH A WAY THAT EMPLOYERS ACROSS OUR STATE CAN MAKE THIS A WORKABLE SITUATION. SO I WOULD APPRECIATE ALL SENATORS VOTING GREEN ON BOTH AMENDMENTS AND THE UNDERLYING LB627. THANK YOU. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB627]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SENATOR McCOY IN HIS BRILLIANCE HAS GIVEN ME THE OPPORTUNITY TO SUM UP MY ATTITUDE TOWARD WHAT HE HAS SAID, SENATOR SCHNOOR, AND ALL THESE OTHERS LAST FRIDAY WITH A QUOTE FROM SANTA CLAUS, HO, HO, HO, HO, HO! HO, HO, HO, HO HO! IT'S THE FUNNIEST, SILLIEST,

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MOST CHILDISH, ASININE, JUVENILE MESS OF RUBBISH THAT I'VE HEARD SINCE I'VE BEEN IN THE LEGISLATURE. FIRST OF ALL, SENATOR McCOY GOT IT WRONG WHEN HE STOOD UP THE FIRST DAY. HE ACCUSED ME OF ATTACKING THE MILITARY. HE READ AN ARTICLE THAT WAS GIBBERISH. WHEN I ASKED HIM TO SHOW WHERE I'D ATTACKED THE MILITARY, YOU NOTICE HE HASN'T SAID THAT ANYMORE. SO HE DOESN'T KNOW WHAT HE'S TALKING ABOUT, BUT CONSIDER THE SOURCE. AND I'M READY FOR HIM. AND WHAT IT SHOWED ME IS THE KIND OF PEOPLE WHO ARE ON THIS FLOOR. THEY WILL SIT UP HERE AND HAVE ALL KINDS OF ANGERS BUBBLING UP INSIDE. AND THEN THEY SAY, HE DID SOMETHING ABOUT MY RELIGION. WELL, IF I DID, THEY HAD THE OPPORTUNITY TO SAY IT AT THAT POINT AND THEY CHOSE NOT TO. SOMEBODY ELSE SAID, NO OTHER SENATOR COULD GET AWAY WITH SAYING WHAT SENATOR CHAMBERS SAYS. WHAT IS HE TALKING ABOUT? HE'S GOT A MOUTH, HE CAN SAY IT. WHO'S STOPPING HIM? THE ONLY THING STOPPING ANYBODY IS A LACK OF BACKBONE AND WILL. I WILL CONTINUE TO SAY WHAT I THINK OUGHT TO BE SAID IN THE WAY THAT I THINK IT OUGHT TO BE SAID. AND I JUST WISH YOU'D TRY TO CENSURE ME. IN FACT, DON'T STOP THERE, EXPEL ME. YOU CAN TRY TO EXPEL ME AND SHOW HOW PETTY, HOW JUVENILE, HOW CHILDISH THIS LEGISLATURE IS TO MAKE SUCH A BIG THING OUT OF THIS. AND AS ONE OF THE SENATORS POINTED OUT, AND I'VE SAID IT A NUMBER OF TIMES, WHEN SENATOR McCOY SUGGESTED SOMETHING BAD OUGHT TO HAPPEN TO THE PRESIDENT BY PUTTING A BOBBLE-HEAD DOLL ON A FENCE POST AND KNOCKING IT OFF, NOBODY SAID ANYTHING ABOUT THAT. AND ALL OF YOU SUDDENLY FULL-OF-INDIGNATION SENATORS SAID NOTHING ABOUT WHAT THE REPUBLICAN PARTY, YOUR PARTY, DID WITH SENATOR ASHFORD. YOUR PARTY HAD A PICTURE ON TELEVISION OF A PERSON IN AN ORANGE JUMPSUIT ON HIS KNEES AND AN INDIVIDUAL, PURPORTEDLY A MEMBER OF ISIS, WITH A BLADE AND CONNECTED SENATOR ASHFORD WITH ISIS. NOT ONE OF THESE SELF-RIGHTEOUS HOLY REPUBLICANS ON THIS FLOOR WHO HAD SO MUCH TO SAY FRIDAY HAD ANYTHING TO SAY ABOUT THAT BECAUSE IT WAS THEIR PARTY. WHEN ANOTHER "REPELICAN," THE GOVERNOR OF WISCONSIN, EQUATED PEOPLE PROTESTING HIS ACTION AGAINST UNION ACTIVITY, WHEN HE LINKED THEM TO ISIS, NOBODY SAID ANYTHING, NOBODY SAID ANYTHING. SO YOU'RE SELECTIVE. AND I KNOW WHAT I'M DEALING WITH. BUT I TELL YOU THIS MUCH, I'LL HAVE NO SKID CHAINS ON MY TONGUE. I DON'T CARE. PEOPLE LIKE SENATOR LINDSTROM THINKS THAT BECAUSE HE TOOK HIS NAME OFF A BILL THAT MEANS SOMETHING TO ME. IT SHOWS MORE ABOUT HIM THAN IT DOES ME. HE GAVE THE IMPRESSION THAT HE HAD SOME SCRUPLES RELATIVE TO THE DEATH PENALTY, PRINCIPLES. SO BECAUSE HE DOESN'T LIKE SOMETHING THAT I SAID, ALL OF HIS PRINCIPLES GO OUT THE WINDOW. SO YOU KNOW WHAT KIND OF

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PERSON YOU'RE DEALING WITH THERE. YOU KNOW HOW POINTLESS ALL OF THOSE HOLY STATEMENTS THEY MAKE ARE. AND AS FOR RELIGION, IF I SEE SOMETHING THAT OUGHT TO BE COMMENTED ON, I WILL. [LB627]

PRESIDENT FOLEY: ONE MINUTE. [LB627]

SENATOR CHAMBERS: I SAW WHERE A PANEL, I BELIEVE APPOINTED BY THE VATICAN, ARE UPSET WITH THE POPE BECAUSE HE APPOINTED A GUY WHO HAD COVERED UP SOME SEXUAL ABUSE OF A BISHOP OR ONE OF THOSE GUYS WHO WEAR THE FUNNY LITTLE RED HATS. NOW THERE'S A CRITICISM OF THE VATICAN. AND THEY THINK THAT BECAUSE IT'S CATHOLIC I SHOULDN'T MENTION IT. WELL, I CARE MORE ABOUT CHILDREN THAN THE REST OF YOU APPARENTLY, BECAUSE I DON'T CARE WHO ABUSES A CHILD, I'M GOING TO HAVE SOMETHING TO SAY ABOUT IT. AND MY LIGHT IS ON SO I SHALL CONTINUE THIS MORNING AND HOWEVER LONG--SINCE SENATOR McCOY DECIDED TO BRING UP THE ISSUE--THAT I DECIDE TO DO IT. BUT IF YOU THINK FOR ONE MINUTE THAT I, IN ANY WAY, INTEND TO BECOME A SHRINKING VIOLET, YOU'VE GOT ANOTHER THING COMING. AND KEEP THIS IN MIND, WHO THREW THE FIRST STONE? KEEP THAT IN MIND WHEN YOU ALL START GETTING UPSET. [LB627]

PRESIDENT FOLEY: TIME, SENATOR. [LB627]

SENATOR CHAMBERS THANK YOU, MR. PRESIDENT. [LB627]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU ARE NEXT IN THE QUEUE. YOU MAY CONTINUE. [LB627]

SENATOR CHAMBERS: I HAD TWO RHYMES SENT TO ME. ONE IS "DISAPPOINTMENT," SPEAKING OF WHAT THEY SAW LAST FRIDAY. ALL OF THEM ARE PROSECUTORS. YOU, A LONE DEFENDANT. THEY ARE MIFFED BECAUSE YOU STAND DEFIANT AND UNREPENTANT. NO, DON'T LET THEM HAVE THEIR WAY. THERE'S NOTHING MORE I HAVE TO SAY. AND HERE'S ONE THAT I WROTE: THEY'RE ALL WEARING SOLEMN FACES, BUT STILL FOR MY MONEY, THOUGH I'M TRYING TO TAKE THEM SERIOUSLY, THEY ARE JUST TOO FUNNY. FUNNIEST OF ALL THE INANE PERFORMANCES WAS THE SILLY WHINE ENDING WITH AN ULTIMATUM, I COMMAND YOU RESIGN. DESPITE ALL THEIR SOUND AND FURY, THEY ARE QUITE PATHETIC. ARE ALL OFF THEIR MEDICATION? BRING SOME ANESTHETIC. SOME STOOD WITH THEIR LITTLE SIGNS WHICH THEY BELIEVE SHOWED PRUDENCE. BASED ON WHAT I'VE HEARD, THEY SEEMED LIKE

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KINDERGARTEN STUDENTS. BRING IT AND I WILL GIVE IT BACK TO YOU. THAT'S THE WAY YOU WANT IT TO BE? WELL, THAT'S THE WAY IT SHALL BE. AND AS FAR AS THE POLICE-ISIS PARADIGM, YOU CAN TAKE IT TO THE BANK AND TAKE IT FACE VALUE THE DECLARATION BY ISIS THAT THEY WILL TAKE YOUR HEAD. BUT THE SAME CANNOT BE SAID ABOUT THOSE WHO RIDE AROUND IN POLICE CARS WITH THE PAINTED SLOGAN, "TO PROTECT AND SERVE." YOU ALL HAVEN'T BEEN AROUND. YOU HAVEN'T EXPERIENCED ANYTHING. SO I WILL BEGIN THROUGHOUT THE SESSION TO READ YOU WHAT SOME OF THESE PEOPLE YOU ALL THINK SHOULD NOT BE CRITICIZED HAVE DONE. I'VE CRITICIZED PRESIDENT BUSH, JIMMY CARTER, BARACK OBAMA, VARIOUS ATTORNEYS GENERAL, GOVERNORS, AND I'LL CONTINUE TO DO IT. BUT I'M SOMETHING LIKE JESUS. PILATE AND HEROD WERE AT ODDS. WHEN THEY STARTED MESSING WITH JESUS, PILATE DIDN'T KNOW WHAT DO WITH HIM SO HE SENT HIM TO HEROD. AND HEROD'S PEOPLE MOCKED HIM. THEY WANTED TO HEAR HIM SAY SOMETHING. THEY WANTED TO SEE HIM WORK A MIRACLE AND HE DIDN'T SAY ANYTHING. SO HEROD SENT HIM BACK TO PILATE. AND THE BOOK SAID THAT FROM THAT DAY FORWARD, HEROD AND PILATE WERE FRIENDS BECAUSE BEFORE THAT, THERE WAS ENMITY BETWEEN THEM. I'M LOOKING AT ALL THESE DISPARATE ENTITIES AND PEOPLE AND RAGTAG, BOBTAILED, MONKEY SEE, MONKEY DO, MONKEY HEAR, MONKEY REPEAT PEOPLE WHO HAVE ALL COME TOGETHER AGAINST ME. I'VE CAUSED THEM TO FORGET ALL OF THEIR DIFFERENCES. THERE'S THE GOVERNOR, THERE'S THE U.S. REPRESENTATIVE FROM LINCOLN, THERE'S THE NEBRASKA ATTORNEY GENERAL, THE OMAHA CHIEF OF POLICE, THE MAYOR OF THE CITY OF OMAHA, AND A HOST OF...OH, AND MEMBERS OF THE LEGISLATURE WHO, BY THE WAY, SHOWED ME WHAT THEY'RE MADE OF, CARRYING ALL THAT STUFF AROUND, GRINNING AND SKINNING AND ACTING LIKE THERE IS RESPECT. THEN THEY USE THIS AS AN EXCUSE TO BRING UP ALL THIS STUFF FROM THE PAST, ALL THAT HURT THEIR FEELINGS. MY USE OF THE TERM "CRICKETS" HURT SOME PEOPLE'S FEELINGS. [LB627]

PRESIDENT FOLEY: ONE MINUTE. [LB627]

SENATOR CHAMBERS: THEY GOT TO GROW UP. THEY NEED TO GET SOME THICKNESS OF SKIN. YOU'RE NOT ON A LOCAL CITY COUNCIL, YOU'RE NOT ON A LOCAL SCHOOL BOARD, YOU'RE NOT AT A PTA MEETING. BUT IF YOU THINK YOU ARE, YOU NEED TO BE DISABUSED OF THAT IMPRESSION AND I'M THE ONE WHO CAN AND WILL DO IT. SOMETIMES WE MESS WITH SOMEBODY AND WE DON'T KNOW WHO WE'RE MESSING WITH BUT WE FIND OUT. WELL, WHEN YOU DECIDE TO PROVOKE ME, A CHALLENGE INVITES A RESPONSE. FOR EVERY ACTION,

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THERE'S AN OPPOSITE AND EQUAL REACTION. THANK YOU, MR. PRESIDENT.
[LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.)
SENATOR CHAMBERS, THIS IS YOUR THIRD OPPORTUNITY, PLEASE. [LB627]

SENATOR CHAMBERS: AND THIS IS MY THIRD TIME AND I DON'T WANT TO
OVERSHADOW SENATOR SCHUMACHER'S AMENDMENT OR SENATOR MELLO'S
BILL, ALTHOUGH I COULD. I THINK I'M GOING TO READ A RHYME THIS MORNING
THAT I WROTE TITLED "BOLZ'S REVENGE AGAINST CHAMBERS" THEN IN
PARENTHESIS BENEATH IT, "EMASCULATION OF DUPED, DELUDED, USED
SENATORS." BEAU McCOY, THE LEGISLATURE'S SELF-APPOINTED LEADER,
GRINNING LIKE A CHESHIRE CAT, FELT NOTHING COULD BE SWEETER THAN TO
BRING THE SENATORS OBEDIENTLY TO HEEL. AS THEY SLOUCHED WITH
LOLLING TONGUES, GREAT POWER HE DID FEEL. UNBEKNOWNST TO THEM HE'D
USE THEM TO ASSUAGE HIS HERD, CUNNINGLY MANIPULATING THEM TO DIG HIS
DIRT. ACTING AS A MOB IN CONCERT, PROGRESS COULD BE MADE,
COLLECTIVELY DOING WHAT AS INDIVIDUALS THEY'D BE AFRAID. SELF
DELUSION WOULD CONVINCED THEM SOMETHING THEY DEFENDED, BY SUCH
PROCESS THEIR OWN FRAGILE PSYCHES COULD BE MENDED. BEAU AS HE HAD
DONE FOR HEINEMAN, WOULD DO FOR RICKETTS. RICKETTS IN RETURN WOULD
NAME HIM SURROGATE HERDER OF CRICKETS. NOT SINCE LAST ELECTION'S
TROUNCING RUDELY KICKED HIS CAN, HAD HE FELT LIKE ANYTHING EXCEPT A
PARTIAL MAN. AFTER ALL, DESPITE THE TONS OF CASH IN HIM INVESTED
IGNOMINIOUSLY AND THOROUGHLY HAD HE BEEN BESTED. NOW DELUDED
SENATORS WERE AT HIS BECK AND CALL. HE COULD MAKE THEM SIT AND BEG,
PLAY DEAD OR ROLL OR CRAWL. GOING THROUGH THEIR PACES THEY WERE
SUCH A SILLY SIGHT. BEAU SAID, BARK, THEY'D BARK. AND WHEN BEAU
ORDERED BITE, THEY'D BITE. BEAU HAD CHAMBERS AS HIS TARGET. ALL KNEW
WHY BEAU PICKED HIM. CHAMBERS OFTEN SCOURGED HIM. FOR REVENGE,
BEAU ON HIM SICCED THEM. SOME DID YIP, SOME DID YAP, STILL OTHERS
SNUFFED AND GROWLED. ONE PARTICULAR SENATOR DEEP "THROATEDLY"
HUFFED AND HOWLED. CHAOS AND CONFUSION REIGNED. THEY SET UP SUCH A
DIN. CHAMBERS LAUGHED AND LAUGHED AND LAUGHED AND THEN HE
LAUGHED AGAIN. HOWEVER YOU WANT TO PLAY THE GAME I WILL PLAY IT
WITH YOU. HOWEVER YOU WANT TO PLAY THE GAME I WILL PLAY IT WITH YOU.
YOU STARTED IT AND WE'LL SEE JUST HOW FAR WHAT YOU DID LEADS ME TO
GO. HOW MUCH TIME DO I HAVE, MR. PRESIDENT? [LB627]

PRESIDENT FOLEY: TWO MINUTES, SENATOR. [LB627]

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SENATOR CHAMBERS: I'D LIKE TO ASK SENATOR SCHUMACHER A QUESTION.
[LB627]

PRESIDENT FOLEY: SENATOR SCHUMACHER, WOULD YOU YIELD, PLEASE?
[LB627]

SENATOR SCHUMACHER: YES, I WILL. [LB627]

SENATOR CHAMBERS: SENATOR SCHUMACHER, THIS AMENDMENT THAT YOU'RE OFFERING IS NOT DESIGNED TO INDICATE THAT YOU ARE A COMMUNIST OR YOU IN ANY WAY SUPPORT WHAT COMMUNISTS MAY BE DOING IN OTHER COUNTRIES, DEPRIVING PEOPLE OF THEIR RIGHTS AND SO FORTH. IS THAT CORRECT? [LB627]

SENATOR SCHUMACHER: THAT'S CORRECT. [LB627]

SENATOR CHAMBERS: THANK YOU...WOULD ANYBODY WITH COMMON SENSE UNDERSTAND THAT? [LB627]

SENATOR SCHUMACHER: I DON'T KNOW IF WE HAVE MUCH COMMON SENSE SOMETIMES. [LB627]

SENATOR CHAMBERS: THANK YOU. THESE PEOPLE ON THIS FLOOR ARE SO SIMPLEMENTED THEY DON'T KNOW WHAT AN ANALOGY IS, WHAT I WAS DOING. AND IF THEY READ IT, THEY WOULD SEE IT. I WAS SHOWING WHAT A PRIVATE CITIZEN COULD NOT DO AND GET AWAY WITH BUT, ON THE OTHER HAND, WHAT COPS DO ALL THE TIME AND GET AWAY WITH IT. AND I MEAN IT AND I'LL SAY IT AND I'LL SAY IT AGAIN. BUT FOR NOW, I'LL SUPPORT SENATOR SCHUMACHER'S AMENDMENT AND SENATOR MELLO'S BILL. THANK YOU, MR. PRESIDENT. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB627]

SENATOR SCHNOOR: THANK YOU, SIR. GOOD MORNING, EVERYBODY. I'D LIKE TO KNOW IF SENATOR CHAMBERS WOULD YIELD TO A QUESTION. [LB627]

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE? [LB627]

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SENATOR CHAMBERS: YES, I WILL. [LB627]

SENATOR SCHNOOR: DID YOU HAVE A GOOD WEEKEND? [LB627]

SENATOR CHAMBERS: EXCELLENT, IT WAS JUST TOO SHORT. [LB627]

SENATOR SCHNOOR: DO YOU FEEL BETTER NOW AFTER YOUR THREE FIVE-MINUTE TIRADES? [LB627]

SENATOR CHAMBERS: I DIDN'T FEEL BAD. [LB627]

SENATOR SCHNOOR: WHAT? WHAT'S THAT? [LB627]

SENATOR CHAMBERS: SAY IT AGAIN. [LB627]

SENATOR SCHNOOR: I SAID, DO YOU FEEL BETTER NOW AFTER YOUR THREE-FIVE MINUTE CHANCES OF TRYING TO MAKE FOOLS OUT OF EVERYBODY? [LB627]

SENATOR CHAMBERS: WELL, TO FEEL BETTER, THAT MEANS YOU FELT GOOD. I FELT WELL BEFORE THIS. [LB627]

SENATOR SCHNOOR: OKAY. HAVE YOU SUBMITTED YOUR RESIGNATION, YET? [LB627]

SENATOR CHAMBERS: NO, BUT I STARTED TO SUBMIT A RESIGNATION FOR YOU. [LB627]

SENATOR SCHNOOR: YOU DID? WELL, I'D LIKE TO LOOK AT THAT FIRST. [LB627]

SENATOR CHAMBERS: WELL, I HAVEN'T DONE IT. I DECIDED THAT WAS SO SILLY, JUST LIKE THE ORIGINAL, THAT I SHOULD NOT REPLICATE THAT. [LB627]

SENATOR SCHNOOR: OKAY. THAT'S ALL THE QUESTIONS I HAD. THANK YOU. AND I ALSO HAD A GREAT WEEKEND, HAD A GOOD DAY YESTERDAY. AND YOU TALKED ABOUT WHATEVER WE WOULD DO THAT YOU WOULD FOLLOW US. I

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THINK THAT'S KIND OF...NOT NECESSARILY FOLLOW US, BUT YOU WOULD CHALLENGE US WITH WHATEVER WE DO AND YOU WOULD PLAY ALONG. WAS THAT IT, I BELIEVE? SO I'LL JUST LET YOU KNOW, SENATOR CHAMBERS, THIS WEEKEND AT CHURCH I WAS PRAYING FOR YOU AND I WILL CONTINUE TO PRAY FOR YOU. AND YOU CAN LAUGH AGAIN ALL YOU WANT BECAUSE YOU THINK RELIGION IS RIDICULOUS. BUT YET YOU QUOTE THE BIBLE EVERY DAY WHEN YOU'RE IN HERE. SO I'LL JUST LET YOU KNOW THAT'S WHAT I'M DOING FOR YOU. SO THAT'S ALL I HAVE, SIR. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR SCHUMACHER, YOU'RE WELCOME TO CLOSE ON AM1047. [LB627]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR. IT REPEALS 48-1109 WHICH IS ARCHAIC PIECE OF OUR STATUTES WHICH DATES BACK TO McCARTHYISM AND REFERENCES LONG-REPEALED, FEDERAL SECURITIES SUBVERSIVE ACTIVITIES CONTROL BOARD. AND IT'S AN OPPORTUNITY THAT WE HAVE NOW TO TAKE AN ARCHAIC PIECE OF LEGISLATION OUT OF OUR STATUTES. THANK YOU. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. THE QUESTION IS THE ADOPTION OF AM1047 TO AM1032. ALL THOSE IN FAVOR VOTE AYE. THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB627]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SCHUMACHER'S AMENDMENT TO SENATOR MELLO'S AMENDMENT. [LB627]

PRESIDENT FOLEY: AM1047 IS ADOPTED. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB627]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I REALLY APPRECIATE SENATOR SCHNOOR THIS MORNING. HE'S RIGHT, I DO QUOTE THE BIBLE A LOT. I READ IT, WHICH A LOT OF PEOPLE IN HERE HAVE NOT. OR IF THEY HAVE, THEY DON'T PAY ATTENTION TO IT. BUT THERE IS A VERSE THAT SENATOR SCHNOOR, BELIEVE IT OR NOT, MADE ME THINK OF. HE SAID HE'S PRAYING FOR ME. WELL, JESUS WAS IN JERUSALEM AND SOME THINGS WERE HAPPENING AND THE WOMEN WERE WITNESSING IT AND THEY BEGAN TO CRY. AND YOU KNOW WHAT JESUS SAID? WEEP NOT FOR ME, DAUGHTERS OF JERUSALEM, WEEP FOR YOURSELVES. DON'T PRAY FOR ME, PRAY FOR YOURSELF. PRAYER, WHEN YOU

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ANALYZE IT, IS SUPPOSED TO DO MORE FOR THE ONE DOING THE PRAYING. AND THE IDEA IS THAT WHILE TRYING TO BE SO MAGNANIMOUS TOWARD OTHERS AND FOR OTHERS, THE PRAYER MAY THINK ABOUT HIMSELF OR HERSELF. AND INSTEAD OF CASTING IT OUT ON THE WORLD IT'S TO BE LIKE A MIRROR. AND AS YOU WALK TOWARD THAT MIRROR YOUR OWN REFLECTION IS THROWN BACK TO YOU. AND THE CLOSER YOU WALK TO THE MIRROR THE CLOSER YOU COME TO SEEING WHAT YOU REALLY ARE. AND WHEN YOU'RE NOSE TO NOSE WITH THAT REFLECTION AND YOU SEE EVERYTHING INCLUDING THE WARTS, THEN YOU MIGHT SAY--IT IS NOT MY BROTHER AND MY SISTER WHO NEEDS PRAYER, BUT ME, OH LORD. THERE'S A SONG THAT SAYS THAT. NOT MY BROTHER, NOT MY SISTER STANDING IN NEED, OH LORD. SO THAT MIGHT BE MY ASSISTANCE FOR SENATOR SCHNOOR. AND TO LET ALL OF YOU WHO PRAY IN HERE KNOW WHY I SAY THE THINGS THAT I SAY IN SPECIFIC SITUATIONS. I'M BASING IT ON THE BOOK YOU ALL SAY YOU BELIEVE IN. THAT BOOK SAYS--THE FERVENT PRAYER OF A RIGHTEOUS MAN AVAILETH MUCH. SO THE FACT THAT NOTHING IS BEING AVAILED, EITHER THOSE WHO ARE PRAYING ARE NOT RIGHTEOUS OR THEIR PRAYER IS NOT FERVENT. BUT THERE'S ANOTHER VERSE THAT SAID--FAITH WITHOUT WORKS IS DEAD. MAYBE INSTEAD OF DOING ALL OF THIS PRAYING, YOU OUGHT TO GET UP OFF OF YOUR KNEES AND GET BUSY DOING SOMETHING TO CARRY OUT THE WILL OF THE ONE YOU CLAIM TO WORSHIP. THAT MEANS YOU'RE INTERESTED IN THE WIDOWS, YOU'RE INTERESTED IN THE ORPHANS, YOU'RE INTERESTED IN THOSE WHO ARE SICK. AND YOU SHOULD MINISTER TO THE SICK. AND IF ANY OF YOU ARE STRONG, YOU SHOULD BEAR UP THE INFIRMITIES OF THE WEAK. THAT'S WHAT THE ONE YOU WORSHIP SAID YOU SHOULD DO. AND I KNOW WHAT THE ONE YOU WORSHIP SAID YOU SHOULD DO AND THAT'S WHY I CAN MOCK YOU. I'M NOT JUDGING YOU. I'M GOING BY WHAT THE ONE YOU WORSHIP SAID I OUGHT TO DO. YOU KNOW WHAT HE TOLD ME? ERNIE, YOU'LL KNOW THE TREE BY THE FRUIT IT BEARS. YOU DON'T GATHER FRUIT FROM A THISTLE. SO I LOOK AT THE FRUIT AND THAT'S HOW I KNOW THE NATURE OF THE TREE. NOW IF YOU GET ANGRY AT WHAT I SAY, GET ANGRY AT JESUS AND MAYBE YOU'LL UNDERSTAND WHY THOSE IN HIS DAY CRUCIFIED HIM. HAD THE SAME ATTITUDE SOME OF YOU ALL HAVE. HE OUGHT TO BE QUIET. DON'T CONDEMN ROME. DON'T CONDEMN THE WRONG THAT THE RELIGIOUS PEOPLE ARE DOING. GO ALONG AND GET ALONG LIKE EVERYBODY ELSE HAS DONE. THEY HUNG HIM ON A TREE. THEN THERE WAS ANOTHER GUY. HE WAS NOT A CHRISTIAN. THE DISCIPLES WERE FIRST CALLED CHRISTIANS AT ANTIOCH; THAT'S LONG AFTER JESUS WAS GONE. AND THE NAME WAS NOT APPLIED AS A COMPLIMENT, IT WAS GIVEN IN DERISION. [LB627]

PRESIDENT FOLEY: ONE MINUTE. [LB627]

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SENATOR CHAMBERS: IT WAS MAKING FUN. SO THIS GUY THAT I'M TALKING ABOUT NAMED JOHN--I DON'T KNOW THAT'S WHAT HIS NAME WAS BUT I READ IT IN A BOOK--HE LIVED IN THE WILDERNESS. HE DIDN'T ASSOCIATE WITH PEOPLE BECAUSE HE KNEW PEOPLE DIDN'T TELL THE TRUTH. HE KNEW THEY PLAYED GAMES AND THEY PUT ON FALSE FRONTS. THEY SAID THINGS THEY DID NOT MEAN AND THEY DID NOT MEAN THE THINGS THAT THEY SAID. SO HE HAD A DIET OF LOCUSTS AND WILD HONEY. I MAY WRITE A RHYME ABOUT THE LOCUSTS BECAUSE I THINK SOME LOCUSTS WERE MENTIONED IN GENESIS ALSO IN EGYPT AS ONE OF THE PLAGUES. BUT WHAT I WAS GOING TO SAY, I NEED MORE TIME THAN THIS TIME SO I HAVE MY LIGHT ON AGAIN. THANK YOU, MR. PRESIDENT. [LB627]

PRESIDENT FOLEY: THANK YOU, MR. CHAMBERS. YOU ARE NEXT IN THE QUEUE, YOU MAY CONTINUE. [LB627]

SENATOR CHAMBERS: SO THIS FELLA NAMED JOHN BECAME KNOWN. SOMETHING BROUGHT HIM TO THE ATTENTION OF PEOPLE AND THEY WANTED TO LIONIZE HIM, NOT MOUNTAIN LIONIZE HIM BECAUSE THEY WOULD HAVE CHASED HIM UP A TREE WITH DOGS AND THEN SLAUGHTERED HIM. AND IN SOME PLACES, THESE GREAT HUNTERS LIKED TO TRAP ONE OF THESE ANIMALS AND CRIPPLE HIM FIRST SO THAT HE CAN'T HAVE ANY KIND OF A CHANCE. THEN THEY SET THE DOGS LOOSE AND HE CAN'T RUN AS FAR BEFORE HE SCRAMBLES TO THE EXTENT THAT HE CAN UP A TREE, THEN THEY SHOOT HIM. MOST OF THESE HUNTERS ARE CHRISTIANS, BY THE WAY. SO THIS JOHN WAS REFERRED TO NOT AS A RELIGIOUS PERSON, BUT THE VOICE OF ONE CRYING IN THE WILDERNESS. A VOICE, SENATOR SCHNOOR, NOT AN ECHO, A VOICE. AND WHEN THEY ASKED HIM QUESTIONS HE SAID, YOU ALL ARE PAYING ATTENTION TO ME. HE SAID, I'M COMING TO PREPARE THE WAY OF A MAN WHOSE SHOES I'M UNWORTHY TO LACE UP AND TIE. HE DIDN'T SAY LACE UP AND TIE BECAUSE THEY WORE SANDALS, BUT I TRY TO MODERNIZE THE STORY SO YOU CAN RELATE TO IT. AND GUESS WHO THAT PERSON WAS THAT HE WAS TALKING ABOUT. IF I TELL YOU TO GUESS, THEN IT'S OBVIOUS I'M NOT GOING TO TELL YOU. BUT BECAUSE JOHN PREACHED THINGS THAT PEOPLE DID NOT LIKE, THEY WANTED TO GET RID OF HIM. THEY DIDN'T HAVE CENSURE IN THOSE DAYS, BUT THEY HAD PLENTY OF PEOPLE IN A MOB WOULD STAND UP BECAUSE THEY'RE AFRAID TO STAND ALONE AND ALL CLUMPED TOGETHER AND SAY, I WAS SITTING NEXT TO THE MAN AND I SHOULD HAVE STOPPED HIM. BUT HE DIDN'T, BUT HE WOULD STAND ON THIS FLOOR WITH THE REST OF THEM AND SAY WHAT HE HAD TO SAY IN LEAGUE WITH THE REST OF THEM. SO THERE WAS THIS LADY, HER NAME WAS SALOME. AND SALOME WAS WHAT THEY'D SAY IN THE

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LANGUAGE OF TODAY, SHE WAS A FINE FEMALE. AND SHE DANCED AND SHE PLEASED SOMEBODY WHO HAD A LOT OF POWER. GOOGLE THIS OR PICK UP YOUR "BIBBLE" AND YOU WILL SEE THE STORY. I WANT TO LEAVE SOME GAPS SO YOU'LL WANT TO READ IT FOR YOURSELF. YOU'VE BEEN LISTENING TO OTHER PEOPLE TELL YOU, JUST LIKE I'M TELLING YOU. READ IT FOR YOURSELF LIKE I SAY YOU OUGHT TO READ THAT TRANSCRIPT WHERE, BY THE WAY, AFTER THE COMMENT THAT HAS MADE SO MUCH PLAY AND I MENTIONED WHAT COPS ARE ALLOWED TO DO, SHOOT AND THEN GIVE SOME COCK AND BULL STORY AFTERWARD, I ADDED, NOW YOU KNOW I COULDN'T GET AWAY WITH THAT, DON'T YOU? READ THE TRANSCRIPT. YOU DON'T READ IT AND YOU DON'T HEED IT BUT YOU REALLY NEED IT. SO THIS PERSON WHO WAS PLEASED SAID, WHAT CAN I GIVE YOU THAT YOU'D WANT? WELL, SHE HAD HAD A BUG PUT IN HER EAR, AND GUESS WHAT SHE TOLD HIM SHE WANTED? I WANT THE HEAD OF JOHN THE BAPTIST ON A PLATTER, THAT'S WHAT I WANT. AND THAT'S WHAT SHE GOT AND THAT'S WHAT HAPPENED TO JOHN THE BAPTIST. HE HAD HIS HEAD CUT OFF BECAUSE SOMEBODY DIDN'T LIKE WHAT HE SAID. THERE WAS ANOTHER GUY THAT YOU ALL WORSHIP. HE WAS HUNG UP ON A TREE BECAUSE HE SAID THINGS THAT PEOPLE DIDN'T LIKE, THE RELIGIOUS PEOPLE, THE HYPOCRITES, THE ONES WHO HOLLERED THAT HE SHOULD BE CRUCIFIED. BUT WHILE THE LITTLE FELLA WAS STRUGGLING WITH THAT BIG OLD CROSS AFTER HE HAD BEEN BEATEN, HE'D BEEN MOCKED, HE'D BEEN SPAT UPON, RIDICULED, AND LIKE A LAMB BEFORE HER SHEARERS IS DUMB, HE OPENETH NOT HIS MOUTH. BUT THERE'S ONLY SO MUCH THAT PHYSICAL... [LB627]

PRESIDENT FOLEY: ONE MINUTE. [LB627]

SENATOR CHAMBERS: ...SHELL HE WAS PLACED IN COULD ENDURE. SO HE WAS STUMBLING AND HE FELL, STUMBLED AND FELL, DRAGGING, PEOPLE RIDICULING HIM, WOMEN CRYING, WEEPING, AND WAILING AND NOBODY WOULD DO ANYTHING. THEN THIS BIG BLACK GUY, SIMON THE CYRENIAN, LOOKED AT IT AND SAID, THEY'RE TREATING HIM LIKE THEY ALWAYS DO IN A MOB. SO HE WENT OVER TO HIM AND IN THE FACE OF ALL OF THOSE OTHER PEOPLE HE SAID, LITTLE FELLA, LET ME HELP YOU. AND HE TOOK THE CROSS, HE CARRIED THE CROSS, THE BLACK MAN. AND THAT'S THE WAY IT EVER WAS AND IT EVER WILL BE. WHEN YOU LOOK AT THE RECORD, YOU WILL SEE THE ROLE THAT PEOPLE WHO HAVE DONE ANYTHING... [LB627]

PRESIDENT FOLEY: TIME, SENATOR. [LB627]

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SENATOR CHAMBERS: ...HAD TO PLAY. THANK YOU, MR. PRESIDENT. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KRIST, YOU'RE RECOGNIZED. [LB627]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AGAIN. AND GOOD MORNING, NEBRASKA. IT WOULD SEEM TO ME THAT THE LOOP CONTINUES. AND THAT AS LONG AS WE'RE HAVING A CONVERSATION ABOUT THE COMMENTS THAT WERE MADE AND SENATOR CHAMBERS' REFERENCE TO SOMEONE WHO WOULD HAVE SAT NEXT TO HIM AND WISHED HE WOULD HAVE SAID SOMETHING. SENATOR CHAMBERS, I HAVE AN OPINION, YOU HAVE AN OPINION, AND IN THE PAST WE HAVE RESPECTED THOSE OPINIONS EVEN THOUGH WE MAY HAVE DISAGREED WITH THEM. SO FOR YOU AGAIN TO DEMEAN MY OPINION OF WHAT I THOUGHT WAS CORRECT, SIR, I THINK IS OUT OF LINE. WHAT I WISHED I WOULD HAVE DONE IN THAT COMMITTEE WAS TURN TO YOU AND SAID, I THINK YOU MADE YOUR POINT. I THINK YOU MADE YOUR POINT IN THE WAY YOU ALWAYS MAKE YOUR POINT, AS DRAMATIC AS POSSIBLE. YOU MADE IT AS THOUGH IT WAS UNQUESTIONABLE THAT WHAT YOU HAVE GONE THROUGH IN YOUR 70-PLUS YEARS IS SOMETHING THAT THE REST OF US NEED TO HEAR OVER AND OVER AND OVER AGAIN. AND I HAVE TOLD YOU OFF THE MIKE AND I WILL TELL YOU NOW TODAY ON THE MIKE. I RESPECT WHAT YOU WENT THROUGH. MY FATHER WAS ON THE OTHER SIDE OF THOSE '60s RIOTS TO SOME EXTENT. HE STOOD THERE IN SOME WAYS WITH YOU, IN SOME WAYS WITHOUT YOU. I CANNOT PRETEND TO GO THROUGH THE THINGS THAT YOU DID, I CANNOT PRETEND TO WALK IN YOUR MOCCASINS, I CANNOT PRETEND TO UNDERSTAND WHAT'S IN YOUR BRAIN. I CAN ONLY ADMIRE ABOUT 90 PERCENT OF THE COMPELLING ARGUMENTS THAT YOU'VE MADE TO THIS LEGISLATURE TO MOVE FORWARD. AND, SIR, THAT IS WHAT I'M ASKING YOU TO DO TODAY. WE HAVE A JOB TO DO. THE CITIZENS OF THIS STATE WOULD LIKE A BUDGET TO COME OUT THE OTHER END THAT IS WORTHY. THEY WOULD LIKE TO SEE SOME THINGS HAPPEN. WE HAVE WORKED OVER A YEAR ON CORRECTIONS REFORM. I WILL NOT BE MADE A MOCKERY OF IN TERMS OF WHAT I BELIEVE AND WHAT MY OPINIONS ARE. AND ON THIS FLOOR TODAY, I WILL ONLY SAY WE HAVE A JOB TO DO, LET'S GET TO DO IT. NOW, YOU HAVE THE RIGHT AND I STOOD HERE AND DEFENDED YOUR RIGHT ABOUT THREE WEEKS AGO WHEN EVERYBODY SAID, CAN'T YOU SHUT HIM UP? AND I SAID, NO. I CAN'T SHUT HIM UP, HE'S ONE OF 49. THE UNIQUE AND THE BEAUTIFUL PART OF THIS INSTITUTION IS BEING ONE OF 49. BUT THE OTHER PART OF IT IS KNOWING WHEN TO SHUT UP. WHEN REALLY TO TAKE TWO STEPS BACK AND DO THE PEOPLE'S WORK. SO I WOULD, WITH ALL CIVILITY, WITH ALL RESPECT, AND WITH ALL HUMILITY AT THIS

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POINT SIMPLY SAY, CAN WE GET ON WITH THE PEOPLE'S BUSINESS? I THINK WE CAN. I THINK WE CAN. ENOUGH IS ENOUGH, COLLEAGUES. WE HAVE A JOB TO DO. LET'S GET IT DONE. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB627]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AND WITH ALL DUE RESPECT TO SENATOR KRIST--AND WE'VE HAD A VERY GOOD RELATIONSHIP--I'M GOING TO SAY WHAT I'VE GOT TO SAY. BUT HERE'S WHAT I TELL YOU ALL. AND YOU ALWAYS LOOK AT ME. WHO THREW THE FIRST STONE THIS MORNING? HAD I OPENED MY MOUTH? AND WHO JUMPED UP AND SAID, I'VE GOT TO DO WHAT I SAID I'D DO YESTERDAY AND HERE HE COMES? NOW YOU WON'T POINT AT YOUR FRIEND WHO LOOKS LIKE YOU, BUT YOU POINT AT THE ONE THAT HE PROVOKED. HE'S THE ONE. I'M NOT GOING TO LET ANYBODY WALK ALL OVER ME AND THEN LATER ON SAY, I SHOULD HAVE. I'M GOING TO DEAL WITH IT RIGHT THEN. AND I WANT PEOPLE TO KNOW WHAT IS GOING TO BE MY RESPONSE WHEN THEY PROVOKE ME. I'M NOT GOING TO SIT AND SWALLOW SPIT. SENATOR McCOY DID IT. HE LED YOU LAST FRIDAY OUT OF THE WILDERNESS INTO THE SWAMP AND YOU FOLLOWED HIM LIKE LEMMINGS. AND YOU'VE POPPED UP ONE RIGHT AFTER THE OTHER. YOU WEREN'T WORRIED ABOUT DOING THE PEOPLE'S BUSINESS THEN BECAUSE YOU FELT THE PEOPLE'S BUSINESS WAS TO GANG ME. AND YOU THOUGHT I'D SIT BACK LIKE ONE OF YOU MIGHT AND SAY, THERE ARE TOO MANY OF THEM SO I WON'T SAY ANYTHING. SENATOR McCOY STARTED THIS, THIS MORNING. AND WHEN I WAS LITTLE...WHEN I WAS YOUNGER WE HAD A SAYING, BECAUSE THERE WERE PEOPLE WHO LIKED TO PICK ON OTHER PEOPLE; THAT MEANS THEY'RE BULLIES, THEY START SOMETHING. AND OUR RESPONSE WAS, YOU STARTED IT AND I'LL FINISH IT. WHY HASN'T ANYBODY SAID ANYTHING TO SENATOR McCOY? BECAUSE HE'S ONE OF YOU, THAT'S WHY. YOU CAN RELATE TO HIM, YOU UNDERSTAND HIM, YOU SYMPATHIZE WITH HIM, YOU EMPATHIZE WITH HIM, YOU KNOW WHAT HE FEELS, YOU KNOW HOW HE'S GOT A JOB TO DO. HE'S RESPONSIBLE TO HIS CONSTITUENCIES. BUT YOU DON'T UNDERSTAND ME SO IT'S MY JOB TO MAKE YOU UNDERSTAND AND I'M GOING TO DO IT. AND WHEN PEOPLE PULL OTHER LITTLE UNDERHANDED THINGS ON ME, I SHALL RESPOND IN KIND, AS SENATOR DAVIS KNOWS. HE DIDN'T STAND UP HERE THAT DAY WHEN HE WAS SPEAKING AND POINT OUT HOW HE HAS COME TO MY OFFICE SEEKING HELP ON VARIOUS ISSUES. HOW I HELPED ASSURE THAT HE GOT A SLOT WHEN THE EXECUTIVE BOARD WAS OVERLOOKING SOME OF THOSE PEOPLE WHO HAVE BEEN HERE A LONG TIME, HAD DONE VARIOUS THINGS.

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THEY WANTED TO GET ON COMMITTEES AND THEY WERE PASSED OVER. I WAS THE ONE WHO STOOD ON THE FLOOR. HE DIDN'T STAND UP THEN AND SAY, I WISHED SENATOR CHAMBERS WOULD BE QUIET. AS SOON AS HE BRINGS A BILL, I'M GOING TO DO WHAT I CAN TO SABOTAGE IT AND I WON'T TELL HIM. HE DIDN'T SAY THAT BECAUSE HE NEEDED SOMETHING. WELL, I KNOW WHAT'S IN MAN. AND I'LL QUOTE JESUS AGAIN. NOT HIM, BUT WHAT WAS SAID ABOUT HIM. HE HAD NO NEED THAT ANYBODY SPEAK TO HIM OF MAN, FOR HE KNEW WHAT WAS IN MAN. AND I KNOW, BUT I'M HERE AMONG YOU. I WAS SENT HERE AMONG YOU, SO I'M GOING TO DO WHAT I SHOULD DO. AND HERE'S SOMETHING THAT WAS INTERESTING AND IT APPEARED IN TODAY'S LINCOLN JOURNAL STAR. LATER THAT DAY--THE DAY WHEN SENATOR McCOY WAS LEADING THE LEMMINGS--LINCOLN PUBLIC SAFETY DIRECTOR TOM CASADY, A CAREER COP, TWEETED: QUOTE, I THINK SENATOR CHAMBERS IS FAR MORE LIKELY TO GIVE BIRTH THAN SHOOT A POLICE OFFICER. [LB627]

PRESIDENT FOLEY: ONE MINUTE. [LB627]

SENATOR CHAMBERS: WOULDN'T MIND HAVING HIM AS A PARTNER IN THE 1970s. THAT'S WHAT A COP SAID. AND YOU'RE GOING TO LISTEN TO SOMEBODY IN HERE WHO CAN'T EVEN READ AND GET THINGS RIGHT. THAT'S WHY I DON'T CARE WHAT THE PEOPLE IN HERE SAY, YOU DON'T KNOW ANYTHING. YOU'RE PEOPLE OF NO CONSEQUENCE. SO YOU THINK BY TAKING YOUR NAME OFF A BILL, YOU HURT ME. YOU THINK, LIKE SENATOR DAVIS, BY TRYING TO KILL A BILL OF MINE DEALING WITH PRAIRIE DOGS, IT HURTS ME. WELL, YOU FIRED THE OPENING SHOT. SO WE'RE GOING SEE WHAT HAPPENS FROM THIS POINT ONWARD. YOU'RE GOING TO GET WHAT YOU WANT. AND BE CAREFUL WHAT YOU WISH FOR BECAUSE SOMETIMES YOU GET WHAT YOU WISH FOR BUT IT'S NOT WHAT YOU WANTED. SOMEBODY SENT ME A NOTE WITH A QUOTE, WHICH I WILL NOT ACCEPT AS MINE. [LB627]

PRESIDENT FOLEY: TIME, SENATOR. [LB627]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR MELLO, YOU'RE WELCOME TO CLOSE ON AM1032. [LB627]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AM1032 MAKES THREE CHANGES THAT WERE BROUGHT TO ME IN

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CONVERSATIONS, BOTH WITH SENATOR STINNER, SENATOR WILLIAMS, AND SENATOR SCHUMACHER IN RESPECT TO A NUMBER OF BUSINESS ORGANIZATIONS ALSO WHO WANTED TO CLARIFY LB627, SPECIFICALLY, TO ENSURE THAT THE REASONABLE ACCOMMODATION STANDARD THAT WE ARE PUTTING FOR A PREGNANT WORKER IS LIMITED TO EXACTLY THAT, THE PREGNANT WORKER, NOT ANYONE ELSE WHO MAY TRY TO CLAIM THAT REASONABLE ACCOMMODATION. WITH THAT, I'D URGE THE BODY TO ADOPT AM1032. THANK YOU, MR. PRESIDENT. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATORS, YOU'VE HEARD THE MOTION TO ADOPT AM1032. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB627]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB627]

PRESIDENT FOLEY: AM1032 IS ADOPTED. DEBATE IS NOW OPEN ON LB627 AS AMENDED. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB627]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AND FOR THE RECORD, I LIKE THAT STATEMENT SO WELL, THAT I'M GOING TO READ IT AGAIN. BUT BEFORE THAT, LET ME READ WHAT THIS COLUMNIST WROTE: IN A QUIET HALLWAY AFTER THE MORNING CONFRONTATION INSIDE THE LEGISLATIVE CHAMBER WAS DONE, CHAMBERS SPOKE IN CONVERSATIONAL TONES ON HIS OWN TERMS DURING A BRIEF INTERVIEW. QUOTE: THERE'S NOT A PERSON IN MY LEGISLATIVE DISTRICT WHO THINKS I WOULD WANT TO SHOOT A COP, CHAMBERS SAID. THE KIDS IN MY COMMUNITY ARE TOO SMART TO PUT THAT INTERPRETATION ON THOSE WORDS. SEE, I FORGET I'M NOT TALKING TO THE INTELLIGENT CHILDREN IN MY DISTRICT, I'M DEALING WITH UNINTELLIGENT CHILDREN IN THIS CHAMBER. THEN THE COLUMN GOES ON: LATER THAT DAY, LINCOLN PUBLIC SAFETY DIRECTOR TOM CASADY, A CAREER COP TWEETED, QUOTE: I THINK SENATOR CHAMBERS IS FAR MORE LIKELY TO GIVE BIRTH THAN SHOOT A POLICE OFFICER. WOULDN'T MIND HAVING HIM AS A PARTNER IN THE 1970s. YOU KNOW WHY SENATOR McCOY CAME UP HERE WITH THAT MISSTATED THING? IT GAVE HIM A CHANCE TO TRY TO GET EVEN WITH ME BECAUSE HE WAS SMARTING FROM WHAT I SAID ABOUT THAT GUY PUTTING UP \$2,700,000 FOR HIS CAMPAIGN. HE LOST ANYWAY, AND THEN HIRED SENATOR McCOY. AND I ALSO ADDED THAT

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SENATOR McCOY SHOWED THAT THE LEGISLATURE CAN BE A STEPPINGSTONE TO A GOOD JOB. IF HE DIDN'T LIKE IT, HE SHOULD HAVE SAID SOMETHING. BUT, NO, HE PLUNGED THE LEGISLATURE INTO SOMETHING WHICH THE SENATORS WERE TOO DUMB TO SEE THROUGH. AND THEY FELL FOR IT HOOK, LINE, AND SINKER. ACT IN HASTE, REPENT AT LEISURE. AND I THINK WHAT YOU NEED WHEN YOU'RE TALKING ABOUT LEISURE IS PLENTY OF TIME, TIME, TIME. AND WHENEVER I SAY THAT, I THINK OF EDGAR ALLAN POE'S RHYME: KEEPING TIME, TIME, TIME, IN A SORT OF RUNIC RHYME, TO THE TINTINNABULATION THAT SO MUSICALLY WELLS FROM THE BELLS, BELLS, BELLS, BELLS, BELLS, BELLS, BELLS, FROM THE JINGLING AND THE TINKLING OF THE BELLS. AND I WILL SAY ON THIS FLOOR THE THINGS I THINK NEED TO BE SAID AND I WILL SAY THEM IN MY OWN WAY. SOMEBODY SUGGESTED THAT CENSURE...WELL, I'M PARAPHRASING, CENSURE WAS NOT GOOD ENOUGH. WHAT THEY OUGHT TO DO IS WRAP ME UP IN VELCRO, TAKE A WALL THAT'S COVERED WITH VELCRO, SHOOT ME FROM ONE OF THOSE CANNONS THAT THEY HAVE IN THE CIRCUS, AND I STICK UP THERE WITH VELCRO WITH MY ARMS OUT AND I'M LOOKING LIKE A CROSS. THEN ALL THESE PEOPLE IN THE LEGISLATURE COULD, AT THEIR LEISURE, SHOOT ME ON THE WALL LIKE THE HUNTERS THEY RESPECT SO MUCH SHOOT MOUNTAIN LIONS OUT OF TREES. AND I COULD SEE THE IMAGERY, AND IT WAS APPROPRIATE. BUT YOU ALL CANNOT DEFEAT ME. YOU CAN KILL A BILL BUT THE BILL IS NOT ME. I'M NOT LIKE SOME OF THESE PEOPLE WHO HAVE TO HAVE GUNS BECAUSE THEY'RE AN EXTENSION OF THE GUN OR THE GUN IS AN EXTENSION OF THEM. I AM MY OWN MAN. BUT I GAVE SOME PEOPLE IN HERE CREDIT FOR HAVING MORE SENSE THAN I SHOULD HAVE. NOTICE I SAID--SOME PEOPLE. YOU ALL DON'T KNOW WHAT AN ANALOGY IS. YOU DON'T EVEN KNOW WHAT A PARABLE IS. IF YOU READ THAT BOOK, THEN YOU'D SEE JESUS SAID A LOT OF THINGS THAT DON'T HAPPEN IN THIS REAL WORLD. READ AESOP'S FABLES. YOU THINK ANIMALS... [LB627]

PRESIDENT FOLEY: ONE MINUTE. [LB627]

SENATOR CHAMBERS: ...TALK LIKE HUMANS? WHY, YOU ALL MUST BE FACETIOUS. BUT I WILL CONTINUE TO MAKE POINTS THAT I THINK OUGHT TO BE MADE IN THE WAY I THINK THEY SHOULD BE MADE. AND I'M MAKING A POINT THIS MORNING. YOU CAN MESS WITH ME AS MUCH AS YOU WANT TO. YOU CAN TRY TO MESS OVER ME AS MUCH AS YOU PLEASE. BUT I'M NOT GOING TO QUIT, I WILL BE HERE. THE PEOPLE WHO DIDN'T LIKE ME SENT ME OUT HERE WITH TERM LIMITS. THEY WOKE UP THE NEXT MORNING, FIGURATIVELY SPEAKING, AND HERE I AM AGAIN, HERE I AM AGAIN. BUT ALL 48 OF THE OTHERS WHO WERE WITH ME AT THAT TIME, THEY'RE LONG GONE. AND THEY WERE OF THE

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SAME COMPLEXION AS THOSE WHO PUT ME OUT OF HERE. SO IT MEANT I WAS BETTER THAN 48 OF THEIR OWN. NOW, HOW AM I GOING TO BE HUMBLE WHEN YOU TELL ME YOU HATE ME AND THEN YOU SHOW ME THAT YOU THINK I'M BETTER THAN 48 OF YOURS? [LB627]

PRESIDENT FOLEY: TIME, SENATOR. [LB627]

SENATOR CHAMBERS: WAS THAT MY THIRD TIME? [LB627]

PRESIDENT FOLEY: NO, IT WAS NOT, SENATOR. [LB627]

SENATOR CHAMBERS: I'LL STOP FOR NOW. [LB627]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB627]

SENATOR CHAMBERS: THANK YOU. THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, SNAKES HAVE TRANSPARENT EYELIDS. SOME PEOPLE SAY THEY DON'T BLINK. THE IMAGERY APPLIED TO ME BECAUSE OF SOMETHING I SAID ONE TIME IS THAT OF A KING COBRA; HERE'S WHAT I SAID. IT WAS IN THE CONTEXT OF A DISCUSSION ABOUT AN EDUCATION BILL. AND I SAID NOTHING AND I WAS ASKED AFTERWARD BY A REPORTER WHY I DIDN'T SAY ANYTHING. I SAID, FIRST OF ALL, THE BILL DOESN'T MEAN THAT MUCH TO ME ONE WAY OR THE OTHER. BUT WITH THE DEBATE GOING FORWARD, THERE WERE PEOPLE ON BOTH SIDES. THE BILL WAS GOING TO DIE ANYWAY, IT COULDN'T SURVIVE. AND THE COBRA, THE KING COBRA, WASTES NO VENOM ON DEAD OR FLEEING THINGS. SO COBRAS ARE NOT AGGRESSIVE IN THE SENSE OF SEEKING OUT PEOPLE TO DO THINGS TO. BUT LIKE SNAKES OF ALL VARIETY, IF YOU WILL LEAVE THEM A WAY OUT, THEN THEY'LL TAKE IT. BUT IF YOU PROVOKE THEM, THEN THEY HAVE A DEFENSE MECHANISM THAT NATURE GAVE THEM. AND EVEN THOUGH IT'S A DEFENSE MECHANISM, IT WILL BE MISINTERPRETED BY HUMAN BEINGS AS BEING AGGRESSIVE. BUT THE HUMAN BEING STRUCK THE FIRST BLOW. THE HUMAN BEING EITHER SURPRISED THE ANIMAL OR STEPPED ON THE ANIMAL. AND HUMAN BEINGS ARE THE TOP PREDATOR IN NATURE'S CHAIN, THE MOST VICIOUS OF PREDATORS, THE CRUELEST OF PREDATORS. THE ONLY PREDATOR WHO REGULARLY KILLS FOR THE SHEER LOVE OF KILLING FOR SPORT, FOR SEXUAL GRATIFICATION. HUMAN BEINGS, THE PREDATOR OF PREDATORS AND EVEN BIOLOGISTS TELL YOU THAT. SO YOU ARE FEARED BY CREATURES IN THE ANIMAL KINGDOM. BUT IF YOU PUT THEM IN A POSITION WHERE THEY CANNOT GET AWAY, THEN THEY WILL DEAL WITH YOU. THEN

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WHEN YOU GET THE WORST OF IT, YOU CONDEMN THE ANIMAL. YOU MOVE INTO THE HABITAT OF CROCODILES OR ALLIGATORS. THEN WHEN YOU PUT A SWIMMING POOL OUT THERE AND YOU GO OUT THERE AND SEE AN ALLIGATOR IN THE SWIMMING POOL, YOU SAY THE ALLIGATOR IS ENCROACHING ON MY PROPERTY, COME KILL IT. YOU TOOK THE ANIMAL'S HABITAT. YOU ALL WHO ARE THE RATIONAL ANIMALS, THE HOMO SAPIENS, THE WISE ONES. YOU PROVOKE AND YOU SHOULD BE ABLE TO UNDERSTAND WHAT IS GOING TO BE THE RESPONSE TO YOUR PROVOCATION. BUT WHEN IT COMES THEN YOU BECOME THE VICTIM AND YOU PUT UP A PITIFUL MOUTH AND YOU WANT TO KILL THAT WHICH YOU TOOK AGGRESSIVE ACTION AGAINST FIRST. IF YOU'D LEAVE THESE MOUNTAIN LIONS ALONE, YOU WOULDN'T EVEN SEE ONE. BUT YOU WANT THE SPORT AND THE JOY OF KILLING. AND AS FOR PEOPLE WHO DON'T LIKE THE WAY I PRONOUNCE THE BIBLE...SENATOR CARLSON WAS LIKE THAT. AND HE SAID I DON'T LIKE THE WAY YOU PRONOUNCE THAT BOOK. I SAID, WELL, HOW DO I PRONOUNCE IT THAT YOU DON'T LIKE? I DON'T WANT TO SAY IT. I SAID, HOW DO YOU PRONOUNCE IT? HE SAID, BIBLE. I SAID, WELL, I SAY "BIBBLE." AND THAT'S WHAT YOU DON'T LIKE? HE SAID, RIGHT. I SAY, WELL, YOU SAY TOMAYTO (PHONETICALLY) AND I SAY TOMAHTO (PHONETICALLY), SO YOU SAY BIBLE, I SAY "BIBBLE." THEN FURTHER ALONG I WANTED HIM TO PRONOUNCE A WORD FOR ME. [LB627]

PRESIDENT FOLEY: ONE MINUTE. [LB627]

SENATOR CHAMBERS: I SAID, HOW DO YOU PRONOUNCE B-I-B-L-E? BIBLE. HOW DO YOU PRONOUNCE B-I-B-L-I-C-A-L? HE HAD TO SAY, BIBLICAL. I SAID, THERE YOU GO. WHY DIDN'T YOU CALL IT BYBLICAL (PHONETICALLY)? BECAUSE YOU DON'T PRONOUNCE THE WORD THAT WAY. AND IF YOU'RE GOING TO GET ALL BENT OUT OF JOINT BECAUSE OF THE WAY I PRONOUNCE A WORD, WHY, YOU'LL BE BENT OUT OF JOINT ALL THE TIME IF YOU KNOW HOW WORDS ARE PRONOUNCED IN THEIR ORIGINAL LANGUAGE, WHICH YOU WOULDN'T UNDERSTAND. AND YOU COULDN'T PRONOUNCE IT THE WAY THEY DO ANYWAY. THAT'S MY THIRD TIME NOW, MR. PRESIDENT? [LB627]

PRESIDENT FOLEY: THAT WAS YOUR SECOND TIME, SENATOR. [LB627]

SENATOR CHAMBERS: OH, LET ME PUT MY LIGHT ON AGAIN. [LB627]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB627]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. YOU KNOW WHAT'S GOOD ABOUT THE CHAIR? WHEN WE ARE SO INSIGNIFICANT THAT PEOPLE WILL LOOK RIGHT THROUGH US. I DON'T MEAN LIKE SOME OF THE COLLEAGUES WHERE HE MIGHT BE LOOKING OVER THERE THE OTHER WAY AND I'LL LOOK AND I SEE RIGHT THROUGH HIS HEAD BECAUSE THERE'S NOTHING IN BETWEEN THOSE EARS. I DON'T MEAN LIKE THAT. OH, YOU THINK I'M ROUGH? WELL, LOOK WHAT YOU DID TO ME? YOU ALL GANGED UP ON ME FRIDAY. ALL OF YOU ALL WERE SINGING IN CONCERT. YOU WERE SINGING THE HALLELUJAH CHORUS. NOW THE TIME HAS COME TO PAY THE PIPER, YOU DON'T WANT TO PAY. WELL, IF YOU DANCE TO THE DEVIL'S TUNE, HE'S GOING TO MAKE YOU PAY FOR HAVING BEEN YOUR MUSICIAN. WHEN YOU START SOMETHING, KNOW WHAT YOU'RE STARTING AND BE READY TO TAKE WHATEVER COMES. I'VE TOLD YOU ALL MANY TIMES, I DON'T THROW A ROCK AND HIDE MY HAND. I'M WILLING AND PREPARED TO TAKE THE CONSEQUENCES OF ANYTHING I SAY OR ANYTHING I DO. AND YOU ALL HAVE TO DO THE SAME. BUT LOOK HOW MANY OF YOU THERE ARE. YOU HAVE PLENTY OF CHANCES TO GET EVEN WITH ME AND I WILL GET EVEN WITH YOU. BUT AT ANY RATE, HERE'S WHAT I WAS GOING TO SAY ABOUT THE WAY THE SPEAKER ACKNOWLEDGES US, NO MATTER HOW INSIGNIFICANT WE ARE. THE CHAIR WILL SAY, YOU ARE RECOGNIZED, WHOEVER YOU MAY BE. YOU ARE RECOGNIZED. AND THAT'S ALL SOME PEOPLE WANT IN THIS WORLD. NOT THE RECOGNITION FROM THE STANDPOINT OF A WOMAN THAT MAYBE AN ANGELINA JOLIE WOULD GET. NOT THE RECOGNITION THAT HER HUSBAND, BRAD PITT, WOULD GET. BUT THE RECOGNITION AS A HUMAN BEING, AS A PERSON, AS SOMEBODY WITH FEELINGS. ALL THEY WANT TO DO IS BE ACKNOWLEDGED. AND THAT DOESN'T HAPPEN. AND SOME PHILOSOPHER OR OTHERS, NOT THE GREATEST ONE IN AMERICA, BECAUSE THE GREATEST ONE IN AMERICA WAS POPEYE. AND HIS GREAT PHILOSOPHICAL STATEMENT WAS: I YAM WHAT I YAM, AND THAT'S ALL THAT I YAM. BUT THIS PERSON HAD INDICATED THAT AN INSULT IS NOT THE WORST THING YOU CAN DO TO A PERSON, BUT TO TOTALLY IGNORE AND DISREGARD THAT INDIVIDUAL'S EXISTENCE BECAUSE TO PASS AN INSULT YOU MUST RECOGNIZE THAT PERSON AS A PERSON; NEGATIVELY, BUT YOU RECOGNIZE THE PERSON. SO WHEN THE CHAIR SAYS THAT YOU'RE RECOGNIZE, WHOEVER YOU ARE, YOU BETTER ACCEPT THAT BECAUSE WHEN YOU GET OUT OF HERE IT'S NOT GOING TO HAPPEN. YOU CAN WALK ALL OVER THE STATE OF NEBRASKA AND NOBODY WILL KNOW WHO YOU ARE. NOBODY WILL KNOW WHO YOU ARE. AND THERE ARE TIMES I WISH I COULD GO PLACES AND NOBODY KNEW WHO I AM. I CAN'T GO TO A RESTAURANT. I CAN'T GO ANYWHERE. AND I'D VENTURE TO SAY THAT I AM THE MOST HATED MAN...HATED PERSON, MAN OR WOMAN OR CHILD IN THIS STATE AND IT'S NOT EVEN A HEAVY BURDEN. IT'S NOT EVEN A HEAVY BURDEN, BECAUSE I LOOK AT

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THE ONES WHO ARE DOING THAT. I WAS TOLD THAT FRIDAY RUSH LIMBAUGH WAS TALKING ABOUT ALL THIS HUBBUB IN NEBRASKA WHICH IS NOT EVEN KNOWN OF BY PEOPLE. AND RUSH LIMBAUGH HAD SOME WORDS OF UNDERSTANDING TOWARD WHAT I'M DOING...RUSH LIMBAUGH. AND HE READ A POEM AT ONE TIME THAT I WROTE ABOUT HIM BECAUSE I WAS IRATE. HE WAS TALKING ABOUT "FEMINAZIS," CALLING WOMEN THAT. HOW MUCH HE LOVED ANIMALS BECAUSE HE DIDN'T LIKE ANIMAL RIGHTS PEOPLE. HE SAID, YEAH, I'D LIKE TO GET THEM AND CHOP THEM UP IN LITTLE BITTY PIECES. [LB627]

PRESIDENT FOLEY: ONE MINUTE. [LB627]

SENATOR CHAMBERS: THEN HE COMPARED CHELSEA CLINTON, WHO WAS ABOUT 13 YEARS OLD AT THE TIME, TO AN AIREDALE DOG. THAT'S WHAT RUSH LIMBAUGH DID, THE ONE THESE PEOPLE WORSHIP. SO I JUST GOT BUSY AND WROTE A LITTLE RHYME ABOUT HIM AND I'M GOING TO PASS IT OUT. AND YOU ALL THINK HE'S POWERFUL, BUT THE WORLD-HERALD SPRANG TO HIS DEFENSE AND CONDEMNED ME FOR WRITING A POEM ABOUT THEIR HERO WHO COMPARED A 13-YEAR-OLD CHILD TO A AIREDALE DOG. THAT'S WHAT HAPPENS. SO THAT'S THE RHYME I PROMISE YOU ALL, I'M GOING TO SEND YOU. IT TELLS HOW HE WAS CONCEIVED, HOW HE WAS BORN, WHAT HE BECAME, HOW HE WAS RIDICULED AS A CHILD, AND HOW HE WISHED THAT HE WAS A RAT...ENVIED THE RAT. BUT YOU HAVE TO READ IT TO SEE WHY THAT WAS HIS ATTITUDE. AND I DON'T KNOW ANYMORE ABOUT RUSH LIMBAUGH THAN WHAT I'VE HEARD...THAN WHAT I'VE BASED ON WHAT I'VE HEARD HIM SAY. BUT NOBODY IS WHAT THEY ARE WHEN THEY COME INTO THIS WORLD. THINGS HAPPEN TO PEOPLE. [LB627]

PRESIDENT FOLEY: TIME, SENATOR. [LB627]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB627]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR HANSEN, YOU'RE RECOGNIZED FOR A MOTION. [LB627]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB627 BE ADVANCED TO E&R FOR ENGROSSING. [LB627]

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PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB627 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB627 ADVANCES. ITEMS FOR THE RECORD, MR. CLERK. [LB627]

CLERK: THANK YOU, MR. PRESIDENT. THE REFERENCE REPORT REFERRING A GUBERNATORIAL NOMINEE TO STANDING COMMITTEE FOR CONFIRMATION HEARING. THE EDUCATION COMMITTEE CHAIRED BY SENATOR SULLIVAN REPORTS LB519 TO GENERAL FILE WITH AMENDMENTS. AND A NEW A BILL: SENATOR HOWARD OFFERS LB199A. (READ LB199A BY TITLE FOR THE FIRST TIME.) THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1009-1010.) [LB519 LB199 LB199A]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. RETURNING TO SELECT FILE, LB139. MR. CLERK. [LB139]

CLERK: SENATOR, I HAVE E&R AMENDMENTS, FIRST OF ALL. (ER51, LEGISLATIVE JOURNAL PAGE 905.) [LB139]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB139]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB139 BE ADOPTED. [LB139]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB139]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I MADE A BLUNDER ON THAT LAST ONE. BUT YOU SAW HOW QUICKLY I BACKED OFF WHEN I WAS CORRECTED. BUT EVERY MOTION IS DEBATABLE. SO WHEN THE E&R MOTION IS MADE, IF I DECIDE TO DEBATE IT, I'M GOING TO DO IT. AND YOU ALL WILL HAVE YOUR CHANCE TO GET EVEN WITH ME SINCE YOU THINK IT'S SUCH A BIG THING TO KILL A BILL. WELL, MAYBE I SHOULD APPLY TO YOU ALL ON THAT WHAT JESUS SAID AND BELIEVE THAT YOU MEAN WHAT JESUS SAID. HE TOLD YOU ALL--AS YOU WOULD THAT OTHERS SHOULD DO UNTO YOU, DO YE EVEN SO UNTO THEM LIKEWISE. SO YOU ALL MESSING WITH MY BILL, THAT'S WHAT YOU WANT ME TO DO TO YOURS. YOU WANT ME TO DO IT TO YOURS. SO I'M JUST FULFILLING SCRIPTURES. WHAT I WAS GOING TO TELL YOU ALL ABOUT THIS MESSAGE THAT WAS SENT INTO ME WITH A QUOTE FROM THE "BIBBLE" THAT I DON'T ACCEPT AS MINE WAS, "FATHER,

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FORGIVE THEM FOR THEY KNOW NOT WHAT THEY DO." NOW THE PAINFULLY LITERAL PEOPLE IN THIS BODY WOULD SAY--YES THEY DO, THEY HAD TO KNOW WHAT THEY WERE DOING. WHEN THEY PUT THE THORNS ON HIM, THEY KNEW WHAT THEY WERE DOING. WHEN THEY STRETCHED HIM OUT ON THAT TREE AND NAILED SPIKES THROUGH HIS HANDS, THEY KNEW WHAT THEY WERE DOING. WHEN THEY PUT HIS FEET, BY THE WAY, HE DIDN'T HANG ON A TREE LIKE THEY SHOW HERE. THEY HAD SOME OF THEM, A LITTLE PROJECTION, ON WHICH THE PERSON SAT, NOT FOR COMFORT. BUT THERE WAS NO WAY THAT THE PALMS OF A PERSON'S HANDS CAN BEAR THE WEIGHT OF A BODY. SO IF THEY HAD JUST PUT NAILS IN HIS HANDS AND STOOD HIM UP, HE WOULD HAVE FALLEN RIGHT OFF THAT TREE WITH SOME SERIOUS LACERATIONS. ROMANS WERE SOME HARSH PEOPLE. AND YOU COULD SAY CRUCIFIXION ITSELF AS A PROCESS WAS TORTUROUS, BUT IT WASN'T DONE ONLY FOR THE PURPOSE OF TORTURING, IT WAS A METHOD OF EXECUTION. AND ALSO ON THE FEET, THERE WOULD BE SOMETHING FOR THE FEET TO REST ON. BUT AT ANY RATE, THEY WOULD SAY, WHEN THEY NAILED HIS...PUT THE NAILS THROUGH HIS FEET, THEY KNEW WHAT THEY WERE DOING. WHEN THAT GUY STUCK HIM IN THE SIDE WITH THE SPEAR, HE KNEW WHAT HE WAS DOING. SO THEN YOU ASK THIS PERSON, WELL, WHAT DID THE ONE YOU WORSHIP MEAN WHEN HE SAID, FORGIVE THEM, FOR THEY KNOW NOT WHAT THEY WERE DOING? THEY SAY, WELL, WHEN THAT PERSON PUT THAT SPONGE ON THAT STICK AND GAVE IT TO HIM, THERE WAS DRUGS IN IT AND IT MADE HIM HALLUCINATE AND HE WAS OUT OF HIS HEAD. SO HE DIDN'T KNOW WHAT HE WAS SAYING WHEN HE SAID THAT. THERE ARE OTHER PEOPLE WHO HAVE GONE THROUGH A LOT OF BAD THINGS IN LIFE AND THEY HAVE COME TO REALIZE THAT SOME PEOPLE WHO DO BAD THINGS DO THEM INTENTIONALLY WITH THE DESIGN AND THE DESIRE TO HURT. THERE ARE OTHER PEOPLE WHO DO THE SAME THING, BUT THE INTENT IS NOT TO HURT. THEY MISPERCEIVE WHAT THEY ARE DOING. SO BECAUSE, IF YOU ALL PAID ATTENTION TO JESUS, HE GAVE YOU SOME GOOD ADVICE. I DON'T WANT YOU TO THINK HE'S A MADMAN. HE WASN'T CRAZY WHEN HE SAID THAT AND HE WAS NOT OUT OF HIS HEAD. WHAT HE MEANT IS THAT THEY SAW HIM AS AN ENEMY BECAUSE THE RELIGIOUS PEOPLE SAW HIM AS THEIR ENEMY. [LB139]

PRESIDENT FOLEY: ONE MINUTE. [LB139]

SENATOR CHAMBERS: SO WHEN THEY YELLED IN RESPONSE TO PILATE'S QUESTION, "WHAT SHOULD I DO WITH HIM," AND THEY SAID--CRUCIFY HIM, THE RELIGIOUS PEOPLE WERE THE ONES WHO SAID IT FIRST. THEN THE MULTITUDES SAID IT. SO THE MULTITUDES DIDN'T REALIZE WHOM THEY WERE ASKING TO HAVE CRUCIFIED. AND THE ONES WHO CARRIED IT OUT DID NOT REALIZE THE

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MANNER OF MAN THEY WERE KILLING. AND THAT'S WHAT HE MEANT. WHEN IT COMES TO THE REAL OR NATURAL WORLD, THEY KNOW EXACTLY WHAT THEY'RE DOING, BUT AT A DEEPER, PROFOUNDER LEVEL, THEY DON'T KNOW WHAT THEY'RE DOING. SO, FATHER, YOU KNOW THAT, BECAUSE YOU MADE HIM. SO FORGIVE THEM BECAUSE THEY DON'T KNOW WHAT THEY'RE DOING AND YOU KNOW THEY DON'T. SO LET ME MAKE THIS DRAMATIC STATEMENT. THEN MAYBE SOME GUY ON THE FLOOR OF THE NEBRASKA LEGISLATURE WILL TRY TO GET SOMETHING ACROSS AND EXPLAIN WHAT THIS IS ALL ABOUT. [LB139]

PRESIDENT FOLEY: TIME, SENATOR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB139]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT, AND MEMBERS OF THE LEGISLATURE, I'M NOT GOING TO DO EVERY DAY WHAT I'M DOING TODAY. UNLESS I DECIDE TO DO IT. WHAT YOU ALL NEED TO DO IS SCRAMBLE TO THAT RULE BOOK AND SEE IF THERE'S SOMETHING IN IT THAT WILL LET YOU STOP ME. AND IF THERE'S NOT, YOU JUST HAVE TO BEAR IT. BUT YOU ALL THREW THE FIRST STONE. AND THAT IS AN INTERESTING STORY. SOME HYPOCRITES, SIMILAR TO SOME OF THOSE WE GOT IN HERE, BROUGHT A WOMAN TO JESUS, AND THEY WERE ALWAYS TRYING TO CATCH HIM IN HIS WORDS. SENATOR SCHNOOR GOES...HE PRAYS SO HE PROBABLY GOES TO PRAYER MEETINGS. SO HE KNOWS THAT I'M NOT LYING ABOUT THESE THINGS. NOW I MIGHT TELL IT A LITTLE DIFFERENTLY FROM THE WAY YOU READ IT. BUT THAT WAS WRITTEN IN OLD ENGLISH. THE "BIBBLE" IS A POLITICAL DOCUMENT THAT KING JAMES WANTED, AND THEY DID NOT HAVE INSPIRED PEOPLE DECIDING WHAT WENT INTO IT. THEY HAD A PANEL. THERE WERE SOME PEOPLE WHO HAD EMBEZZLED. THERE WERE DRUNKARDS ON THIS PANEL, AND IF THERE WAS A DIFFERENCE OF OPINION, THEY DIDN'T PRAY ABOUT IT, THEY TOOK A VOTE AND WHICHEVER WAY THE VOTE WENT, THAT'S WHERE THE QUESTION WOULD BE DECIDED. SO THESE PEOPLE DRAGGED THIS WOMAN TO JESUS, BECAUSE HE'S OUT THERE PREACHING LIKE HE ALWAYS DID. AND THEY SAID, WE CAUGHT THIS WOMAN IN THE VERY ACT OF ADULTERY. THE VERY ACT. WHAT DO YOU THINK WE SHOULD DO WITH HER? NOW, THE BOOK DOESN'T SAY THIS, BUT PROBABLY THE FIRST THING HE'D ASK THEM, EXCEPT HE HAD A BIGGER LESSON HE WANTED TO TEACH THEM, IF YOU CAUGHT HER IN THE VERY ACT THERE HAD TO BE TWO PEOPLE--WHERE IS THE MAN? IF YOU CAUGHT HER BY HERSELF, SHE MAY HAVE BEEN MASTURBATING BUT SHE WASN'T COMMITTING ADULTERY. SO IF IT TAKES TWO TO TANGO, LIKE IT TAKES TWO HANDS TO CLAP, WHERE'S THE MAN? WHERE IS HE? IS HE ONE OF YOU? WELL, WHY DIDN'T YOU BRING HIM TOO? THIS ACT CANNOT BE COMMITTED BY ONE. BUT WOMEN THEN LIKE NOW WERE

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PLACED IN A SUBORDINATE POSITION AND NOT RESPECTED. SO HE HAD THIS BIGGER LESSON THAT HE WANTED TO TEACH THEM. SO THEY SAID--THE LAW SAYS THAT SHE SHOULD DIE. HE SAID, WELL, THAT'S TRUE. AND THEY SAID, FURTHERMORE, IT SAYS THAT SHE SHOULD BE STONED TO DEATH. HE SAID, THAT'S TRUE. THEY SAID, WHAT DO YOU SAY? SO INSTEAD OF ANSWERING THE FOOLS, HE WAS SMARTER THAN I AM, LOOK WHAT I'M DOING THIS MORNING. CASTING PEARLS! THIS IS WHAT YOU GET WHEN YOU PROVOKE ME. HE STOOPED DOWN AND WROTE ON THE GROUND. THEN ONE BY ONE ALL THESE HYPOCRITES DISAPPEARED. BUT YOU KNOW WHAT HAPPENED BEFORE THEY DISAPPEARED? HE SAID--THE LAW SAYS SHE SHOULD DIE BY STONING, SO LET HIM THAT IS WITHOUT SIN AMONG YOU, LET HIM CAST THE FIRST STONE. THAT'S WHAT HE SAID. THEN HE STARTED WRITING ON THE GROUND. AND WHEN HE LOOKED UP, THEY WERE ALL GONE. JESUS SAID--WOMAN, WHERE ARE YOUR ACCUSERS? SHE SAID, LORD, I HAVE NONE. HE SAID, THEN I DON'T ACCUSE YOU EITHER. GO AND SIN NO MORE. BUT THAT AIN'T WHAT HE SAID. HE SAID, NOW IF YOU'RE GOING TO DO WHAT YOU'RE DOING, PULL YOUR SHADES DOWN. YOU ALL HEARD ABOUT HARPER VALLEY PTA. THAT'S WHAT HE SAID. BUT HE ALSO WAS GIVING THEM A LESSON BECAUSE THE LAW DID SAY THAT WAS A CAPITAL OFFENSE. SHE HAD COMMITTED THE CAPITAL OFFENSE. [LB139]

PRESIDENT FOLEY: ONE MINUTE. [LB139]

SENATOR CHAMBERS: BUT YOU KNOW WHAT JESUS WAS SAYING? THAT THE ONLY ONE WHO SHOULD CARRY IT OUT IS THE ONE WITHOUT SIN. AND, IN FACT, THERE WAS ONE LITTLE FELLOW WHO BROUGHT THAT UP TO HIM. AND HE SAID, LORD, THAT'S WHAT IT SAID? AND THEY SAY THAT YOU'RE WITHOUT SIN. IS THAT TRUE? AND JESUS DIDN'T LIKE TO ANSWER QUESTIONS DIRECTLY, SO HE SAID, THOU HAS SAID. SO THE GUY SAID--IN OTHER WORDS, YOU'RE WITHOUT SIN? JESUS SAID, HAVE IT YOUR WAY. HE SAID--THEN IF YOU ARE WITHOUT SIN, THAT MEANS YOU BELIEVE THE LAW. SO THE LAW SAYS SHE SHOULD DIE. SO ALTHOUGH THOSE PEOPLE LEFT, YOU SHOULD CARRY OUT THE LAW BY STONING HER. BUT JESUS SAID--YOU'RE VERY PERCEPTIVE AND BECAUSE YOU ARE, I WANT TO TEACH YOU SOMETHING. THE ONLY ONE FIT TO TAKE A LIFE IS ONE WHO CAN GIVE IT. NONE OF THEM COULD GIVE IT. I CAN. BUT I WON'T TAKE IT. [LB139]

PRESIDENT FOLEY: TIME, SENATOR. SENATOR CHAMBERS, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD OPPORTUNITY. [LB139]

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SENATOR CHAMBERS: THANK YOU. AND HE SAID, I WON'T TAKE IT. I'M AMENDING THAT LAW. THE ONLY ONE WHO OUGHT TO CARRY OUT A DEATH SENTENCE...IT'S TOO BAD SENATOR LINDSTROM IS GONE, BUT THAT'S THE WAY THESE YOUNG PUPS DO. THEY MAKE THEIR SPLASH AND THEY TAKE OFF RUNNING BECAUSE THEY CAN'T STAND THE HEAT. THEY GET TIRED, AND THIS OLD MAN NEVER GETS TIRED. THAT'S WHY I WILL WIN. WHEN IT'S A WAR OF WILLS, MY WILL WILL NOT BE BROKEN. BUT HERE'S WHAT JESUS TOLD HIM. WE'RE GOING TO LAY OUT THIS SCENARIO. THE LAW THAT MOSES BROUGHT DOWN FROM THE MOUNTAIN, PEOPLE WANT TO SAY, BUT THE LAW MOSES BROUGHT DOWN SAID THOU SHALT NOT KILL, BUT LIKE ANY BASIC LAW, MEN WRITE HUNDREDS AND HUNDREDS AND EVEN THOUSANDS OF DISSERTATIONS ON THOSE BASIC LAWS AND FIND WAYS TO NULLIFY IT. BUT LET'S SAY THAT THE LAW IS CORRECT, THAT THIS PERSON SHOULD DIE. THE AMENDMENT I'M GIVING TO THAT LAW IS THAT THE ONLY ONE SUITABLE TO CARRY IT OUT IS THE ONE WHO HAS NO SIN. AND THE ONE WHO HAS NO SIN IS NOT GOING TO CARRY IT OUT. YOU THINK THESE CHRISTIANS WANT TO HEAR THAT? THESE PRO LIFE PEOPLE? THEY'LL FIND A WAY TO SLITHER OUT FROM UNDER THAT. A PERSON SHOULD LIVE FROM CONCEPTION TO NATURAL DEATH. THEY SAY--OH, BUT WE WANT TO AMEND THAT. THAT'S NOT REALLY TRUE. THAT'S WHAT I LOOK AT AND THAT'S WHY I KNOW THE RELIGION DOESN'T MEAN ANYTHING TO THEM. THEY'RE THE ONES WHO AMEND IT, NOT ME. I'M GOING BY WHAT I READ IN A BOOK. THE ONE WHO SHOULD HAVE CARRIED OUT A DEATH SENTENCE SAID NO. THE ONE WHO'S IN A POSITION TO DO IT WON'T DO IT. THEN YOU HAVE THESE PEOPLE RUNNING AROUND HERE SAYING I'M GOING TO TAKE MY NAME OFF THE BILL SO YOUR BILL WILL DIE. IT PROBABLY WAS GOING TO DIE ANYWAY. I'VE BEEN STRUGGLING WITH THAT ISSUE FOR 40 YEARS AND SOME PIPSQUEAK THINKS HE'S GOING TO MAKE ME GIVE UP BECAUSE HE TAKES HIS NAME OFF THE BILL. AND OTHERS LIKE SENATOR McCOY ONE DAY SAID, WELL, YOU CAN SPEAK AGAINST THIS BILL NOW WHEN WE HAD ONE OF THOSE VOTER SUPPRESSION BILLS, BUT IT CAN COME BACK. AND I'LL POINT OUT, HE'S TALKING ABOUT MY DEATH PENALTY BILL OR SOME OTHER BILL. I WAS HERE LONG BEFORE HE CAME. I'LL BE HERE AFTER HE'S GONE. AND THEY ARE GOING TO TRY TO TELL ME WHAT I NEED TO BE WARE OF. ANYTHING THEY CAN DO IS NOT ANYTHING THAT I FEAR. AND AS FOR MY CONSTITUENTS, THEIR GENERAL ATTITUDE IS HOW DUMB CAN THOSE PEOPLE BE? THEY THOUGHT YOU WERE SAYING GO OUT HERE AND SHOOT THESE COPS? YOU CANNOT SHOW WHERE I WAS EVER INVOLVED IN ANY VIOLENCE, PERIOD, OTHER THAN WHEN I'M IN SCHOOL OR, YOU KNOW, I'M DEFENDING MYSELF. AND THAT'S WHERE THE PHYSICAL CONTACT GETS A DIFFERENT NAME; IT'S CALLED SELF-DEFENSE. HOW SILLY CAN THOSE PEOPLE BE? AND I GOT CALLS FROM PEOPLE IN OUTSTATE

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NEBRASKA SAYING WHAT ARE THEY ABOUT? HOW COME THEY'RE ALL MAD AT YOU? I SAY, WELL, THAT'S THE WAY THEY ARE. BUT THEY CAN DO THAT IF THEY WANT TO. AND THEY SAID THEY DIDN'T THINK IT WAS FAIR. I SAID, YES, IT IS FAIR. YES, IT'S FAIR. SUPPOSE YOU HAD A TIGER AND THERE WERE SOME JACKALS. YOU KNOW ONE JACKAL CANNOT STAND UP TO A TIGER. THEY SAY, OH, I SEE. I GIVE EXAMPLES FROM AESOP AND OTHER SOURCES. AND WHEN YOU ALL... [LB139]

PRESIDENT FOLEY: ONE MINUTE. [LB139]

SENATOR CHAMBERS: ...CREATE THE OPPORTUNITY, I'M GOING TO TAKE IT. WHEN YOU MAKE A BREACH IN THE WALL, I'M GOING TO GO THROUGH IT. ON THE OTHER HAND, IF THERE IS A BREACH IN THE WALL AND IT NEEDS TO BE FILLED, I WILL DO WHAT I CAN TO FILL IT, WHAT ONE MAN CAN, WHICH MEANS I'M GOING TO TRY TO PERSUADE THIS BAD, HARDHEADED, HARDHEARTED CHRISTIAN LEGISLATURE TO DO WHAT JESUS SAID AND EXPAND THE REACH OF MEDICAL COVERAGE WHICH IS AVAILABLE. BUT AS I SAY, THEY HATE SENATOR...THEY HATE PRESIDENT OBAMA MORE THAN THEY LOVE JESUS. NOW GO PUT THAT ON YOUR WHATEVER, THESE BLOGS. I SAID IT AND I MEANT IT. THANK YOU, MR. PRESIDENT. [LB139]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATORS, YOU'VE HEARD SENATOR HANSEN'S MOTION TO ADOPT THE E&R AMENDMENTS TO LB139. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB139]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB139]

PRESIDENT FOLEY: SENATOR HANSEN. [LB139]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB139 BE ADVANCED TO E&R FOR ENGROSSING. [LB139]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB139]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I SAY AGAIN, IT'S SO NICE TO BE RECOGNIZED. MEMBERS OF THE LEGISLATURE, WHAT WE SAY AND DO HERE GOES NOT ONLY ALL OVER THIS STATE, BUT THROUGHOUT THE WORLD,

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WHEREVER THEY HAVE GADGETS LIKE THIS. SO I'M TALKING TO PEOPLE OTHER THAN IN THIS CHAMBER. I WANT ANYBODY WHO'S NOT IN NEBRASKA TO UNDERSTAND THAT THE BACKWARDNESS THAT MARKS THIS IS STATE DOES NOT INFLICT EVERYBODY WHO HAPPENS TO LIVE HERE. THE NARROW-MINDEDNESS, THE HATRED OF GAY, LESBIAN, TRANSGENDER PEOPLE DOES NOT INFECT EVERYBODY. THERE WAS A GOVERNOR WHO WOULD HAVE FIT THIS STATE WHO SIGNED WHAT THEY CALL THIS RELIGIOUS FREEDOM LAW. AND RELIGIOUS PEOPLE WANT THE RIGHT TO DISCRIMINATE AND MISTREAT OTHER PEOPLE, TO PUT THEM DOWN, TO DENY THEM RIGHTS. AND HE WAS SO HAPPY BECAUSE HE LISTENED TO THOSE RELIGIOUS PEOPLE THAT CAME AND TALKED TO HIM. AND IT REMINDS ME OF SOMETHING THAT JONATHAN SWIFT HAD WRITTEN ABOUT WHERE, AND HE USED THESE TERMS, A GROUP OF FOOLS SITTING IN A COFFEE SHOP WILL ALL SAY THINGS THAT REINFORCE EACH OTHER AND THEY THINK THE RACKET THAT THEY'RE MAKING IS WHAT IS GOING ON THROUGHOUT THE REST OF THE WORLD. SO WHEN HE WAS UNDER THE INFLUENCE OF THESE RELIGIOUS PEOPLE, HE THOUGHT THIS IS THE GREATEST THING IN THE WORLD. SO HE SIGNED THAT IDIOTIC BILL, AND NOW INDIANA IS IN A WORLD OF TROUBLE. HE'S SAYING HE WON'T TRY TO UNDO THAT BILL, WHICH HAS BECOME LAW. BUT A GUY WHO IS HEAD OF APPLE OR ONE OF THOSE BIG FIRMS IS HIMSELF GAY. AND HE'S VERY TROUBLED BY WHAT HAPPENED IN INDIANA. THE GOVERNOR OF THE STATE OF WASHINGTON, A MUCH BETTER MAN THAN WAS EVER GOVERNOR OF THIS STATE, BAR NONE, SAID THAT IN THIS COUNTRY NOBODY IS TO BE DISCRIMINATED AGAINST. THAT'S WHAT THIS COUNTRY STANDS FOR. AND THIS STATE IS GOING TO STAND WITH THOSE IN INDIANA WHO ARE FOR THE RIGHT, THEREFORE, I'M GOING TO SIGN THIS EXECUTIVE ORDER AND NO STATE MONEY WILL BE USED AND NO STATE EMPLOYEE WILL BE ALLOWED TO GO TO INDIANA ON ANY STATE BUSINESS, PERIOD. AND THAT MADE PEOPLE SIT UP AND TAKE NOTICE. CHARLES BARKLEY, WHOM A LOT OF WHITE PEOPLE LOVED BECAUSE HE'S SOMEWHAT OFF THE BEAM, HE SAID THAT THE FINAL FOUR TOURNAMENT IN BASKETBALL SHOULD BE TAKEN OUT OF INDIANA ALTOGETHER. THE NCAA, THAT'S THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, I AM THEIR NEMESIS. I'M GOING TO SHOW YOU A BOOK WHERE THEY REFER TO ME USING WHAT WOULD BE A BAD WORD IF I SAID IT, BUT THEY, YOU KNOW, THEY'RE CHRISTIANS SO THEY USE THAT KIND OF LANGUAGE AND IT'S TRADITIONAL WITH THEM. THEY SAID THAT THIS ATTITUDE CAN BE HURTFUL TO STUDENT ATHLETES AND TO THEIR EMPLOYEES. SO THEY DIDN'T SAY IT AS BLUNTLY AS THIS. IT MAY BE NECESSARY FOR THEM TO CONSIDER MOVING THEIR HEADQUARTERS OUT OF INDIANA. IS SENATOR LARSON HERE? HE'S NOT, BUT HE WOULD PROBABLY UNDERSTAND THIS. THERE IS SOME TOURNAMENT THAT RELATES TO GAMING, THEY CALL IT BUT IT'S

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GAMBLING. AND IT GENERATES EITHER MILLIONS OR MAYBE A COUPLE OF BILLIONS WITH A B WHEN THEY HAVE THAT TOURNAMENT. AND YOU KNOW WHAT THEY'VE DONE? THEY'VE PULLED IT OUT OF INDIANA ALREADY. THEY'RE NOT GOING THERE. SEE, THE LGBT COMMUNITY... [LB139]

PRESIDENT FOLEY: ONE MINUTE. [LB139]

SENATOR CHAMBERS: ...HAS GAMBLERS. THEY DON'T WANT TO OFFEND ANYBODY. SO MONEY WILL MAKE THEM DO WHAT MORALITY AND JUSTICE WILL NOT MAKE THESE CHRISTIANS DO. SO THEY'RE PULLING OUT. AND THERE ARE SOME STORES PUTTING UP SIGNS SAYING WE SERVE EVERYBODY, WE SERVE ANYBODY. THAT'S IN AMERICA IN 2015. AND YOU ALL ARE GOING TO GET ALL UPSET ABOUT SOMETHING THAT I SAID AND WAS TAKEN OUT OF CONTEXT, AND SENATOR McCOY LED YOU DOWN THE PRIMROSE PATH. THAT'S WHAT YOU ARE ALL WERE SO UPSET ABOUT. BUT WHEN PEOPLE ARE DEPRIVED OF THEIR RIGHTS IN THIS STATE, IT MEANS NOTHING. THAT'S WHAT THIS STATE IS ABOUT. YOUR VOTER SUPPRESSION EFFORTS, YOU DO THAT AND IT DOESN'T BOTHER YOU. LIFE IS COMPLICATED AND LIFE IS NUANCED. [LB139]

PRESIDENT FOLEY: TIME, SENATOR. [LB139]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB139]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB139]

SENATOR CHAMBERS: THANK YOU. I HAVEN'T EVEN STARTED READING FROM THESE DOCUMENTS I HAVE ON THE WRONGFUL CONDUCT OF POLICE OFFICERS, BUT I'LL GET AROUND TO THAT. WE TOOK ALL OF THE LAST DAY THAT WE MET HERE IN THE MORNING. IF I WERE TO ADOPT THE ATTITUDE OF AN EYE FOR AN EYE AND A TOOTH FOR A TOOTH, I WOULDN'T TAKE MORE THAN WHAT WAS DONE BEFORE. SO WE'RE GOING TO COME BACK THIS AFTERNOON. AND I HAVEN'T MADE UP MY MIND WHAT I'M GOING TO DO YET. I'M GOING TO SEE WHAT KIND OF PHONE CALLS I GET AND THEN I'LL MAKE UP MY MIND. AND EVERYTHING I'M DOING, I'M DOING UNDER THE RULES. SEE, ALTHOUGH THERE WERE SOME SENATORS WHO STOOD ON THE FLOOR DURING WHAT YOU ALL WOULD CALL THE ERNIE CHAMBERS MASSACRE...WHATEVER YOU CALLED IT, WENT OUT AND DRANK AND PATTED EACH OTHER ON THE BACK, THOUGHT ABOUT WHAT A GREAT JOB YOU DID. AND THEN COMES THE DAWN AND THE PIPER MUST BE PAID. BUT AT ANY RATE, I CAN'T PAINT EVERYBODY IN THIS

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CHAMBER WITH THE SAME BRUSH. NOW DON'T YOU ALL GET MAD AT THIS. IF YOU'RE NOT ANY SMARTER THAN THOSE WHO POPPED UP LIKE THEY DID, YOU'RE SMART ENOUGH NOT TO HAVE DONE THAT, SO YOU'RE SMARTER THAN THEY WERE IN ANY CASE. AND I'M NOT GOING TO PAINT EVERYBODY THE SAME WAY. HOWEVER, BECAUSE THE LEGISLATURE IS A COLLECTIVE, THERE ARE SOME THINGS THAT HAPPEN WHICH WILL FALL ON THOSE WHO MIGHT CONSIDER THEMSELVES INNOCENT. AND BROTHER WILLIAMS, I GO TO THE "BIBBLE" FOR MY DIRECTION ON THAT. THE SUN SHINES ON THE JUST AND THE UNJUST. THE RAIN FALLS ON THE GOOD AND THE BAD. THERE ARE SOME THINGS THAT HAPPEN AND EVERYBODY WHO IS WITHIN THAT AREA PARTICIPATES IN IT. SO THE LEGISLATURE COLLECTIVELY PARTICIPATED IN THAT SHAMEFUL DISPLAY. I WISH YOU ALL WOULD HAVE BEEN DOING IT TO SOMEBODY ELSE SO I COULD STAND UP AND SHOW YOU ALL WHAT OUGHT TO BE SAID WHEN EVERYBODY IS GOING TO TAKE OUT AFTER SOMEBODY THAT THEY DON'T LIKE BUT THEY'RE AFRAID TO DO IT INDIVIDUALLY. BUT, SEE, I CAN'T...SOMEBODY LIKE THAT USUALLY IS WEAK, VULNERABLE, DEFENSELESS, AND THAT SEEMS TO INFURIATE MOBS. BUT I'M NOT WEAK, I'M NOT DEFENSELESS, I'M NOT VULNERABLE, AND IT'S MY JOB TO DEFEND MYSELF. WELL, YOU ALL CAN POP UP HERE TODAY JUST LIKE YOU DID FRIDAY OR THURSDAY, WHATEVER THE DAY WAS. YOU CAN DO THE SAME THING TODAY THAT YOU DID THEN. BUT YOU SHOT YOUR WAD AND NOW YOU'RE TIRED. NOW YOU'RE JUST GOING TO SIT. THEN THE NEXT TIME SOMETHING COMES UP THAT YOU CAN HIDE BEHIND, YOU'LL JUMP UP AND RUN OUT HERE AND ALL STAND TOGETHER LIKE A MOB AND DO IT AGAIN. BUT YOU WON'T WIN. IN THE SHORT RUN, THINGS MAY GO THE WAY YOU WANT THEM TO GO. ALL THOSE WHO STOOD OUT THERE WITH THEIR LITTLE SIGNS, YOU HEARD THE RHYME THAT I WROTE YOU THAT HOW IT IMPRESSED SOMEBODY. YOU'VE GOT TO DEMONSTRATE WITH A SIGN THAT YOU'RE FOR THE POLICE. [LB139]

PRESIDENT FOLEY: ONE MINUTE. [LB139]

SENATOR CHAMBERS: AND IF YOU THOUGHT THAT IMPRESSED PEOPLE, OH, IT DID, BUT NOT THE WAY YOU THOUGHT. AND WHAT WAS POINTED OUT BY A COLUMNIST, A LOT OF THESE PEOPLE WERE NEWLY HERE. THEY DON'T KNOW ANYTHING. THEY DON'T UNDERSTAND ANYTHING. THEY THINK TODAY IS FOREVER. BUT TODAY IS NOT EVEN ALL OF THIS SESSION. SO DO TO ME NOW WHAT YOU DID THAT DAY. JOIN WITH ME NOW AND LET'S HAVE IT OUT. THERE'S STILL MORE OF YOU THAN THERE ARE OF ME. CERTAINLY YOU STILL HAVE THE SAME INDIGNATION. IF WHAT I SAID WAS EVIL, THEN IT'S JUST AS EVIL NOW. I HAVE NOT TAKEN IT BACK. I HAVE NOT APOLOGIZED FOR IT. I WILL NOT TAKE IT

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BACK. I WILL NOT APOLOGIZE FOR IT. THEN SINCE YOU STARTED IT, YOU OUGHT TO CONTINUE IT. YOU HEARD SENATOR McCOY SAID HE MADE YOU A PROMISE. THAT'S WHY HE POPPED UP TODAY... [LB139]

PRESIDENT FOLEY: TIME, SENATOR. [LB139]

SENATOR CHAMBERS: ...AND STARTED THIS. THANK YOU, MR. PRESIDENT. [LB139]

PRESIDENT FOLEY: AND YOU ARE NEXT IN THE QUEUE AND THIS IS YOUR THIRD OPPORTUNITY, SENATOR. YOU MAY PROCEED. [LB139]

SENATOR CHAMBERS: AND I PROMISE THAT THIS IS THE LAST TIME I'LL SPEAK ON THIS BILL--ON THIS BILL. MEMBERS OF THE LEGISLATURE, WHAT WAS IN THAT MAN'S MIND WHEN THE ISSUE WAS NOT BEFORE US AT ALL? I WAS JUST DOING AS I ALWAYS DO, STANDING HERE MINDING MY OWN BUSINESS. HAD NOT UTTERED A WORD. I WAS QUIETER THAN SILENT NIGHT. THEN UP JUMPS BEAU McCOY, SENATOR McCOY. UP JUST SENATOR McCOY, I PROMISE YOU SOMETHING, AND HERE'S WHAT I'M GOING TO DO. AND I WANT TO READ YOU WHAT THE WORLD-HERALD SAID ABOUT THAT TERRIBLE ERNIE CHAMBERS, AND HE READ IT AND SAT DOWN. HE STARTED IT. I TOLD YOU ALL WHEN YOU TOOK OUT AFTER ME THE OTHER DAY THAT ALL THAT YOU'RE DOING, ALL THAT IT CAN DO IS INFLAME ME. YOU INFLAMED ME. I TOLD YOU THAT, BUT YOU THINK I'M AS SHALLOW AS SOME OF YOU ARE, THAT I'LL GO HOME OVER THE WEEKEND AND I'LL FORGET IT. BUT I CAME HERE READY BECAUSE I KNOW HOW THE PEOPLE IN HERE ACT. I KNOW WHAT'S IN THEM AND I KNOW THEY GOT TO RUN BACK AND TELL THEM HOW THEY HANDLED THAT ERNIE CHAMBERS. THAT'S SILLY. I'M GOING TO BUILD MY LIFE AROUND SOMEBODY THAT I DON'T LIKE? THAT PERSON OWNS ME. I OWN HIM. NOBODY CAN MAKE ME DO ANYTHING. BUT I'LL TELL YOU THIS. THEY CAN PROVOKE ME TO THE POINT WHERE I WILL ACCEPT THE CHALLENGE HOWEVER IT'S GIVEN--HOWEVER IT'S GIVEN--WHEREVER IT'S GIVEN. AND YOU ALL NEED TO KNOW I DIDN'T GROW UP PRIVILEGED WITH SOMEBODY PROVIDING A LIVING FOR ME, GIVING ME A JOB, SOMEBODY WILLING TO PUT \$2,700,000 BEHIND ME. THAT MAKES YOU INTO A SPOILED BRAT, MAKES YOU THINK YOU'VE GOT EVERYTHING THAT YOU WANT COMING TO YOU BECAUSE IT'S OWED TO YOU. WELL, IF THOSE ARE THE KIND OF PEOPLE YOU LIVED AROUND ALL YOUR LIFE, YOU NEED TO READ SOME BOOKS OR GET OUT OF THAT MILIEU AND FIND OUT THAT THERE ARE OTHER TYPES OF PEOPLE IN THIS WORLD WHO ARE NOT GOING TO BE COWED DOWN AND WHO WILL PLAY BY THE RULES. EVERYTHING I'M DOING IS UNDER YOUR RULES. AND IF YOU

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CHANGE ALL THE RULES, I WILL MASTER THOSE AND BEAT YOU ACCORDING TO THOSE TOO. WHAT I WISH YOU WOULD DO IS CENSURE ME. I WISH YOU WOULD AND I WISH YOU HAD THE BACKBONE TO EXPEL ME OR TRY TO EXPEL ME AND SHOW WHAT YOU ARE. A COURT WOULD LOOK AT IT, THE COURT WOULD SAY, YOU MEAN THIS MAN SAID THIS? WELL, YES, YOUR HONOR. AND YOU CENSURED HIM? WHY, YOU...THEY LOOK AROUND AT THE OTHER JUDGES. THESE ARE THE ONES MAKING LAWS FOR US. LOOK AT THIS. THEY DIDN'T EVEN PUT HIS COMPLETE STATEMENT HERE. AND FOR THAT THEY CENSURED HIM. AND THE OTHERS SAT THERE MUTE. ALL THAT'S NEEDED FOR EVIL TO TRIUMPH IS THAT GOOD MEN DO NOTHING. BUT THIS MAN IS GOING TO DO MORE THAN NOTHING. WHY DON'T YOU ALL GET TOGETHER, THOSE OF YOU WHO HAVE SO MUCH SO SAY, AND READ THE RULE BOOK OVER THE NOONHOUR AND SEE WHAT YOU CAN COME UP WITH AND SEE IF YOUR COLLECTIVE BRAIN POWER CAN HANDLE ME. ONE MAN. AND THERE IS A BUNCH OF YOU ALL. [LB139]

PRESIDENT FOLEY: ONE MINUTE. [LB139]

SENATOR CHAMBERS: YOU'VE GOT AN HOUR AND A HALF WHEN WE GET OUT OF HERE. AND YOU WILL HAVE HELP. SO ALL GET TOGETHER AND PLAN IT. THEN COME BACK HERE AND TELL ME YOU KNOW HOW TO PUT ME IN MY PLACE. AND WE'LL JUST SEE HOW LONG IT WILL TAKE YOU TO DO THAT. HOWEVER, BECAUSE I'M LOOKING AROUND HERE AT SOME OF THE PEOPLE WHO IF THEY HAD DIED, I'D SAY I DIDN'T AGREE WITH HIM ALL THE TIME, BUT HE WAS A GOOD MAN, HE WAS A DECENT MAN, AND HE SPOKE WHEN NOBODY ELSE WOULD. AND THAT'S AS MUCH AS CAN BE SAID ABOUT ANYBODY THAT WOULD HAVE ANY VALUE. IF THAT THAT YOU DID THE OTHER DAY WAS THE LAST ACT YOU PLACED ON THIS... [LB139]

PRESIDENT FOLEY: TIME, SENATOR. [LB139]

SENATOR CHAMBERS: ...EARTH, WOULD YOU BE PROUD? [LB139]

PRESIDENT FOLEY: TIME. [LB139]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB139]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATORS, YOU'VE HEARD SENATOR HANSEN'S MOTION TO ADVANCE LB139 TO

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E&R FOR ENGROSSING. AND ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB139 ADVANCES. RETURNING TO SELECT FILE, LB139A. MR. CLERK. [LB139 LB139A]

CLERK: SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB139A]

PRESIDENT FOLEY: SENATOR HANSEN. [LB139A]

SENATOR HANSEN MR. PRESIDENT, I MOVE THAT LB139A BE ADVANCEMENT TO E&R FOR ENGROSSING. [LB139A]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB139A]

SENATOR CHAMBERS: MR. PRESIDENT, I DIDN'T EVEN KNOW I HAD GUESTS HERE. THEY NEED TO TELL US SOMETHING. BUT IN HONOR OF THE GUESTS WHO CAME HERE, NO FURTHER COMMENT ON THIS BILL. THANK YOU. [LB139A]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE SENATOR LB139A TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB139A ADVANCES. SELECT FILE, LB33. MR. CLERK. [LB139A LB33]

CLERK: MR. PRESIDENT, NO E&R. SENATOR MELLO WOULD MOVE TO AMEND WITH AM1036. (LEGISLATIVE JOURNAL PAGE 1010.) [LB33]

PRESIDENT FOLEY: SENATOR MELLO, YOU'RE WELCOME TO OPEN ON AM1036. [LB33]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AM1036 IS SIMPLY AMENDING LB33 TO INCLUDE PROVISIONS OF LB32 AS AMENDED BY THE APPROPRIATIONS COMMITTEE WHICH REQUIRES STRATEGIC PLANNING FOR THE DEPARTMENT OF CORRECTIONAL SERVICES. IN THE AFTERMATH OF THE INVESTIGATIONS INTO THE DEPARTMENT OF CORRECTIONAL SERVICES THAT WERE CONDUCTED OVER THE LAST YEAR, INCLUDING THE LR424 SPECIAL INVESTIGATIVE COMMITTEE, THE LEGISLATIVE OMBUDSMAN'S REPORT, AND RELATED PERFORMANCE AUDITS, IT'S BECOME CLEAR THAT THE ADOPTION OF PERFORMANCE-BASED BUDGETING REQUIREMENTS WOULD BE A CRITICAL TOOL FOR GAUGING THE SUCCESS OF

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REFORMS AS THE DEPARTMENT MOVES FORWARD. UNDER AM1036, THE DEPARTMENT OF CORRECTIONAL SERVICES ARE REQUIRED TO DEVELOP STRATEGIC PLANS AS PART OF THEIR APPROPRIATIONS PROCESS DURING EACH OF THE NEXT TWO BUDGET CYCLES. IN THESE PLANS, THE DEPARTMENT WILL IDENTIFY THE MAIN PURPOSE OF EACH BUDGET PROGRAM, DEVELOP KEY GOALS FOR MEASURING PROGRESS AND MEETING THESE PURPOSES, AND DEVELOP BENCHMARKS AND TIME FRAMES FOR MEETING THOSE GOALS. ANNUALLY FOR FIVE YEARS STARTING IN 2017, THE DEPARTMENT WILL SUBMIT A REPORT TO THE APPROPRIATIONS COMMITTEE AND THE JUDICIARY COMMITTEE REGARDING THEIR PROGRESS TOWARDS MEETING THE KEY GOALS IDENTIFIED IN THEIR STRATEGIC PLAN AND WOULD APPEAR AT A JOINT HEARING OF THE TWO COMMITTEES TO PRESENT THEIR REPORT. THE LEGISLATURE HAS PASSED SIMILAR STRATEGIC PLANNING LEGISLATION IN RECENT YEARS, INCLUDING LB974 LAST YEAR AND LB949 IN 2012, BOTH OF WHICH REQUIRES STRATEGIC PLANNING IN THE BUDGET PROCESS FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. WHILE AM1036 REPRESENTS A SMALL EXPANSION OF PERFORMANCE-BASED BUDGETING IN STATE GOVERNMENT, RECENT INVESTIGATIONS AND REFORM PROPOSALS HAVE CONVINCED ME THAT THE DEPARTMENT OF CORRECTIONAL SERVICES SHOULD FACE A GREATER LEVEL OF SCRUTINY THAN WHAT OUR CURRENT BUDGET PROCESS PROVIDES, AND IT'S A RESPONSIBLE NEXT STEP TO HELP THE LEGISLATURE GET A BETTER HANDLE ON THE BUDGET FOR THE AGENCY THAT'S FACING SIGNIFICANT COMPREHENSIVE REFORMS. IN THE DEVELOPMENT OF THIS LEGISLATION, SINCE IT WAS DISCUSSED IN THE COMMITTEE, MY OFFICE HAS WORKED WITH THE LEGISLATIVE FISCAL OFFICE AND THE DEPARTMENT OF CORRECTIONAL SERVICES TO COME UP WITH LANGUAGE THAT ELIMINATES ITS FISCAL IMPACT. THAT WAS ACCOMPLISHED BY TYING THE DEVELOPMENT OF THE STRATEGIC PLAN AND THE FOLLOW-UP PROGRESS REPORTS TO THE NEXT BIENNIAL BUDGET CYCLE GIVING THE DEPARTMENT AN ADDITIONAL YEAR TO MEET THE NEW REQUIREMENTS. IT WAS ANTICIPATED THAT LB32 WOULD BE A CONSENT CALENDAR BILL, HOWEVER, SINCE THE ORIGINAL GREEN COPY OF THE VERSION HAD A FISCAL NOTE, IT WAS NOT ELIGIBLE FOR CONSENT, WHICH IS WHY IT'S BEING AMENDED TODAY INTO LB33. THE ORIGINAL BILL, LB32, WAS ADVANCED OUT OF THE APPROPRIATIONS COMMITTEE ON A 9-0 VOTE WITH AMENDMENTS AND HAD NO OPPOSITION AT THE PUBLIC HEARING. I'D ENCOURAGE THE BODY TO ADOPT AM1036. THANK YOU, MR. PRESIDENT. [LB33 LB32]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. DEBATE IS OPEN ON AM1036. SEEING NO SENATORS WISHING TO SPEAK, SENATOR MELLO, YOU'RE WELCOME

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TO CLOSE. SENATOR MELLO WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1036 TO LB33. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB33]

CLERK: 33 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB33]

PRESIDENT FOLEY: AM1036 IS ADOPTED. MR. CLERK. [LB33]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB33]

PRESIDENT FOLEY: SENATOR HANSEN. [LB33]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB33 BE ADVANCED TO E&R FOR ENGROSSING. [LB33]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB33 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB33 ADVANCES. MR. CLERK. [LB33]

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR CRAIGHEAD WOULD MOVE TO RECESS THE BODY UNTIL 1:30 P.M.

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO RECESS TILL 1:30. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. WE ARE IN RECESS.

RECESS

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD AFTERNOON, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER. THE AFTERNOON SESSION IS ABOUT TO RECONVENE. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

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SPEAKER HADLEY: THANK YOU, MR. CLERK. DO YOU HAVE ANY ITEMS FOR THE RECORD?

CLERK: I HAVE NOTHING AT THIS TIME, MR. PRESIDENT.

SPEAKER HADLEY: THANK YOU, MR. CLERK. WE WILL PROCEED TO THE FIRST ITEM ON THIS AFTERNOON'S AGENDA. MR. CLERK.

CLERK: LB324. SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL. (ER53, LEGISLATIVE JOURNAL PAGE 906.) [LB324]

SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED. [LB324]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB324 BE ADOPTED. [LB324]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB324]

CLERK: MR. PRESIDENT, SENATOR CRAIGHEAD, I HAVE AM791 WITH A NOTE YOU WITH TO WITHDRAW THAT, SENATOR. MR. PRESIDENT, SENATOR CRAIGHEAD WOULD MOVE TO AMEND WITH AM1055. (LEGISLATIVE JOURNAL PAGE 1011.) [LB324]

SPEAKER HADLEY: SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO OPEN ON AM1055. [LB324]

SENATOR CRAIGHEAD: GOOD AFTERNOON. THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. TODAY, I AM INTRODUCING AM1055, WHICH IS AN AMENDMENT TO SENATOR McCOLLISTER'S LB324. I DISCUSSED ADDING THIS AMENDMENT WITH SENATOR McCOLLISTER A FEW WEEKS AGO AND HE WAS AGREEABLE WITH MY REQUEST. AM1055 WOULD ADD THE PROVISIONS IN LB131, THE SID BILL, I INTRODUCED THIS YEAR TO LB324. MY BILL, LB131, HAD OPPOSITION AT ITS PUBLIC HEARING. THE CONCERNS EXPRESSED BY THE OPPONENTS WERE SUBSEQUENTLY RESOLVED BY AM791, A COMMITTEE AMENDMENT FILLED ON FEBRUARY 18, 2015. THE COMMITTEE AMENDMENT WAS WRITTEN IN COLLABORATION WITH THE ORIGINAL OPPONENTS. THE COMMITTEE AMENDMENT ADDRESSED AND RESOLVED ALL ISSUES THAT WERE

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RAISED AT THE HEARING. MY BILL WAS ADVANCED TO GENERAL FILE BY THE URBAN AFFAIRS COMMITTEE. ON MARCH 18, LB131 WAS AMENDED TO LB324 THROUGH COMMITTEE AMENDMENT AM791. TODAY, I FILLED AM1055 TO REPLACE COMMITTEE AMENDMENT AM791. THIS NEW AMENDMENT WOULD ADDRESS ITEMS THAT WERE OVERLOOKED WHEN AM791 WAS DRAFTED. AM1055 WOULD DEFINE WHAT EXPENDITURES CAN BE MADE BY A SANITARY IMPROVEMENT DISTRICT ONCE THEY RECEIVE WRITTEN NOTICE FROM A CITY OR VILLAGE OF PROPOSED ANNEXATION. CITIES AND VILLAGES MAKE ANNEXATION PROPOSALS BASED PARTIALLY ON THE ASSETS OR GENERAL FUND OF AN SID. AM1055 OUTLINES ACCEPTABLE AND REASONABLE EXPENDITURES FOR AN SID DURING THE FIRST 90 DAYS AFTER NOTICE OF PROPOSED ANNEXATION. UNDER AM1055, SIDs WOULD BE ABLE TO PAY INTEREST AND PRINCIPLE ON BOND FUNDS, CONSTRUCTION FUND WARRANTS, AND GENERAL FUND WARRANTS. IN ADDITION, PAYMENT OR ISSUANCE OF WARRANTS FOR ANY EXPENSE INCURRED BY THE SID PRIOR TO OR AFTER BEING NOTIFIED OF ANNEXATION MAY BE DONE IF IT DOES NOT CAUSE THE SID TO EXCEED THE DISTRICT'S GENERAL FUND ASSETS. THE AMENDMENT GIVES SIDs THE AUTHORITY TO PAY REASONABLE EXPENSES, BUT WOULD REQUIRE COMMUNICATION WITH THE VILLAGE OR CITY FINANCE DIRECTOR FOR POTENTIAL EXPENSES THAT ARE CONSIDERED NONESSENTIAL. AN EXAMPLE OF A NONESSENTIAL EXPENDITURE WOULD BE DECORATIVE STREET SIGNS OR DECORATIVE FOUNTAINS. THIS DOES NOT MEAN SUCH EXPENSES WOULD NEVER BE ALLOWED, THEY WOULD SIMPLY NEED TO BE AGREED UPON BY ALL PARTIES. THIS AMENDMENT WOULD REDUCE THE RISK FACTOR FOR CITIES OR VILLAGES PROPOSING ANNEXATIONS. I APPRECIATE YOUR CONSIDERATION AND ASK THAT YOU VOTE TO ADOPT AM1055. THANK YOU. [LB324 LB131]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. WE'LL PASS OVER SENATOR HAAR. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB324]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I JUST WANTED TO STAND UP AND CLARIFY AND REITERATE THAT THESE AMENDMENTS, AM1055, WERE DISCUSSED AND THAT THEY DO REPLACE THE COMMITTEE AMENDMENTS. THE COMMITTEE AMENDMENTS WERE BROUGHT TO US AFTER AN AGREEMENT WITH ALL PARTIES, THE MUNICIPALITY AND THE SANITARY IMPROVEMENT DISTRICT, PEOPLE WHO HAD CONCERNS BROUGHT THOSE TO US AND THOSE WERE INCORPORATED IN COMMITTEE AMENDMENTS. AM1055 PROVIDES A COUPLE OF OTHER ADDITIONAL PROVISIONS THAT WERE REQUESTED BY THE SID LAWYERS. I ALSO WANT TO JUST EMPHASIZE THAT THESE RESTRICTIONS HOLD TRUE ONLY FOR 90 DAYS. SO AN SID WOULD GET A NOTICE THAT THEY MIGHT BE ANNEXED

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AND THEN FOR 90 DAYS THEY'RE UNDER THESE RESTRICTIONS. AFTER THOSE 90 DAYS, THEN EITHER THEY'RE ANNEXED AND THE CITY HAS TO ADOPT ALL OF THESE EXPENSES OR THEY ARE NOT AND EVERYTHING GOES BACK AND THEY HAVE THE AUTHORITY TO DO EVERYTHING THEY'RE GIVEN AUTHORITY TO DO IN THE STATUTES. SO THESE REALLY ARE JUST FOR A 90-DAY PERIOD. SO ONE PERSON HAD ASKED A QUESTION ABOUT A LAWSUIT. WHAT IF, YOU KNOW, SOMETHING HAPPENS IN AN SID DURING THIS 90-DAY WINDOW? WELL, TWO PROVISIONS FOR THAT. ONE, YOU'LL NOTICE ON LINE 19 THAT THE SID MAY CONTINUE TO PAY FOR THINGS FOR WHICH THEY HAVE ALREADY CONTRACTED. SO THAT LAWYER SHOULD ALREADY BE ON CONTRACT. IF THE SID GETS ANNEXED, THEN REALLY THE LAWSUIT WILL BE THE CITY'S LEGAL RESPONSIBILITY AFTER THAT. I ALSO DID WANT TO CLARIFY FOR THE RECORD THAT WHEN IN LINE 26 ON PAGE 1 OF THE AMENDMENT, IT TALKS ABOUT PAYMENT OR ISSUES OF WARRANTS FOR ANY EXPENSE INCURRED BY THE DISTRICT AND THEN INCLUDES SITUATIONS WHEN THAT MAY HAPPEN, THAT THAT EXPENSE INCURRED MEANS THAT THE COMMITMENT TO SPEND THAT MONEY IS WHAT WE MEAN BY EXPENSE INCURRED. NOT THAT THEY HAVE ACTUALLY RECEIVED THE INVOICE. SO I JUST WANTED TO CLARIFY THOSE FOR THE RECORD IN TERMS OF WHAT THOSE RESTRICTIONS ON SID MEANS AND AGAIN TO CLARIFY IT'S ONLY IN THAT 90-DAY WINDOW. THANK YOU, MR. PRESIDENT. [LB324]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE RECOGNIZED. [LB324]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. I'VE TOLD THE CITY OF OMAHA FROM THE TIME THAT THEY BROUGHT THIS BILL BY...BROUGHT BY SENATOR CRAIGHEAD BUT BROUGHT ON BEHALF OF THE CITY THAT I WOULD NOT SUPPORT INTERFERING WITH THE MONIES THAT WERE IN THE GENERAL ACCOUNTS OR ACCOUNTS FOR SANITARY IMPROVEMENT DISTRICTS, SIDs. I BELIEVE THAT THE CITY HAS FOR A VERY LONG TIME MAINTAINED A QUALITY RELATIONSHIP WITH THOSE THAT THEY SPEAK TO IN A QUALITY MANNER AND HAVE GOTTEN THROUGH THE ANNEXATION PROCESS WITHOUT HAVING TO FREEZE ASSETS IN PLACE. THIS AMENDMENT, AM1056, ALTHOUGH I WILL NOT STAND IN THE WAY OF IT, I WILL NOT VOTE FOR IT AND I WILL NOT VOTE FOR THE UNDERLYING BILL BECAUSE OF IT. I JUST HAVE IN MY SOUL AND INDEED I BELIEVE SOMETHING THAT I BELIEVE VERY STRONGLY IN, THAT IF THE CITY WANTS TO MOVE AHEAD WITH ANNEXATION, THEY SHOULD DO SO IN AN EXPEDIENT MANNER AND WITH THE PROPER AMOUNT OF RESPECT SHOWN FROM THE CITY TO THE SID AND THE OPPOSITE SHOULD ALSO BE TRUE. THE SID MEMBERSHIP SHOULD TREAT THAT

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SAME RESPONSIBILITY WITH DIGNITY AND CIVILITY TOWARDS THE CITY. SO JUST ONE TIME ON THE MIKE. I WON'T SUPPORT AM1055 AND I WILL NOT VOTE FOR LB324 BECAUSE OF THE SUBSTANCE MATTER CONTAINED IN IT. THANK YOU. [LB324]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED. [LB324]

SENATOR McCOY: THANK YOU, MR. SPEAKER. WOULD SENATOR CRAWFORD YIELD A COUPLE OF QUESTIONS, PLEASE? [LB324]

SPEAKER HADLEY: SENATOR CRAWFORD, YIELD? [LB324]

SENATOR CRAWFORD: YES. [LB324]

SENATOR McCOY: THANK YOU, SENATOR. I'M STILL TRYING TO UNDERSTAND, AND I ASKED SOME QUESTIONS ON GENERAL FILE AND I'M REALLY STRUGGLING WITH THE TRASH COLLECTION, SOLID WASTE COMPONENT OF THIS FOR SIDs BECAUSE I'M TRYING TO WRAP MY ARMS AROUND, PERHAPS YOU CAN HELP ME WITH THIS, UNDERSTANDING HOW THIS WOULD WORK IN PRACTICAL PURPOSES. DO YOU...AND THAT'S WHY I WANT TO ASK YOU A COUPLE QUESTIONS. I MEAN, DO YOU KNOW, ARE THERE ANY SIDs THAT ARE CURRENTLY CONTRACTING FOR SOLID WASTE SERVICES? [LB324]

SENATOR CRAWFORD: IT IS MY UNDERSTANDING THAT THERE ARE SOME THAT HAVE, AT LEAST IN THE PAST. AND THERE ARE SOME THAT ARE DOING SO CURRENTLY. [LB324]

SENATOR McCOY: SAY THAT LAST PART AGAIN IF YOU DON'T MIND, PLEASE. [LB324]

SENATOR CRAWFORD: IT'S MY UNDERSTANDING THERE ARE SOME THAT ARE DOING SO CURRENTLY. [LB324]

SENATOR McCOY: OKAY. AND HOW DID THEY DETERMINE TO GO ABOUT THAT AND THEN WHY ARE WE IN THE PLACE WE'RE IN WHERE WE'RE SEEKING TO GIVE STATUTORY AUTHORITY TO DO THAT IF WE ALREADY HAVE SOME THAT ARE DOING IT NOW? ARE WE ASSUMING THEN THEY'RE DOING THAT

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UNLAWFULLY OR ARE THEY INTERPRETING SOMETHING INCORRECTLY? HOW IS IT THAT WE HAVE A SITUATION... [LB324]

SENATOR CRAWFORD: IT IS MY UNDERSTANDING THAT THAT HAS BEEN AN INTERPRETATION THAT THEY HAVE PULLED, BUT THIS REALLY CAME OUT DURING OUR INTERIM STUDY. WHAT CAME OUT DURING OUR INTERIM STUDY ON SID STATUTES IS THAT SOME LAWYERS THOUGHT THAT THEY DID HAVE THAT AUTHORITY AND OTHER LAWYERS THOUGHT THEY DID NOT. THERE WAS A DISAGREEMENT BETWEEN THE LAWYERS. AND THE LAWYERS WHO WERE INTERPRETING THE STATUTE MOST STRICTLY AND NARROWLY WERE SAYING THAT THEY FELT THEY DID NOT HAVE IT, IT NEEDED TO BE IN THERE TO REALLY CLARIFY THAT THEY COULD. [LB324]

SENATOR McCOY: HOW...AND I ACTUALLY READ THROUGH YOUR INTERIM STUDY OVER THE INTERIM THERE ON THIS ISSUE. I GUESS I'M STRUGGLING TO SEE HOW YOU COULD READ THAT AND INTERPRET IT IN ANY WAY THAT SOMEBODY COULD, THAT AN SID COULD CONTRACT FOR SOLID WASTE SERVICES UNDER THE STATUTE AS IT'S CURRENTLY WRITTEN. HOW WOULD ANYONE EVEN GET TO THAT INTERPRETATION? [LB324]

SENATOR CRAWFORD: I DO NOT RECALL THE SPECIFIC PART OF THE STATUTE THAT THEY WERE LOOKING AT. I CAN ASK LEGAL COUNSEL IF HE KNOWS THAT SPECIFIC STATUTE ON A FUTURE TURN. [LB324]

SENATOR McCOY: WELL, I THINK IT SAYS, AND I'M OFF THE TOP OF MY HEAD HERE, BUT IT TALKS ABOUT STREETS, IT TALKS ABOUT IMPROVEMENTS, IT TALKS ABOUT WASTEWATER DISPOSAL. I DON'T KNOW HOW YOU COULD INTERPRET THAT TO BE SOLID WASTE, TRASH REMOVAL SERVICES. IS THAT...I MEAN, IS THAT THE STATUTE THEY WOULD BE LOOKING AT, SENATOR CRAWFORD? [LB324]

SENATOR CRAWFORD: MY LEGAL COUNSEL IS LOOKING AT THAT TO PULL THAT UP SPECIFICALLY. [LB324]

SENATOR McCOY: OKAY. WHILE HE'S DOING THAT, BECAUSE I'M INTERESTED IN THAT. I'M PUZZLED AS TO WHY WE HAVE SANITARY IMPROVEMENT DISTRICTS THAT ARE ALREADY DOING THIS AND HOW THEY GOT TO INTERPRET THAT THEY COULD. I THINK USUALLY WE WOULD WANT ENTITIES TO BE VERY CAREFUL IN HOW THEY'RE USING A TAXING AUTHORITY AND THE REVENUES ACCRUED

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FROM THAT. AND I GUESS THAT BRINGS ME TO MY OTHER CHIEF CONCERN OVER THIS. IF YOU HAVE A SANITARY IMPROVEMENT DISTRICT, SENATOR CRAWFORD, THAT HAS A LEVY LID OF 40 CENTS, HOW DO THEY GO ABOUT...I DON'T KNOW HOW MANY OF THEM ARE NEAR THEIR LEVY LID OR NOT, HOW DO THEY GO ABOUT USING THIS STATUTE IF LB324 WERE TO PASS AND BE SIGNED INTO LAW? IF YOU HAD AN SID THAT WAS AT THAT LEVY LID, HOW WOULD THEY THEN CONTRACT FOR TRASH SERVICES? WOULD IT REQUIRE A TAX INCREASE? [LB324]

SENATOR CRAWFORD: THEY WOULD NOT BE ABLE TO EXCEED THEIR LEVY LID. [LB324]

SPEAKER HADLEY: ONE MINUTE. [LB324]

SENATOR CRAWFORD: SO ONLY SIDs WHO ARE ABLE TO DO ALL OF THE OTHER THINGS THEY'RE REQUIRED TO DO AND HAVE ADDITIONAL ROOM UNDER THAT LEVY LID WOULD EVEN BE ABLE TO CONSIDER THIS. THEY HAVE TO STAY UNDER THEIR LEVY LID TO DO THIS. AND I HAVE THE ANSWER TO YOUR OTHER QUESTION HERE TOO. SECTION 31-740, AND THE LANGUAGE SPECIFICALLY SAYS COVERING WHAT THEY'RE ABLE TO HAVE POWER TO PROVIDE FOR ESTABLISHING, MAINTAINING, AND THAT INCLUDES, IT SAYS: SEWERS AND DISPOSAL PLANS AND DISPOSING OF DRAINAGE, WASTE, AND SEWAGE OF SUCH A DISTRICT. SO SOME ATTORNEYS WERE READING THE WASTE IN THAT LIST TO INCLUDE SOLID WASTE AND OTHERS WERE NOT. [LB324]

SENATOR McCOY: THAT MAKES A LITTLE MORE SENSE AND I APPRECIATE THAT, SENATOR. I KNOW THAT'S ONE OF THE TOPICS THAT YOU DISCUSSED DURING THE INTERIM STUDY ON THIS SUBJECT. I WANT TO GO BACK TO WHAT WE WERE TALKING ABOUT WITH THE LEVY LID AND OUR TIME MAY RUN OUT. I DON'T KNOW IF I'M NEXT IN QUEUE... [LB324]

SPEAKER HADLEY: TIME, SENATOR, BUT YOU'RE NEXT IN THE QUEUE. [LB324]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR CRAWFORD, FOR YOUR INDULGENCE HERE AS WE TRY TO GO THROUGH THIS. SO HELP ME UNDERSTAND, IF YOU HAVE AN SID, SANITARY IMPROVEMENT DISTRICT, THAT HAS A LEVY SOMEWHERE LESS OF 40 CENTS BUT THEY'RE USING IT FOR OTHER PURPOSES, AND NOW THEY WANT TO CONTRACT FOR TRASH SERVICE, SOLID WASTE SERVICE. THEY COULD IF THEY FEEL IT'S NECESSARY, DECIDE TO THEN TO RAISE THAT LEVY LID WITH A VOTE OF THE SANITARY

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IMPROVEMENT DISTRICT BOARD IN ORDER TO THEN...IF THIS LEGISLATION WERE TO MOVE FORWARD, TO USE FOR SOLID WASTE SERVICE. CORRECT?
[LB324]

SENATOR CRAWFORD: THEY MUST STAY UNDER THE STATUTORY LIDS THAT ARE ON THEIR LEVY. SO IT WOULD...THEY EITHER MIGHT BE ABLE TO DO IT UNDER THEIR EXISTING LEVY OR IF THEY STILL HAVE ROOM UNDER WHAT THEY'RE ALLOWED, THEY COULD DECIDE WHETHER OR NOT THEY WANTED TO INCREASE THEIR LEVY TO DO THIS. BUT ONLY THEY WOULD HAVE TO STILL STAY UNDER THEIR LID, UNDER THEIR REQUIRED STATUTORY LID. [LB324]

SENATOR McCOY: AND THERE'S NO PROCESS, PROCEDURE IN PLACE FOR THEM TO EXCEED THEIR LEVY LID. CORRECT? [LB324]

SENATOR CRAWFORD: THAT'S A GOOD QUESTION. NOT THAT I KNOW OF. [LB324]

SENATOR McCOY: OKAY. I WOULD LOVE TO HAVE SOME MORE CLARIFICATION OF THAT BECAUSE I REMAIN VERY CONCERNED ABOUT THIS FOR A NUMBER OF REASONS WHICH I ARTICULATED. AND THANK YOU, SENATOR CRAWFORD, I APPRECIATE YOUR HELP AS CHAIR OF THE COMMITTEE, URBAN AFFAIRS COMMITTEE. I REMAIN CONCERNED ABOUT THIS LEGISLATION AND WE'VE GOTTEN A FAIR NUMBER OF E-MAILS AND CALLS ON THIS ISSUE AND I CAN'T SPEAK FOR ANY OTHER SENATOR OBVIOUSLY. WE HAPPEN TO HAVE A NUMBER OF SANITARY IMPROVEMENT DISTRICTS IN OUR DISTRICT, AS DO YOU, SENATOR CRAWFORD, AND OTHERS. I REMAIN CONCERNED ABOUT THIS LEGISLATION BECAUSE WHAT I FEAR WE'RE DOING HERE IS WE'RE INCLUDING IN THE POWERS, IN THE ABILITIES TO USE REVENUE THAT'S BEEN TAXED FOR, WE'RE INCLUDING SOLID WASTE SERVICE AND HERETOFORE, AND I SAID THIS IN GENERAL FILE, WE'VE NEVER...EVERYTHING THAT WE'VE EMPOWERED SIDs TO USE THOSE DOLLARS FOR ARE KEY INFRASTRUCTURE ITEMS--STREETS, WASTEWATER REMOVAL, ALL OF THOSE THINGS WHICH MAKE UP, REALLY, THE NUTS AND BOLTS OF A NEIGHBORHOOD OR A SUBDIVISION AS YOU GROW. AND HAVING BEEN IN A CONSTRUCTION INDUSTRY ALMOST ALL MY LIFE, THAT'S SOMETHING THAT I UNDERSTAND FAIRLY WELL. NOW WE'RE TALKING ABOUT ALLOWING THEM TO USE TAXING AUTHORITY FOR SOLID WASTE REMOVAL. AND I'M STRUGGLING, MEMBERS, WITH HOW THAT'S A NECESSARY SERVICE OTHER THAN TO SAY, WELL, WE'D PREFER TO HAVE TRASH ALL BE PICKED UP OUT OF A NEIGHBORHOOD ON ONE DAY OF THE WEEK INSTEAD OF ALL DIFFERENT...FIVE DAYS OF THE WEEK OR MAYBE EVEN SIX, DEPENDING ON WHAT

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NEIGHBORHOOD YOU LIVE IN. I REALLY STRUGGLE WITH THAT ON THIS LEGISLATION. I ALSO FEAR THIS COULD, IN EFFECT, AND THAT'S WHY I ASKED SENATOR CRAWFORD THE QUESTION I DID, I FEAR THIS COULD BE A TAX INCREASE BECAUSE YOU COULD HAVE AN SID THAT HAS A LEVY LID OF WHATEVER THE CASE MAY BE, LESS THAN 40 AND THEY NOW SAY, WELL, THE LEGISLATURE HAS GIVEN US THE AUTHORITY TO CONTRACT FOR SOLID WASTE REMOVAL AND WE'RE ALREADY USING OUR TAX LEVY THAT WE HAVE IN PLACE FOR OTHER PURPOSES. NOW WE NEED TO RAISE IT IN ORDER TO CONTRACT FOR SOLID WASTE REMOVAL. AND I HAVE AN ISSUE WITH THAT. I MIGHT BE ONE IN A SMALL MINORITY, I DON'T KNOW. BUT I HAVE A CONCERN ABOUT THAT AND SO DO A NUMBER OF CONSTITUENTS THAT I'VE HEARD FROM. [LB324]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB324]

SENATOR McCOY: AND I THINK THAT'S JUST A REAL PROBLEM AND ONE THAT I STILL SEEK SOME ANSWERS TO. PLUS I'D LIKE TO KNOW THE PLACE--AND WE'VE STRUGGLED TO FIND IT IN MY OFFICE AS WELL--WHAT PROCEDURE IN PLACE IN ORDER FOR...IS THERE FOR SIDs TO ACTUALLY EXCEED THEIR LEVY LID OF 40 CENTS. I DON'T KNOW IF THAT'S EVER HAPPENED BEFORE, BUT I THINK THAT'S CERTAINLY SOMETHING THAT BEARS SOME DISCUSSION. THANK YOU, MR. PRESIDENT. [LB324]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SEEING NO ONE IN THE QUEUE, SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB324]

SENATOR CRAIGHEAD: THANK YOU. AGAIN, THIS RISK FACTOR, AM1055, WOULD REDUCE THE RISK FACTOR FOR CITIES OR VILLAGES PROPOSING ANNEXATION. IT SIMPLY GIVES GUIDELINES AND CLARIFIES INFORMATION AND IT DOES NOT PRECLUDE SPENDING, THEREFORE, I ASK YOU TO VOTE FOR AM1055. THANK YOU. [LB324]

SPEAKER HADLEY: THE QUESTION IS, SHALL THE AMENDMENT TO LB324 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB324]

CLERK: 28 AYES, 0 NAYS ON THE ADOPTION OF SENATOR CRAIGHEAD'S AMENDMENT. [LB324]

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SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB324]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB324]

SPEAKER HADLEY: SENATOR HANSEN. [LB324]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB324 ADVANCE TO E&R FOR ENGROSSING. [LB324]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. THE BILL IS ADVANCED TO E&R FOR ENGROSSING. MR. CLERK. [LB324]

CLERK: MR. PRESIDENT, THE NEXT BILL IS LB356. I DO HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL, SENATOR. (ER54, LEGISLATIVE JOURNAL PAGE 927.) [LB356]

SPEAKER HADLEY: SENATOR HANSEN. [LB356]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB356 BE ADOPTED. [LB356]

SPEAKER HADLEY: ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB356]

CLERK: SENATOR BURKE HARR WOULD MOVE TO AMEND WITH AM977. (LEGISLATIVE JOURNAL PAGE 957.) [LB356]

SPEAKER HADLEY: SENATOR HARR, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB356]

SENATOR HARR: THANK YOU, MR. SPEAKER. AFTER GENERAL FILE DEBATE, I WAS APPROACHED BY NACO WITH CONCERN THEY HAD WITH THIS BILL. CURRENTLY, THE BILL ALLOWS THE COUNTY BOARD OF EQUALIZATION AND THE TAX COMMISSIONER TO PETITION TERC AS PART OF THE VALUATION PROCESS INVOLVING RENT RESTRICTED HOUSING PROJECT. HOWEVER, THE DEADLINE FOR THIS PETITION IS UNCLEAR BECAUSE IT SAYS THAT PETITIONS

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MUST BE FILED WITHIN 30 DAYS AFTER THE PROPERTY'S VALUATION DATE. NACO SUGGESTED THAT THE BILL BE AMENDED TO MAKE THE PETITION DEADLINE JANUARY 31. I AGREED WITH THEIR RECOMMENDATION AND AM977 MAKES THIS CHANGE IN THE BILL. I APPRECIATE THE INPUT OF NACO AND WANT TO THANK THEM AGAIN FOR THEIR WILLINGNESS TO MAKE LB356 A BETTER BILL. WITH THAT, I WOULD ASK YOU TO PLEASE SUPPORT AM977 AND THE UNDERLYING LB356. [LB356]

SPEAKER HADLEY: ANYONE WISHING TO SPEAK ON AM977? SEEING NONE, SENATOR HARR, YOU'RE RECOGNIZED. SENATOR HARR WAIVES CLOSING. THE QUESTION IS: SHALL THE AMENDMENT TO LB356 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB356]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR HARR'S AMENDMENT. [LB356]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB356]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB356]

SPEAKER HADLEY: SENATOR HANSEN. [LB356]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB356 TO E&R FOR ENGROSSING. [LB356]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. THE MOTION IS ADOPTED. MR. CLERK. [LB356]

CLERK: MR. PRESIDENT, GENERAL FILE, FIRST LEGISLATIVE RESOLUTION, LR7CA, IS OFFERED BY SENATOR SCHUMACHER, PROPOSES AN AMENDMENT TO ARTICLE III, SECTION 7 AND 12 OF THE NEBRASKA CONSTITUTION. RESOLUTION HAS BEEN DISCUSSED, MR. PRESIDENT, ON MARCH 25. AT THAT TIME, COMMITTEE AMENDMENTS WERE PRESENTED BY THE EXECUTIVE BOARD. SENATOR SCHUMACHER HAD AN AMENDMENT TO THOSE AMENDMENTS, AM922. THAT AMENDMENT IS PENDING, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGE 970.) [LR7CA]

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SPEAKER HADLEY: SENATOR SCHUMACHER, IF YOU WANT TO TAKE A FEW MINUTES AND BRING US UP ON LR7CA. [LR7CA]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. LR7CA SEEKS TO REVIEW THE QUESTION OF WHETHER OR NOT OUR CURRENT SITUATION ON TERM LIMITS SHOULD BE TWEAKED BY THE VOTERS, AT LEAST BY GIVING THEM AN OPPORTUNITY TO TWEAK IT IF THIS BODY SO DESIRES. INITIALLY LR7CA WAS INTRODUCED TO HAVE THE LEGISLATURE DIVIDED INTO TWO BODIES...OR TWO HALVES, EACH HALF ELECTED FOR A SIX-YEAR TERM, AND THEN ONE ELECTION CYCLE NOT HAVING ANY ELECTIONS, ESSENTIALLY, OF FOUR YEARS WITHOUT A CHANGE IN THE UNICAMERAL. THAT PARTICULAR LANGUAGE CAME INTO BEING AFTER SOME DIFFICULTY IN TRYING TO FIGURE OUT SIMPLE LANGUAGE TO IMPLEMENT A TRANSITION PERIOD BETWEEN FOUR YEARS AND SIX YEARS. THE EXECUTIVE BOARD HEARD THAT PROPOSAL AND WHILE THERE WAS GENERAL FAVORABLE TREATMENT TOWARD NEEDING TO DO SOMETHING, DECIDED TO PUT THE MATTER BEFORE THE BODY AS A RESTATEMENT OF THE ISSUE OF A COUPLE YEARS AGO, THREE-, FOUR-YEAR TERMS. THERE WAS NOTHING ADVERSE TO LR7CA WITH THAT POSITION NOR WAS THERE ANYTHING, AS I UNDERSTAND IT, ADVERSE ON THE PART OF THE EXECUTIVE BOARD TO THE TWO SIX-YEAR PERIODS. THE MAIN OBJECTIVE WAS TO GET IT BEFORE THE BODY. SINCE THEN WE'VE HAD A REALLY HEALTHY AND GOOD DISCUSSION WITH A LOT OF PEOPLE WEIGHING IN AND THE WEIGHING IN HAS BEEN ALONG THREE AREAS. FIRST OF ALL, THREE POSITIONS, EVERYTHING IS OKAY AS IS. THERE'S NO NEED TO PUT ANYTHING BEFORE THE VOTERS FOR A VOTE. OTHERS FELT EVERYTHING IS NOT OKAY. THE ISSUE OF THREE FOUR-YEAR TERMS SHOULD BE PUT BEFORE THE VOTERS AGAIN. AND A THIRD POSITION BEING EVERYTHING IS NOT OKAY. THE VOTERS SHOULD BE GIVEN THE OPPORTUNITY TO VOTE ON TWO SIX-YEAR TERMS. IF YOU EXAMINE THE DECISION TREE WHICH THOSE THREE BASIC POSITIONS LAYS OUT, IT SEEMS THAT I MIGHT HAVE, BY FILING AM922, PUT THE CART BEFORE THE HORSE. WE NEED TO FIRST DECIDE WHETHER OR NOT EVERYTHING IS OKAY AS IS. AND IF IT IS, IF THAT'S THE WILL OF THE BODY, THEN IT IS A WASTE OF TIME TO DISCUSS WHETHER IT SHOULD BE FOUR OR SIX YEARS. ON THE OTHER HAND, IF THE PERCEPTIONS AND WILL OF THE BODY IS THAT EVERYTHING IS NOT QUITE OKAY, SOME TWEAKING MAY BE IN ORDER, THEN WE WOULD NEED TO CROSS THE BRIDGE ON EXACTLY HOW THE PROPOSITION SHOULD BE PUT BEFORE THE VOTERS TO TWEAK. AND WHAT I PROPOSE AT THIS TIME IS THAT TO WITHDRAW AM922 AND IF THE BODY ADVANCES LR7CA IN ANY FORM, REINTRODUCE IT OR SOME VARIANT OF IT ON SELECT FILE. SO I'D ASK NOW THAT AM922 BE WITHDRAWN. [LR7CA]

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SPEAKER HADLEY: AM922 IS WITHDRAWN. MR. CLERK FOR AN ANNOUNCEMENTS. [LR7CA]

CLERK: MR. PRESIDENT, EXCUSE ME, BUSINESS AND LABOR WILL HAVE AN EXECUTIVE SESSION NOW IN ROOM 2022; BUSINESS AND LABOR NOW, 2022. THANK YOU.

SPEAKER HADLEY: YOU ASKED THAT THE COMMITTEE AMENDMENT BE WITHDRAWN. IS THAT RIGHT, SENATOR? SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO OPEN ON AM8...DID YOU ASK THAT THE COMMITTEE AMENDMENT... [LR7CA]

SENATOR SCHUMACHER: I THINK PROCEDURALLY THAT IS A COMMITTEE AMENDMENT. I DON'T HAVE ANY AUTHORITY OVER IT. WE CAN RESUME DISCUSSION ON THE ENTIRE MATTER. I SEE SENATOR KRIST WHO'S CHAIRMAN OF THE EXEC BOARD IS HERE. I CAN'T SPEAK TO WHETHER WITHDRAWING OR NOT WITHDRAWING AM822. MY OBJECT IS SIMPLY TO SEE WHETHER OR NOT THE BODY WANTS TO MOVE AHEAD WITH THIS OR NOT. THANK YOU. [LR7CA]

SPEAKER HADLEY: OKAY. SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON AM822. (LEGISLATIVE JOURNAL PAGE 865.) [LR7CA]

SENATOR KRIST: AM822, VERY SIMPLY, WAS RETURNING...HOLD ON ONE SECOND. THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES AND NEBRASKA. AM822 PROPOSES TO AMEND THE NEBRASKA CONSTITUTION TO ALLOW MEMBERS OF THE LEGISLATURE TO SERVE THREE CONSECUTIVE FOUR-YEAR TERMS INSTEAD OF TWO CONSECUTIVE SIX-YEAR TERMS AS PROVIDED IN THE INTRODUCED VERSION OF THE RESOLUTION. THE COMMITTEE AMENDMENT ALSO INCORPORATES LR31CA WHICH WAS INTRODUCED BY SENATOR BLOOMFIELD BY STRIKING THE PROVISIONS IN THE CONSTITUTION WHICH PROVIDE THAT THE SERVICE IN OFFICE FOR MORE THAN ONE HALF OF A TERM SHALL BE DEEMED SERVICE FOR A TERM. THIS IS COMMONLY KNOWN FOR MOST OF US AS THE "TONY FULTON PREDICAMENT." THIS CHANGES WOULD GIVE A MEMBER WHO WAS APPOINTED TO FILL OUT A PARTIAL LEGISLATIVE TERM THE ABILITY TO RUN FOR AN ADDITIONAL TERM NO MATTER WHEN THE APPOINTMENT WAS MADE. IN CONVERSATION WITH SENATOR SCHUMACHER, IT WAS CLEAR THAT BY GOING FROM SIX TO FOUR TO SIX, I'M SORRY, SIX TO THREE CONSECUTIVE FOURS BACK TO TWO SIXES, IT WAS A CONFUSING ISSUE AND SO WE ARE ESSENTIALLY, AFTER THE...AFTER WE GO BACK TO AM822, BACK INTO

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THE THREE CONSECUTIVE FOUR-YEAR TERMS AS AN OPTION. THANK YOU, MR. PRESIDENT. [LR7CA LR31CA]

SPEAKER HADLEY: ANYONE WISHING TO SPEAK ON THE COMMITTEE AMENDMENT? SEEING NONE, SENATOR KRIST, YOU'RE RECOGNIZED. SENATOR KRIST WAIVES CLOSING ON THE AM822. THE QUESTION BEFORE YOU IS THE ADOPTION OF AM822. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, NAY. SENATOR KRIST. [LR7CA]

SENATOR KRIST: YES, SIR. COULD I REQUEST A CALL OF THE HOUSE? [LR7CA]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST FOR A CALL OF THE HOUSE. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LR7CA]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LR7CA]

SPEAKER HADLEY: 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 MUST...PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR McCOLLISTER, SENATOR CRAWFORD, SENATOR HOWARD, SENATOR BURKE HARR, SENATOR NORDQUIST, SENATOR SEILER, SENATOR SMITH, SENATOR McCOY, SENATOR COASH, SENATOR MURANTE, SENATOR LARSON, SENATOR KINTNER, SENATOR CHAMBERS, THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, SENATOR KINTNER, SENATOR McCOY, SENATOR SMITH, SENATOR NORDQUIST, SENATOR HOWARD, THE HOUSE IS UNDER CALL. SENATOR HOWARD, THE HOUSE IS UNDER CALL, PLEASE REPORT TO THE CHAMBER. SENATOR KRIST, YOU'RE RECOGNIZED. [LR7CA]

SENATOR KRIST: WE CAN GO TO THE VOTE, MR. SPEAKER, AND LET'S JUST DO ROLL CALL, REGULAR ORDER, PLEASE. [LR7CA]

SPEAKER HADLEY: ROLL CALL, REGULAR ORDER. MR. CLERK. [LR7CA]

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CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1013-1014.) 35 AYES, 4 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LR7CA]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. RETURN TO DEBATE ON THE...RAISE THE CALL, RETURN TO THE DEBATE ON THE CONSTITUTIONAL AMENDMENT. SEEING NO ONE IN THE QUEUE, SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO CLOSE ON LR7CA. [LR7CA]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. WE'VE HAD A HEALTHY DISCUSSION ON THE CONSTITUTIONAL AMENDMENT AND IT IS NOW IN A POSITION WHERE WE CAN DRAW UPON OUR EXPERIENCES HERE AND OUR SKILLS AND MAKE A DECISION WHETHER OR NOT WE SHOULD ADVANCE THIS TO SELECT FILE. THE LONGER YOU ARE HERE, THE MORE YOU REALIZE WHAT YOU DON'T KNOW AND HOW VALUABLE EXPERIENCE IS AND HOW MUCH YOU LEARN. WE ARE ALSO FACED WITH THE ISSUE OF A SENIOR STAFF WHO IS GETTING CLOSE TO THE AGE OF RETIREMENT. A SENIOR STAFF THAT HAS HELPED KEEP THE INSTITUTION ON TRACK WITH INSTITUTIONAL MEMORY OVER THE LAST FEW YEARS AS WE TRANSITION TO THE TERM-LIMITED ENVIRONMENT. THE PROPOSITION BEFORE US, THE THREE FOUR-YEAR TERMS, WAS BEFORE THE VOTERS ONCE BEFORE. I WOULD ANTICIPATE THAT IF WE ADVANCE THIS PARTICULAR MEASURE TO SELECT FILE WE WILL HAVE MANY DISCUSSIONS AS TO WHAT IS A PROPER QUESTION TO PUT BEFORE THE VOTERS. TWO YEARS, FOUR YEARS, SIX YEARS, AND WE WILL HAVE SOME FURTHER ACTION ON THIS MATTER ON SELECT FILE. SO FUNDAMENTALLY NOW, WE'RE ASKING A POSITION OF PRINCIPLE, WHETHER OR NOT YOU BELIEVE THAT THINGS ARE OKAY AS IS WITH THE PRESENT STRUCTURE OF TERM LIMITS OR WHETHER OR NOT WE SHOULD STRUCTURE A PROPOSITION TO GO BEFORE THE PEOPLE AND LET THEM MAKE A DECISION ON ANY PROPOSITION THAT'S DIFFERENT. THIS DOES NOT ADOPT ANYTHING, DOES NOT CHANGE ANYTHING. THIS SIMPLY, IF IT MAKES IT THROUGH THE ENTIRE PROCESS IN ONE VARIANT OR ANOTHER, ASKS THE PEOPLE FOR THEIR OPINION. THANK YOU. [LR7CA]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF LR7CA. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LR7CA]

CLERK: 27 AYES, 12 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LR7CA. [LR7CA]

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SPEAKER HADLEY: LR7CA IS ADVANCED TO E&R INITIAL. MR. CLERK. [LR7CA]

CLERK: LB183 WAS A BILL ORIGINALLY INTRODUCED BY SENATOR JOHNSON. (READ TITLE.) INTRODUCED ON JANUARY 12, REFERRED TO THE AGRICULTURE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM445, LEGISLATIVE JOURNAL PAGE 569.) [LB183]

SPEAKER HADLEY: SENATOR JOHNSON, YOU'RE RECOGNIZED TO OPEN ON LB183. [LB183]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. COLLEAGUES, FIRST I WANT TO GIVE YOU SOME BACKGROUND INFORMATION ON THE PUBLIC SERVICE COMMISSION GRAIN WAREHOUSE DIVISION. YOU PROBABLY THINK OF THE PUBLIC SERVICE COMMISSION AS REGULATING PHONE RATES AND OTHER CONSUMER RATES. UNDER THE NEBRASKA GRAIN DEALER ACT, THE PUBLIC SERVICE COMMISSION'S GRAIN WAREHOUSE DIVISION REGULATES GRAIN DEALERS THROUGH A GRAIN WAREHOUSE LICENSE, MONITORING FINANCIAL SOUNDNESS OF PERSONS OR ENTITIES OPERATING AS A GRAIN DEALER, AND EXERCISING AUTHORITY TO INTERVENE UPON EVIDENCE THAT A GRAIN DEALER'S ABILITY TO MEET PAYMENT OBLIGATIONS TO THE PRODUCER THAT DELIVER GRAIN OR DELIVERY OBLIGATIONS IS BEING COMPROMISED. THIS SUMMER I WENT OVER TO THE PUBLIC SERVICE COMMISSION OFFICE TO VISIT ABOUT THE RECENT GRAIN DEALER FAILURE IN PIERCE, NEBRASKA. FROM THAT DISCUSSION, WE HAVE LB183. LB183 DEALS WITH THE GRAIN DEALER BOND. THE CONDITION TO BE...A CONDITION TO BE A LICENSED GRAIN DEALER, THE LICENSE APPLICANT MUST MAINTAIN A BOND OR OTHER TYPE OF SECURITY EQUAL TO THE AMOUNT OF THE BOND. THE AMOUNT OF THE BOND OR SECURITY IS DETERMINED BY A FORMULA; 7 PERCENT OF THE VALUE OF THE GRAIN TRANSACTION IN THE LICENSED YEAR. THE MINIMUM AMOUNT OF A BOND IS \$35,000. THE MAXIMUM THAT CAN BE OBTAINED IS \$300,000. THE DEALER MUST ALSO BE BONDED TO ENGAGE IN GRAIN MERCHANDISING ACTIVITIES. THAT CURRENTLY PROVIDES THE LIABILITY OF THE SURETY SHALL COVER PURCHASES AND SALES MADE OR ARRANGED BY THE GRAIN DEALERS WHO PURCHASE GRAIN. THE SELLER, GRAIN FARMER WHO SELLS TO A LICENSED GRAIN DEALER CAN PERFECT A CLAIM AGAINST THE DEALER'S SECURITY BY, NUMBER ONE, DEMANDING PAYMENT WITHIN 30 DAYS UPON DELIVERY OF THE GRAIN OR COMPLETION OF THE GRAIN; OR ATTEMPTING TO NEGOTIATE A PAYMENT, IN OTHER WORDS, CASH A GRAIN CHECK WITHIN THAT 30-DAY LIMIT; OR MAY SIMPLY NOTIFY THE PUBLIC SERVICE COMMISSION THAT

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HE HAS EXERCISED HIS OPPORTUNITY TO MAKE A CLAIM AND THE CHECK FAILED. THE CURRENT ACT HAS TWO CATEGORIES OF CLAIMANTS. FIRST, THOSE WHO GROW THE GRAIN, DELIVER IT TO A LICENSED ELEVATOR, AND THEN SELLS THE GRAIN TO THE LICENSED GRAIN DEALER. THE LOSS HERE IS THE PRODUCER'S VALUE OF THE GRAIN SOLD OR DELIVERED AND THAT HE DID NOT GET PAID FOR. SECOND, PURCHASERS OF GRAIN FROM A LICENSED GRAIN DEALER, IN WHICH CASE THE BOND WOULD SECURE THE DELIVERY OBLIGATION. THE LOSS HERE IS THE LICENSED GRAIN DEALER CANNOT FILL THE PURCHASE AGREEMENT AND THE BUYER MUST PURCHASE GRAIN FROM ANOTHER SOURCE. THE POTENTIAL LOSS TO THE BUYER HERE IS THE DIFFERENCE BETWEEN THE PRICE THEY PAID FOR THE GRAIN AND THE COST TO REPLACE THE CONTRACT. THE GRAIN BOND HAS HISTORICALLY BEEN QUITE INEFFECTIVE IN COVERING BOTH LOSS OF THE GROWER AND THE ENTITY PURCHASING THE GRAIN. HERE ARE THE SIGNIFICANT CHANGES TO LB183. IT LIMITS RECOURSE TO DEALER SECURITY ONLY TO THE GROWERS. ON PAGE 3 OF THE BILL, LINES 22 AND 23, CONFINES THE SECURITY TO GRAIN GROWERS WHO SELL GRAIN TO THE DEALER. IT STRIKES OTHER OWNERS OF GRAIN AND THOSE WHO PURCHASE GRAIN FROM THE DEALER. THE ACT IS CURRENTLY WRITTEN AND HISTORICALLY IS AMBIGUOUS WHETHER LEGISLATURE WAS TO COVER BOTH TYPES OF CONTRACTS. SECTION 75-905, MAY 2...IN SECTION 4 REDUCES THE PERIODS A CLAIMANT MAY COMPLETE ACTIONS TO PRESERVE CLAIMS AGAINST THE GRAIN DEALER SECURITY. IT REDUCES THAT PERIOD FROM 30 DAYS TO 15 DAYS. BY REQUIRING PURCHASERS TO ADOPT A MORE SENSIBLE BUSINESS PRACTICE, THE MORE TIMELY, DEMANDING, AND CASHING OF GRAIN PAYMENTS. THE GOAL HERE IS TO DETECT PROBLEMS EARLIER AND CATCH PROBLEMS AT AN EARLIER STAGE. ANOTHER NONGRAIN RISK CHANGE IN THE BILL REMOVES THE OBSOLETE REQUIREMENT THAT TRUCKS UTILIZED BY DEALERS THAT HAVE A PUBLIC SERVICE LICENSE IS NO LONGER NEEDED. IT'S INCONSISTENT WITH THE CURRENT PRACTICES REGARDING TRANSPORTATION OPTIONS UTILIZED BY DEALERS. DEALER INSPECTION FEES USED TO BE BASED ON THE NUMBER OF TRUCKS; NOW IT IS BASED ON THE ACTUAL VALUE OF THE GRAIN. PLATING OF THAT TRUCK IS NO LONGER SERVES A FUNCTION OF DETERMINING THE FEES. AN INCREASE TO THE ANNUAL DEALER LICENSE FEE FROM \$60 TO \$100 WILL OFFSET THE SMALL AMOUNT OF REVENUE LOSS FROM THE REPEAL OF THE PLATING REQUIREMENT. THE BILL ALSO EXPANDS THE TYPES OF DOCUMENTS RECOGNIZED BY STATUTES AS EVIDENCING SALE OR DELIVERY OF GRAIN. THE BILL ALSO CLARIFIES THE CREDENTIALS OF PERSONS WHOM MAY PREPARE REVIEWED AND AUDITED FINANCIAL STATEMENTS THAT ARE SUBMITTED TO THE PUBLIC SERVICE GRAIN DEALER LICENSEE. THE BILL WAS DRAFTED IN COOPERATION WITH THE PUBLIC SERVICE COMMISSION AND

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THE GRAIN INDUSTRY REPRESENTING. AS STATED, THE HEARING WAS HELD JANUARY 27 AND ADVANCED BY THE AG COMMITTEE UNANIMOUSLY. THAT CONCLUDES MY OPENING. [LB183]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE AGRICULTURE COMMITTEE. SENATOR JOHNSON, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB183]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. THE COMMITTEE AMENDMENT REWRITES THE PROVISION FOR THE ORIGINAL...THAT THE ORIGINAL BILL HAD THAT PERTAINS TO THE QUALIFICATION OF PURCHASES...PERSONS PREPARING FINANCIAL STATEMENTS SUBMITTED BY OUT-OF-STATE DEALER LICENSES AS PART OF THE INITIAL AND ANNUAL LICENSING REQUIREMENT. AS CURRENTLY WRITTEN, THE GRAIN DEALER ACT REQUIRES THE LICENSEE OR NEW APPLICANT TO ANNUALLY SUBMIT A YEAR-END FINANCIAL STATEMENT AUDITED AND REVIEWED BY AN INDEPENDENT, CERTIFIED PUBLIC ACCOUNTANT OR BY AN ACCOUNTANT HOLDING A PERMIT GRANTED BY THE NEBRASKA STATE BOARD OF PUBLIC ACCOUNTANCY. THE REVISIONS TO THE CREDENTIALS REQUIRED OF PERSONS PROVIDING FINANCIAL STATEMENTS SUBMITTED BY THE LICENSEE BY CHANGING STRUCTURE OF THE INDUSTRY WILL ALLOW A CERTIFIED PERSON OR FIRM FROM THE STATE WHERE THE MAIN ACCOUNTING IS HELD IF IT'S NOT LOCATED IN THE STATE OF NEBRASKA. BOTH THE EXECUTIVE DIRECTOR FOR THE NEBRASKA BOARD OF PUBLIC ACCOUNTANCY AND THE LOBBYIST FOR THE NEBRASKA SOCIETY FOR PUBLIC ACCOUNTANTS AGREE THAT ANY OF THESE REQUIREMENTS FOR USE OF THE NEBRASKA LICENSE CPA WOULD BE DUPLICATIVE. THIS IS THE COMMITTEE AMENDMENT AND I URGE THE SUPPORT OF THE AMENDMENT AND LB183. THANK YOU, MR. PRESIDENT. [LB183]

SPEAKER HADLEY: THE FLOOR IS OPEN FOR COMMENTS ON THE COMMITTEE AMENDMENT. SEEING NONE, SENATOR JOHNSON, YOU'RE RECOGNIZED. SENATOR JOHNSON WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB183 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB183]

CLERK: 26 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB183]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB183]

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SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AND I WAS IN SUPPORT OF THIS AMENDMENT AND I THINK I'M IN SUPPORT OF THE BILL. I JUST HAVE A QUESTION FOR SENATOR JOHNSON, IF HE WOULD ENTERTAIN IT. [LB183]

SPEAKER HADLEY: WOULD SENATOR JOHNSON? [LB183]

SENATOR SULLIVAN: THANK YOU. [LB183]

SENATOR JOHNSON: YES. [LB183]

SENATOR SULLIVAN: THANK YOU, SENATOR JOHNSON. AND FIRST OF ALL, AS I SAID, I'M IN SUPPORT OF THIS LEGISLATION. PIERCE ELEVATOR IS IN MY DISTRICT AND CERTAINLY A LOT OF THE PRODUCERS WERE HURT BY WHAT HAPPENED WITH THAT ELEVATOR. MY QUESTION IS, HAS TO DO WITH THE 30-DAY LIMIT WHEN IT IS INDICATED THAT...WELL, I'LL TELL YOU WHAT HAPPENED IN MY DISTRICT...OR WITH THIS SITUATION WITH THE PIERCE ELEVATOR. APPARENTLY THE ELEVATOR MANAGER HAD ISSUED THE CHECKS, HAD CUT THE CHECKS, BUT THEY WERE IN A VAULT, AND SO THE FARMERS DIDN'T KNOW THAT THE CHECKS WERE THERE AND IT WENT PAST THE DAY LIMIT. SO WHAT AND HOW WILL THEY BE IMPACTED WITH THIS LEGISLATION? [LB183]

SENATOR JOHNSON: I WOULD SAY THAT THEY'RE NOT PROTECTED. THEY WEREN'T BEFORE AND THEY'RE NOT PROTECTED UNDER THIS CHANGE. I THINK WHAT WE CAN DO IS LOOK AT...I THINK WOULD BE A FRIENDLY AMENDMENT, SOMEHOW THE WORDING THAT THE CHECKS NEEDS TO BE IN THE HANDS OF THE PRODUCER SO IT'S NOT LAYING IN THE VAULT. THE OTHER OBLIGATION IS THAT THE CHECK IS NOT LAYING ON THE DASHBOARD OF THE PICKUP. [LB183]

SENATOR SULLIVAN: WELL, THAT'S TRUE. I CAN UNDERSTAND THAT AS WELL. ALL RIGHT, SO IN OTHER WORDS, YOU WOULD ENTERTAIN AN AMENDMENT TO THAT EFFECT TO CORRECT THAT IF WE COULD DO THAT PERHAPS ON SELECT FILE? [LB183]

SENATOR JOHNSON: YES, I WOULD. [LB183]

SENATOR SULLIVAN: THANK YOU VERY MUCH. THAT'S ALL I HAVE, MR. SPEAKER. [LB183]

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SPEAKER HADLEY: SENATOR JOHNSON, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF THE BILL. [LB183]

SENATOR JOHNSON: THIS COMMENT, THAT IS A FRIENDLY AMENDMENT. I KNOW THAT CAN HAPPEN. IT SHOULDN'T HAPPEN BECAUSE THAT CHECK SHOULD NOT BE HELD OVERNIGHT. BUT IN THAT CASE, IT MUST HAVE. SO THAT'S ALL I WILL SAY AND I HOPE FOR YOUR SUPPORT OF LB183. THANK YOU. [LB183]

SPEAKER HADLEY: THE QUESTION IS ADVANCEMENT OF LB183 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB183]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB183. [LB183]

SPEAKER HADLEY: LB183 IS ADVANCED TO E&R INITIAL. MR. CLERK. [LB183]

CLERK: MR. PRESIDENT, THE NEXT BILL IS LB81 BY SENATOR COOK. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. AT THIS TIME I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB81]

SPEAKER HADLEY: SENATOR COOK, YOU'RE RECOGNIZED TO OPEN ON LB81. [LB81]

SENATOR COOK: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, COLLEAGUES. THE PURPOSE AND INTENT OF LB81 IS TO CREATE A TRANSITIONAL CHILDCARE PROGRAM FOR WORKING FAMILIES WHO ARE EARNING THEIR WAY TOWARD ECONOMIC STABILITY. IMPORTANTLY, AS THESE WORKING FAMILIES ARE WORKING THEIR WAY TOWARDS ECONOMIC STABILITY, THEY ARE REQUIRED TO PAY A COST SHARE ACCORDING TO A SLIDING FEE SCHEDULE--AS THEIR INCOME RISES, THEIR CONTRIBUTION ALSO RISES. THE ISSUE: LB81 ENJOYS BROAD-BASED SUPPORT AND THERE WERE MANY TESTIFIERS EXCITED TO SHARE THEIR SUPPORT FOR THIS LEGISLATION IN COMMITTEE. THEIR REASON: LB81 ADDRESSES THE PRESSING NEED FOR NEBRASKA...THE PRESSING NEED IN NEBRASKA FOR QUALITY, AFFORDABLE CHILD CARE FOR WORKING FAMILIES, AND OFFERS AN ECONOMICAL SOLUTION TO A PUBLIC POLICY SHORTFALL--THE CLIFF EFFECT THAT INHIBITS THE UPWARD MOBILITY OF HARD WORKING

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NEBRASKANS. I AM VERY PLEASED THAT THE GREATER OMAHA CHAMBER OF COMMERCE TESTIFIED IN STRONG SUPPORT OF LB81. WITH THEIR SUPPORT, THE BUSINESS COMMUNITY IS SIGNALING A RECOGNITION THAT THE EMPLOYEES THAT THEY ARE INVESTING IN NEED A TRANSITIONAL PROGRAM TO MIRROR THE TRAJECTORY OF THEIR CAREER. NEBRASKA'S CHILDCARE SUBSIDY PROGRAM SUPPLIES CRITICAL SUPPORT TO THE LOW-INCOME WORKING FAMILIES SO THAT THEY CAN AFFORD QUALITY CHILDCARE AND CONTINUE TO BUILD THEIR CAREERS AND A PATH OUT OF GENERATIONAL POVERTY. WITHOUT THE SUPPORT OF THIS SUBSIDY, MANY PARENTS WOULD BE UNABLE TO WORK, TO FIND WORK, OR TO IMPROVE THEMSELVES BY GAINING THE EDUCATION AND SKILL SETS THEY NEED TO FIND A JOB. IN NEBRASKA, INITIAL ELIGIBILITY FOR OUR CHILDCARE SUBSIDY PROGRAM IS JUST 130 PERCENT OF THE FEDERAL POVERTY LEVEL. THIS LEVEL IS ONE OF THE LOWEST IN THE COUNTRY. FOR A MOTHER OF TWO CHILDREN, 130 PERCENT OF THE FEDERAL POVERTY LEVEL EQUALS JUST MORE THAN \$400 PER WEEK IN GROSS INCOME. PER HOUSEHOLD MEMBER, THAT'S JUST \$21 PER DAY FOR HOUSING, FOOD, UTILITIES, TRANSPORTATION, AND CHILDCARE. HOWEVER, THE AVERAGE COST OF FULL-TIME CHILDCARE IN A LICENSED CHILDCARE FACILITY IN THIS STATE IS \$7,693 PER YEAR. FOR THE AVERAGE NEBRASKA FAMILY, THE COST OF CHILDCARE IN NEBRASKA AMOUNTS TO 36 PERCENT OF THE FAMILY'S BUDGET. THE LEGISLATION BEFORE YOU DOES NOT AMEND THE INITIAL ELIGIBILITY FOR THE CHILDCARE SUBSIDY PROGRAM. RATHER, IT IS A TARGETED REFORM TO SPECIFICALLY EASE THE TRANSITION OFF OF PUBLIC ASSISTANCE FOR NEBRASKANS WHO ARE EARNING RAISES. WORKING NEBRASKANS WHO QUALIFY FOR THE CHILDCARE SUBSIDY PROGRAM ARE EARNING RAISES AND PRAISES BECAUSE OF THEIR HARD WORK. THE PROBLEM IS THAT THEY ARE HAVING TO TURN DOWN RAISES BECAUSE THAT ADDITIONAL INCOME WOULD MAKE THEM INELIGIBLE FOR THE CHILDCARE SUBSIDY PROGRAM. A RAISE, WHILE WELL EARNED AND IMPORTANT PROGRESS, IS NOT ENOUGH TO COVER THE EXPENSE OF CHILDCARE. THE SOLUTION: LB81 IS A SOLUTION TO THIS CLIFF EFFECT. THIS POLICY PROPOSAL WILL HELP CREATE AND ENCOURAGE THE TRANSITION FOR FAMILIES WORKING THEIR WAY TO THEIR OWN ECONOMIC INDEPENDENCE. LB81 ALLOWS FOR FAMILIES TO ACCEPT WELL-EARNED RAISES WHILE MAINTAINING CHILDCARE ASSISTANCE FOR UP TO TWO YEARS OR UNTIL THEIR INCOME REACHES 185 PERCENT OF THE FEDERAL POVERTY LEVEL, WHICH IS \$2,400 FOR A SINGLE PARENT WITH A SINGLE CHILD. WHILE THERE IS A FISCAL NOTE ATTACHED TO THIS PROPOSAL, PLEASE CONSIDER HOW THIS INVESTMENT CAN HELP THE LIVES OF WORKING FAMILIES AND EVENTUALLY THE STATE'S ECONOMY. THE FISCAL NOTE PUT FORWARD BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ESTIMATES THAT PASSAGE OF LB81 WOULD ASSIST

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UPWARDS OF 1,944 NEBRASKANS PER YEAR. ALMOST 2,000 FAMILIES PER YEAR IS AN ENORMOUS IMPACT WHEN YOU CONSIDER THE IMPORTANCE OF CHILDCARE IN THE LIVES OF NEBRASKANS WORKING THEIR WAY FROM POVERTY. IN HIS STATE OF THE STATE ADDRESS, GOVERNOR RICKETTS EMPHASIZED THE NEED FOR A COMMONSENSE APPROACH IN GOVERNMENT, ONE THAT DOES NOT CREATE DISINCENTIVES FOR PEOPLE AND FAMILIES TO WORK. MEMBERS, THIS IS PART OF THAT REFORM. THE LEGISLATURE SHOULD NOT PUT POLICIES IN PLACE THAT HELP ENSURE STABLE ACCESS TO CHILD CARE...OR PARDON ME, THE LEGISLATURE SHOULD PUT POLICIES IN PLACE THAT HELP ENSURE STABLE ACCESS TO CHILD CARE SO THAT THESE CHILDREN ARE SAFE AND SUPPORTED. I THANK EACH OF YOU FOR YOUR ATTENTION AND FOR YOUR THOUGHTFUL CONSIDERATION OF LB81. THANK YOU, MR. PRESIDENT. [LB81]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB81]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE IN STRONG SUPPORT OF LB81 AND, CERTAINLY, THIS IS AN ISSUE THAT WE'VE TALKED ABOUT A LOT THE LAST FEW YEARS IN THE LEGISLATURE, AND THIS IS A, AS SENATOR COOK SAID, VERY MUCH A COMMONSENSE APPROACH TO A SERIOUS DESIGN FLAW IN OUR PUBLIC WORK SUPPORT PROGRAMS, IN OUR CHILDCARE SUBSIDY PROGRAM, WHICH IS VERY MUCH A WORK SUPPORT PROGRAM. BECAUSE WITHOUT IT, IT WOULD BE NEARLY IMPOSSIBLE FOR LOW-INCOME, WORKING FAMILIES TO EVEN ENTER THE WORK FORCE AND BE ABLE TO HAVE THEIR CHILDREN CARED FOR. THEY WOULDN'T BE ABLE TO MAKE ENOUGH TO HAVE THEIR CHILDREN IN ANY KIND OF CHILD CARE, LET ALONE THE QUALITY CHILD CARE THAT THESE CHILDREN NEED TO SUCCEED. AND I HEARD A LOT OF STORIES WHEN I WAS OUT CAMPAIGNING AROUND THE STATE FOR A HIGHER MINIMUM WAGE. A LOT OF STORIES OF FAMILIES THAT FALL VICTIM TO THE CLIFF EFFECT, AND I HAD PEOPLE COME TO ME AND SAY, YOU KNOW, WE REALLY APPRECIATE WHAT YOU'RE DOING TRYING TO RAISE THE MINIMUM WAGE TO \$8 AN HOUR AND THEN TO \$9 AN HOUR. BUT WE'RE GOING TO HAVE TO REDUCE OUR HOURS IF YOU RAISE THE MINIMUM WAGE BECAUSE WE'RE GOING TO FALL OFF THE CLIFF. AND JUST ONE EXAMPLE, JUST...AND THIS IS SO COMMON SENSE BECAUSE THESE ARE THE NUMBERS. A SINGLE MOTHER WORKING FULL TIME AT 40 HOURS A WEEK AT \$8 AN HOUR WOULD TAKE HOME RIGHT NOW ABOUT \$1,280 A MONTH OR \$16,000 A YEAR WORKING AT THE CURRENT \$8-AN-HOUR MINIMUM WAGE IN NEBRASKA. IF SHE WERE TO GET A BUMP UP TO \$10 AN HOUR AT 40 HOURS A WEEK, SHE WOULD MAKE AN EXTRA \$320 A MONTH OR \$1,600 TOTAL A MONTH OVER HER \$1,280 SHE WOULD MAKE AT \$8 AN HOUR. SHE WOULD LOSE \$659 OF CHILDCARE SUPPORT IF SHE GOT THAT

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EXTRA \$320 OF INCOME. SHE WOULD COME OUT \$339 A MONTH LESS IN HER FAMILY BUDGET BY GETTING A \$2 AN HOUR RAISE. THAT'S THE UNFORTUNATE SITUATION WE'RE IN WITH THIS PROGRAM. THAT'S WHY WE NEED TO EASE THESE CLIFFS IN ALL OF OUR... WE NEED TO LOOK AT ALL OF OUR PUBLIC PROGRAMS AT EASING THESE CLIFFS SO SUPPORT FALLS OFF AS YOUR INCOME GROWS, SO WHEN YOU GET TO THE END OF A LINE, YOU NOW ARE RELYING ON NO SUPPORT AND YOU HAVE AN INCOME HIGH ENOUGH TO BE ABLE TO SUPPORT YOUR FAMILY WITH YOUR INCOME ALONE RATHER THAN EARNING AN EXTRA DOLLAR AN HOUR AND FALLING OFF OF A STEEP CLIFF, LOSING ALL OF YOUR CHILDCARE FOR A COUPLE MONTHS, AND THEN FIGURING OUT YOU CAN'T MAKE THAT WORK AND BACKING UP AND STARTING ALL OVER AGAIN. THESE STEEP CLIFFS IN PUBLIC PROGRAMS THAT LB81 IS TRYING TO ADDRESS IN OUR CHILDCARE SUBSIDY PROGRAM TRAP PEOPLE IN POVERTY. THEY MAKE IT MORE DIFFICULT FOR PEOPLE TO CLIMB OUT OF POVERTY. THIS IS A COMMONSENSE APPROACH TO ADDRESSING IT. AND AS SENATOR COOK RIGHTFULLY POINTED OUT, IT DOESN'T CHANGE ELIGIBILITY FOR ENTERING INTO THE PROGRAM. YOU STILL HAVE TO BE AT OR BELOW 130 PERCENT OF THE FEDERAL POVERTY LEVEL TO GET INTO THE PROGRAM. BUT IT ALLOWS YOU, DURING A TWO-YEAR PERIOD, FOR YOUR INCOME TO GROW BEYOND THAT UP TO 185 PERCENT OF POVERTY AND THAT WILL ALLOW YOU, WHEN YOU GET TO ABOUT 185 PERCENT OF POVERTY, THAT'S PRETTY CLOSE TO... THAT 200 PERCENT OF POVERTY IS CLOSE TO SELF-SUFFICIENCY. YOU SHOULD BE ABLE TO MAKE ENDS MEET AT THAT INCOME LEVEL, WHICH IS IN NEBRASKA, IT'D PROBABLY PUTS YOU AT ABOUT THE 40th PERCENTILE OF INCOME AT 200 PERCENT OF POVERTY. THE FISCAL NOTE IS MODEST AND IT'S SOMETHING THAT SHOULD BE ABLE TO STAND ABOVE OTHER FISCAL NOTES THAT COME BEFORE THIS BODY BECAUSE THIS IS A WAY TO HELP FAMILIES, HELP WORKING FAMILIES MOVE OUT OF POVERTY, MOVE TO SELF-SUFFICIENCY. I'D APPRECIATE AND ENCOURAGE MY COLLEAGUES TO VOTE FOR LB81. THANK YOU. [LB81]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS CAMPBELL, LARSON, SCHEER, AND SCHUMACHER. SENATOR CAMPBELL, YOU ARE RECOGNIZED. [LB81]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I CERTAINLY STAND IN SUPPORT OF LB81 AND WANT TO SHARE A FEW COMMENTS WITH YOU. LAST YEAR WE HAD A BILL IN THE LEGISLATURE THAT STARTED US ON A PATH OF INCREASING OUR QUALITY IN CHILD CARE AND IT WAS CALLED STEP UP TO QUALITY. AND I STOOD ON THE FLOOR AS I INTRODUCED THAT BILL AND A NUMBER OF SENATORS WERE LISTENING, SOME WEREN'T. BUT MANY OF THEM

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PAID VERY CLOSE ATTENTION WHEN I PASSED OUT OR DISTRIBUTED A PIECE OF PAPER FOR THE BUSINESS ROUNDTABLE OF BUSINESS LEADERS ALL ACROSS THE STATE OF NEBRASKA WHO BELONGED TO THE BUSINESS ROUNDTABLE SUPPORTING QUALITY CHILD CARE, REALIZING THAT IT IS A BUSINESS ISSUE. THIS WAS REINFORCED TO ME THIS SESSION WHEN WE HELD THE HEARING ON LB81 AND I'M GOING TO MAKE SURE TO READ THE NAME LESLIE ANDERSEN, FROM THE BANK OF BENNINGTON, TESTIFIED ON BEHALF OF THE OMAHA CHAMBER IN SUPPORT OF LB81 AND THE CHAMBER HAD ALSO SENT COMMITTEE MEMBERS TO VISIT WITH ME ABOUT OTHER ISSUES IN ADDITION TO LB81. THE REASON THIS IS IMPORTANT IS THAT IN SIX YEARS THAT I HAVE SERVED ON THE HEALTH AND HUMAN SERVICES COMMITTEE, THIS IS THE FIRST TIME THAT A CHAMBER OF COMMERCE HAS APPEARED IN SUPPORT OF A BILL. THAT IS SIGNIFICANT. IT ONLY POINTS OUT TO US THE IMPORTANCE THAT GOOD CHILD CARE RELATED TO PEOPLE'S WORK MEANS TO THE BUSINESS COMMUNITY ACROSS THE STATE. THE ORGANIZATION THAT PUT TOGETHER THE BUSINESS ROUNDTABLE--FIRST FIVE ALSO TESTIFIED AT THE HEARING. AND I WANT TO READ YOU ONE PARAGRAPH FROM THEIR LETTER OF SUPPORT. WE SUPPORT LB81 BECAUSE THE LEADING FACTOR THAT PLACES A CHILD AT RISK OF FAILING IN SCHOOL IS LIVING AT OR BELOW 185 PERCENT OF THE FEDERAL POVERTY LEVEL. IN NEBRASKA, THE NUMBER OF CHILDREN AT RISK FROM BIRTH THROUGH AGE FIVE IS JUST OVER 64,000. THAT IS 42 PERCENT OF THE STATE'S POPULATION IN THAT AGE RANGE. COLLEAGUES, THIS IS A CRITICAL ISSUE AND I REALLY APPRECIATE SENATOR COOK BRINGING FORTH LB81. WE DO NOT WANT TO PRECLUDE SOMEONE WHO MAY TAKE A FULL-TIME JOB OR WHO MAY TAKE A PROMOTION IN A BUSINESS. WE NEED EVERY ABLE-BODIED NEBRASKAN WORKING TO DRIVE OUR ECONOMY. AND SO I WOULD HOPE THAT YOU WOULD GIVE STRONG SUPPORT TO LB81. THANK YOU, MR. PRESIDENT. [LB81]

SPEAKER HADLEY: SENATOR LARSON, YOU ARE RECOGNIZED. [LB81]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I RISE TODAY ACTUALLY FAIRLY SUPPORTIVE OF LB81 AND I UNDERSTAND WHAT SENATOR COOK IS TRYING TO DO. BUT IF WE'RE GOING TO TALK ABOUT HELPING PEOPLE AND PEOPLE COME OUT OF POVERTY, I THINK THE ISSUE THAT WE DO NEED TO TALK ABOUT THAT WE HAVEN'T YET TALKED ABOUT FOR A FEW DAYS IS EDUCATION AND THE CONCEPT OF WE ARE LEAVING STUDENTS BEHIND IN THE STATE OF NEBRASKA. I'M LUCKY ENOUGH TO LIVE IN THE AGE OF TECHNOLOGY. THERE'S THESE THINGS CALLED GOOGLE ALERTS. AND I GET TO SEE WHAT OTHER ARTICLES AROUND THIS COUNTRY TALK ABOUT CHARTER SCHOOLS. AND IN THAT, I HAVE A FEW ARTICLES THAT I'D LIKE TO SHARE WITH YOU ABOUT THE

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SUCCESS THAT THEY'RE HAVING ACROSS THIS NATION. YET, WE IN NEBRASKA, INSTEAD OF A RACE TO THE TOP LIKE OUR PRESIDENT WOULD LIKE, WE'RE AT A RACE TO MEDIOCRITY, IF NOT JUST SLIGHTLY BELOW. IN THIS ARTICLE...AND I TALKED LAST WEEK ABOUT THE CREDO STUDY, THE NEW CREDO STUDY THAT RECENTLY CAME OUT. WELL, HERE'S AN ARTICLE ABOUT THAT CREDO STUDY COMING FROM STANFORD THAT LOOKED AT 41 URBAN AREAS IN 22 STATES WITH CHARTER SCHOOLS. AND IN THERE IN MATH THEY FOUND THAT 26 OF THOSE REGIONS POSTED SIGNIFICANT BETTER LEARNING GAINS FOR CHARTER SCHOOL STUDENTS AND OUTPACED THE TRADITIONAL PUBLIC SCHOOL. IN READING, 23 OF THE REGIONS SIGNIFICANTLY OUTPACED THE TRADITIONAL PUBLIC SCHOOLS. AND THE RESULTS TRANSLATE TO URBAN CHARTER SCHOOLS RECEIVING ROUGHLY 40 ADDITIONAL DAYS OF LEARNING IN MATH PER YEAR AND 28 ADDITIONAL DAYS OF LEARNING IN READING, WITH THE SAME NUMBER OF SCHOOL DAYS, YET WE SEE BETTER RESULTS. OR WE CAN LOOK AT THIS ARTICLE FROM MASSACHUSETTS WHERE A BOSTON-BASED CHARTER SCHOOL NETWORK COULD MEAN BIG CHANGES FOR A STRUGGLING SPRINGFIELD MIDDLE SCHOOL. IT TALKS ABOUT HOW THE UP EDUCATION NETWORK HAS REFORMED THE DORCHESTER CHARTER SCHOOL IN A MATTER OF A YEAR. IT WENT FROM ONLY 13 PERCENT OF THE STUDENTS PASSING THE MASSACHUSETTS STANDARDIZED TEST IN 2013 TO 60 PERCENT IN 2014, WHILE THE STATE AVERAGE WAS 44. AND HOW EXCITED THE SPRINGFIELD COMMUNITY IS THAT THE UP EDUCATION NETWORK IS GOING TO COME SET UP A CHARTER BECAUSE THEY SEE SUCCESS AND THE LOCAL PUBLIC SCHOOL, TRADITIONAL PUBLIC SCHOOL IS FAILING. OR IN CHICAGO WHERE THERE'S A CHARTER SCHOOL THAT IS ALMOST 95 PERCENT MINORITY, MOST OF THOSE AFRICAN-AMERICAN, AND HAS SENT EVERY GRADUATING STUDENT FOR THE LAST FIVE YEARS TO COLLEGE. ONE OF THEM QUOTED AT THE END IS HEADED TO SENATOR COOK AND I'S ALMA MATER, GEORGETOWN. AND HE'S EXCITED. EVERY STUDENT FOR THE PAST FIVE YEARS IN A HIGH MINORITY, ALMOST COMPLETELY FREE AND REDUCED LUNCH AREA. COLLEAGUES, WHY DO WE CONTINUE TO IGNORE WHAT CAN TRULY START TO BREAK THE CYCLE OF POVERTY? AS I SAID, PRESIDENT OBAMA HAD THE RACE TO THE TOP INITIATIVE. I THINK WE SCORED EITHER LAST OR SECOND TO LAST IN THAT INITIATIVE. [LB81]

SPEAKER HADLEY: ONE MINUTE. [LB81]

SENATOR LARSON: AND INSTEAD OF RACE TO THE TOP, WE ARE EPITOMIZING THE RACE TO MEDIOCRITY IN THIS STATE BECAUSE IF ONE SCHOOL COULD POSSIBLY DO BETTER THAN ANOTHER SCHOOL, THAT'S UNACCEPTABLE.

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EVERYBODY HAS TO BE EQUALLY MEDIOCRE. NOBODY SHOULD GET A BETTER ADVANTAGE THAN THE NEXT PERSON. UNLESS YOU CAN AFFORD TO PAY FOR A PRIVATE SCHOOL, THEN YES. IF WE WANT TO TALK ABOUT HELPING, AND I THINK LB81 DOES HELP, BUT THE TRUE WAY TO GET PEOPLE OUT OF POVERTY IS THE EDUCATIONAL SYSTEM. YET WE ARE CONTINUE TO BE BLIND TO WHAT THE REST OF THE COUNTRY IS DOING AND HOW WE CAN FIX THE NEBRASKA EDUCATIONAL SYSTEM. THE STATISTICS ARE IN, AND THE STATISTICS SAY THAT CHARTERS ARE A VIABLE ALTERNATIVE. [LB81]

SPEAKER HADLEY: TIME, SENATOR. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB81]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I RISE IN SUPPORT OF LB81. THERE ARE VERY FEW TIMES THAT THE STATE ACTUALLY LOOKS AT TRYING TO INCENTIVIZE PEOPLE STAYING EMPLOYED AND TRYING TO HELP THEM CONTINUE TO WORK UNTIL THEY'RE SELF-SUFFICIENT. I THINK THERE'S TOO MANY PROGRAMS THAT STILL ARE AN ALL OR NOTHING DEAL. WE SET UP CLIFFS THAT MAKE IT ALMOST IMPOSSIBLE FOR PEOPLE TO FINALLY MEET SELF-SUFFICIENCY SIMPLY BECAUSE WE TAKE ALL THE SUPPORT AWAY FROM THEM AT SOME POINT IN TIME RATHER THAN GRADUALLY MAKING IT AVAILABLE TO THEM AS THEY ARE CONTINUING TO MAKE MORE AND MORE SO THAT AT SOME POINT IN TIME THEY BECOME SELF-SUFFICIENT, THEY'RE NO LONGER REQUIRING ANY HELP FROM THE STATE. AND I THINK THAT'S THE SUCCESS STORY THAT WE SHOULD ALL BE LOOKING FOR. I THANK SENATOR COOK FOR BRINGING THIS. I THINK IT SHOWS A WAY THAT WE SHOULD BE LOOKING AT ALL OF OUR PROGRAMS TO TRY TO INCENTIVIZE PEOPLE TO STAY EMPLOYED AND WORK WITH THEM TO TRY TO REACH FULL ATTAINMENT OF SELF-SUFFICIENCY. THANK YOU, MR. SPEAKER. [LB81]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB81]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. WE ARE IN AN UNUSUAL SITUATION OF BEING AT STRUCTURAL UNEMPLOYMENT, FULL EMPLOYMENT, AND IT IS ACUTE IN THE RURAL SEGMENTS OF THIS STATE. IT IS REALLY, REALLY, REALLY HARD TO FIND HELP FOR US TO RUN OUR BUSINESSES AND ENGAGE IN COMMERCE. IT'S PROBABLY ALSO, FROM THE POSITION OF THE OMAHA-LINCOLN BUSINESS COMMUNITY, VERY HARD TO FIND GOOD HELP IN OMAHA ALSO. SO I RATHER VIEW SENATOR COOK'S PROPOSAL AS A BUSINESS PROMOTION RATHER THAN A TYPE OF AID

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PROGRAM. I THINK THAT IT WILL HOPEFULLY FREE UP SOME PEOPLE TO GO TO WORK, TO STAY ON THE JOB LONGER SO THAT WE CAN WORK ON THIS ACUTE SITUATION WITH EMPLOYMENT. THANK YOU. [LB81]

SPEAKER HADLEY: SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB81]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I ALSO RISE IN SUPPORT OF THIS LEGISLATION. YOU KNOW, WE HEARD THIS IN COMMITTEE AND IT DOES EXACTLY WHAT WE SHOULD BE LOOKING AT AS BUSINESSPEOPLE AND AS WAYS TO HELP PEOPLE GET OUT OF THE POVERTY SITUATION. AS WE LOOK AT...WE HAVE NOT CHANGED THE ENROLLMENT CRITERIA WHATSOEVER IN THIS BILL. ALL WE'RE DOING IS WE'RE GIVING AN UPPER HAND TO THOSE THAT ARE TRYING HARD TO GET OUT OF POVERTY AND THAT'S WHAT WE SHOULD BE DOING. IF WE WANT TO CHANGE THE WAY MEDICAID OPERATES, THIS IS EXACTLY THE WAY WE CAN DO IT. AND SO I WOULD ENCOURAGE THOSE THAT ARE ON THE FENCE TO CONSIDER SUPPORTING THIS. THERE IS A FISCAL NOTE WITH IT. I'M VERY MUCH AWARE OF THE FISCAL NOTE. ON THE OTHER HAND, IF THEY GET TO THE POINT WHERE THEY'RE AT 185 PERCENT OF POVERTY AND THEY'VE WORKED THEIR WAY OUT OVER A COUPLE OF YEARS, THEY'RE ACTUALLY GOING TO BE TAXPAYING FOLKS THAT ARE GOING TO BE CONTRIBUTING TO THE BOTTOM LINE OF THE STATE AND HELPING OTHERS THAT AREN'T AS FORTUNATE. SO I WOULD ENCOURAGE YOU ALL TO SUPPORT THIS BILL AND VOTE GREEN ON LB81. THANK YOU. [LB81]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED. [LB81]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AND I'D LIKE TO CORRECT ONE OF THE STATEMENTS THAT I MADE BEFORE. A RACE TO MEDIOCRITY WOULD MEAN THAT WE MIGHT ACTUALLY BE RUNNING. MAYBE IT'S MORE LIKE STUMBLING TOWARDS MEDIOCRITY. WE HAVE TO MAKE A CHANGE. AGAIN, I WAS JUST LOOKING AT ANOTHER ARTICLE. THIS ONE ACTUALLY HAPPENED TO BE AN OPINION PIECE AND IT TALKED ABOUT HOW IN POOR AND MINORITY-DRIVEN AREAS CHARTER SCHOOLS ARE CONTINUALLY OUTPERFORMING THEIR TRADITIONAL PUBLIC SCHOOL COUNTERPARTS. IT IS IN THE MIDDLE CLASS AND UPPER CLASS WHITE NEIGHBORHOODS WHERE CHARTER SCHOOLS LAG BEHIND THE TRADITIONAL PUBLIC SCHOOLS AND BRING DOWN THE AVERAGE. WE WILL CONTINUE TO SPEND HUNDREDS OF THOUSANDS OF DOLLARS ON THINGS OF LB81 WHICH DO, AS I'VE ALREADY SAID ON THIS FLOOR, ASSIST AND HELP PEOPLE AND HELP THEM AS SENATOR NORDQUIST SAYS, IN THE CLIFF.

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HOWEVER, THROWING MONEY AT AN ISSUE ISN'T ALWAYS THE BEST WAY TO SOLVE IT. THE TRUE WAY TO SOLVE IT WOULD BE AT THE BEGINNING, WHICH IS EDUCATION. AND THE WAY TO DO THAT IS TO GIVE PARENTS ACROSS THIS COUNTRY SCHOOL CHOICE AND LET THEM DECIDE IF THE PUBLIC SCHOOL IN WHICH OPERATES IN THEIR LOCAL DISTRICT IS FAILING, THEY SHOULD HAVE ANOTHER OPPORTUNITY. IN NEBRASKA, IF YOU'RE PUBLIC SCHOOL IN YOUR AREA IS FAILING AND YOU CAN'T AFFORD A PRIVATE SCHOOL, NOW MORE THAN LIKELY YOU'RE JUST STUCK. THE LEARNING COMMUNITY DOES OFFER SOME OPTIONS FOR STUDENTS TO GO TO DIFFERENT SCHOOLS, BUT THOSE ARE AT TIMES LIMITED AND NOT AVAILABLE TO EVERYBODY. IT DEPENDS IF THEIR SPACE IS OPEN. BUT IT'S A POSSIBILITY, YES. I DO NOT UNDERSTAND WHY THE REST OF THE COUNTRY HAS CONTINUED TO MOVE FORWARD, HAS CONTINUED TO WORK TO REFORM EDUCATION. AND, INSTEAD, OUR DEPARTMENT OF EDUCATION, WHEN WE GO TO GRADE OUR SCHOOLS, WILL GRADE OUR SCHOOLS EXCELLENT, GREAT, GOOD, OR NEEDS IMPROVEMENT. HOW DO I AS A PARENT HAVE ANY IDEA WHAT THOSE METRICS MEAN? IT IS RIDICULOUS. GIVE PARENTS OPTIONS. WHAT IS WRONG WITH AN OPPORTUNITY FOR A LITTLE COMPETITION, ESPECIALLY IN A SCHOOL AS WE'VE SEEN IN SPRINGFIELD, MASSACHUSETTS, AND DORCHESTER, MASSACHUSETTS, WHERE THE AVERAGE NUMBER OF KIDS PASSING THE STATEWIDE MATH AND READING EXAMS ARE 13 PERCENT AND THE STATE AVERAGE WAS ONLY 44. YET THEY IMPLEMENTED A CHARTER SCHOOL AND ALL OF A SUDDEN THEY'RE AT 60 PERCENT. THE METHODS OF TEACHING WORK. THE VARIETIES WORK. YET HERE WE'VE DECIDED THAT WE KNOW BETTER. WE DON'T NEED CHARTER SCHOOLS BECAUSE EVERYBODY NEEDS TO BE THE SAME. AND WE'RE OKAY WITH THAT. WE'RE OKAY WITH MEDIOCRITY. WELL, I'M NOT. IF WE WANT TO HELP PEOPLE OUT OF POVERTY... [LB81]

SPEAKER HADLEY: ONE MINUTE. [LB81]

SENATOR LARSON: ...WE START AT AGE FIVE. WE START AT AGE FOUR. WE START WITH EDUCATIONAL SYSTEMS THAT ARE PROVEN TO WORK. AND WHERE CHARTERS WORK, THEY CREATE A MARKET OF COMPETITION THAT FORCES THE PUBLIC SCHOOLS TO GET BETTER. RIGHT NOW, THERE'S NO REASON FOR OUR PUBLIC SCHOOLS TO GET BETTER. WHAT? WE'RE GOING TO CUT SOME FUNDING TO OMAHA PUBLIC SCHOOLS THROUGH THIS TEEOSA FORMULA, WHICH IS ALREADY BROKEN IN THE SENSE THAT ALMOST EVERY ONE OF MY SCHOOL DISTRICTS IN RURAL NEBRASKA WILL RECEIVE NOTHING, NO EQUALIZED AID, THAT IS. WHAT? WE PULL A LITTLE BIT BACK FROM OPS OUT OF THE TENS OF MILLIONS THAT THEY'RE ALREADY GETTING? IT DOESN'T MAKE SENSE. GIVE

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PARENTS A CHOICE. GIVE THEM OPPORTUNITIES TO COME OUT OF POVERTY, BUT THROUGH EDUCATION. [LB81]

SPEAKER HADLEY: TIME, SENATOR. SENATOR STINNER, YOU'RE RECOGNIZED. [LB81]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. I DON'T WANT TO TAKE TOO MUCH TIME, BUT I WANT TO REITERATE THAT I SUPPORT LB81 AND THANK SENATOR COOK FOR BRINGING THIS FORWARD. I CAN TELL YOU THAT THIS IS A STEP IN THE RIGHT DIRECTION. NUMEROUS TIMES, CERTAINLY WITHIN MY BANK, FRONTLINE PEOPLE I'VE GIVEN RAISES TO AND THEY'VE TURNED AROUND AND SAID, I'M SORRY, MR. STINNER, I CAN'T TAKE THAT RAISE SIMPLY BECAUSE IT WILL DROP FOUR HUNDRED OR FIVE HUNDRED OR SIX HUNDRED DOLLARS OF CHILDCARE OFF. SO, IN SOME CASES, ACTUALLY THREE, FOUR YEARS OF RAISES WERE ACTUALLY...WE KEEP TRACK OF THEM AND FINALLY THEY COULD TAKE THAT. I DO WANT TO TALK A LITTLE BIT ABOUT WHAT'S HAPPENING IN SCOTTSBLUFF AND CERTAINLY IN THE COUNTRY, AND I'M HOPEFUL THAT WAGES ARE GOING TO MOVE UP AT A RAPID PACE. WE JUST HAD A HOBBY LOBBY OPEN IN SCOTTSBLUFF AND THEY'RE STARTING WAGE WAS \$16. SO, MAYBE WE'LL SEE SOME CHANGE, MAYBE WE'LL DRIVE SOME MORE PEOPLE OUT OF POVERTY AND DRIVE SOME OF THESE NOTES DOWN, BUT THIS IS IN THE RIGHT DIRECTION. THIS IS THE WAY YOU HAVE TO DO IT. IT HELPS PROMOTE SELF-ESTEEM. HELPS PROMOTE THE ASPECT THAT I CAN TAKE THAT RAISE WITHOUT LOSING ALL THAT MONEY. THANK YOU VERY MUCH. [LB81]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB81]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I ALSO WANT TO RISE IN SUPPORT OF LB81 AND THANK SENATOR COOK FOR BRINGING THIS BILL FORWARD. AGAIN, THE INCREASES OVER THE LAST 20 YEARS OF EMPLOYED MOTHERS WITH YOUNG CHILDREN HAS...IT'S INCREASED SIGNIFICANTLY EACH DECADE AND THE NUMBER OF YOUNG CHILDREN IN NONPARENTAL CARE HAS ALSO INCREASED SIGNIFICANTLY. I'VE MENTIONED BEFORE, BUT MY DISTRICT HAS 36 PERCENT OF THE PEOPLE WHO LIVE AT OR BELOW 25,000 HOUSEHOLD INCOME. THAT'S THE DISTRICT WE'RE SITTING IN RIGHT NOW, LD28. A GREAT PREPONDERANCE OF THOSE ARE WORKING MOTHERS WHO ARE WORKING TO TRY TO MAKE A DIFFERENCE IN THEIR FAMILIES' LIVES AND THEY ARE ATTEMPTING TO WORK THEIR WAY OUT OF POVERTY. SO, THIS IS A WONDERFUL WAY TO HELP THOSE PARENTS AVOID A FISCAL CLIFF, TO SUPPORT WORKING

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FAMILIES, AND IT ALSO HELPS GENERATIONALLY BECAUSE THOSE CHILDREN SEE THE BENEFIT OF WORKING PARENTS AND THE BENEFIT TO THEIR LIVES OF MAKING SURE TO BE OUT IN THE WORK FORCE MAKING A DIFFERENCE FOR THEIR FAMILIES. AND NOW, I WILL GIVE THE REST OF MY TIME TO SENATOR COOK IF SHE'D LIKE TO HAVE IT. THANK YOU, MR. PRESIDENT. [LB81]

SPEAKER HADLEY: SENATOR COOK, YOU'RE YIELDED 3:40. [LB81]

SENATOR COOK: THANK YOU, MR. PRESIDENT. I'M GOING TO WAIVE SO THAT OTHER SPEAKERS CAN HAVE AN OPPORTUNITY. THANK YOU. [LB81]

SPEAKER HADLEY: SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB81]

SENATOR HILKEMANN: THANK YOU, MEMBERS OF THE...MR. SPEAKER AND MEMBERS OF THE BODY. I RISE TO SUPPORT LB81. I THANK SENATOR COOK FOR BRINGING THIS. I WORKED WITH A NUMBER OF PATIENTS OVER THE YEARS THAT FELL UNDER THIS CLIFF EFFECT. THIS IS GOOD LEGISLATION. IT WILL ENCOURAGE PEOPLE TO MOVE ON UP THE LADDER. I'M JUST HERE TO RISE TO SAY, THIS IS GOOD, LET'S MOVE IT ON. THANK YOU. [LB81]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED. [LB81]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AND I HAVE A LOT TO GO. I KNOW THIS IS MY THIRD TIME. MAYBE I'LL HAVE A MOTION. DON'T WORRY, SENATOR COOK, I'M NOT GOING TO TRY TO KILL THE BILL. AS I SAID, I WILL SUPPORT LB81, BUT I WAS LOOKING AT ANOTHER ARTICLE IN D.C. WHERE BOTH SENATOR COOK AND I SPENT A SIGNIFICANT AMOUNT OF OUR TIME. D.C. CHARTER SCHOOLS, THE RECENT STUDY, CREDO STUDY, SHOWED, AND WE'VE MENTIONED THAT, THAT MINORITY, MAINLY BLACK STUDENTS IN THE D.C. CHARTER SCHOOL PROGRAM SIGNIFICANTLY OUTPERFORMED THEIR PEERS THAT ARE IN THE TRADITIONAL D.C. PUBLIC SCHOOL SYSTEM. WHEREAS, THE WHITE AND ASIAN STUDENTS IN THE CHARTER SCHOOLS AROUND D.C. DO NOT AS WELL OR JUST AS WELL AS THE TRADITIONAL PUBLIC SCHOOL COUNTERPARTS. ONE CAN SAFELY ASSUME THAT A LOT OF THE WHITE AND ASIAN STUDENTS TEND TO BE FROM SOME OF THE SCHOOL DISTRICTS THAT HAVE MORE RESOURCES. I ALSO READ THAT IN CONNECTICUT THE LEGISLATURE INSTEAD OF OUR LEGISLATURE GOING BACKWARDS ON EDUCATION AND NOT APPROVING CHARTER SCHOOLS, THERE WAS A BILL IN CONNECTICUT TO TRY TO PUT A TWO-YEAR MORATORIUM ON NEW CHARTER

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SCHOOLS WHICH THAT MAJORLY DEMOCRATIC-LED CHAMBER KILLED VERY QUICKLY NOTING THAT THERE'S OVER 3,600 STUDENTS IN CONNECTICUT ALONE ON A WAIT LIST TO GET INTO CHARTER SCHOOLS. AND I WONDER WHY THAT IS. IT COULDN'T POSSIBLY BE THAT THE CHARTER SCHOOLS ARE OUTPERFORMING THE TRADITIONAL PUBLIC SCHOOLS IN CONNECTICUT. ACTUALLY, YES, IT IS. THE CHARTER SCHOOLS IN CONNECTICUT ARE OUTPERFORMING SO SIGNIFICANTLY THAT THERE ARE 3,600 KIDS ON A WAIT LIST TO GET INTO CHARTER SCHOOLS, YET INDIVIDUALS IN CONNECTICUT WANTED TO STOP ANY NEW CHARTER SCHOOLS BEING BUILT. THE MARKET WORKS. AND IT'S SOMETHING THAT WE NEED TO IMPLEMENT IN NEBRASKA BECAUSE IF WE DON'T, WE'RE GOING TO CONTINUE TO SEE THE CYCLE OF POVERTY REGARDLESS OF HOW MUCH WE DO WITH ADC, OR THINGS OF SUCH AS LB81. WE WILL CONTINUE TO SEE IT BECAUSE YOU CANNOT THROW MONEY AT THE PROBLEM WITHOUT TACKLING THE ROOT, AND THE ROOT LIES IN EDUCATION POLICY. WHEN YOU HAVE A SCHOOL IN CHICAGO THAT IS OVER 90 PERCENT AFRICAN-AMERICAN, AND OVER 90 PERCENT OF THE KIDS ON FREE AND REDUCED LUNCHES, AND FOR FIVE YEARS 100 PERCENT OF THEM ARE ATTENDING COLLEGE, I WOULD SAY THAT IS A SUCCESS. LET'S LOOK AT THE TRADITIONAL PUBLIC SCHOOL IN THAT SAME AREA AND I'M GUESSING IT IS NOWHERE NEAR THAT. SO, WHY DO WE SNUB OUR NOSES AT THESE SCHOOLS, THESE SUCCESS STORIES? ARE WE TOO GOOD FOR THAT? DO WE NOT WANT OUR CHILDREN IN NORTH OMAHA OR SOUTH OMAHA OR RURAL NEBRASKA TO NOT HAVE THE SAME EDUCATIONAL OPPORTUNITIES AS STUDENTS ACROSS THIS NATION? DO PRESIDENT OBAMA AND SECRETARY ARNE DUNCAN, DO THEY HAVE IT COMPLETELY WRONG? MAYOR RAHM EMANUEL, SENATOR CORY BOOKER, DO THESE INDIVIDUALS THAT ARE HIGHLIGHTS WITHIN THE NATIONAL DEMOCRATIC PARTY, DO THEY JUST HAVE NO IDEA WHAT THEY'RE TALKING ABOUT? [LB81]

SPEAKER HADLEY: ONE MINUTE. [LB81]

SENATOR LARSON: I FEEL LIKE WE'RE TALKING ABOUT THE TRANSPACIFIC TRADE PARTNERSHIP IN WHICH THE U.S. SENATE, EVERY DEMOCRAT IS OPPOSED BUT THE PRESIDENT SUPPORTS IT BECAUSE HE REALIZES WHAT IT WILL DO FOR THE U.S. ECONOMY. HE REALIZES WHAT IT WILL DO FOR NEBRASKA, AND NEBRASKA BEEF. YET EVERY DEMOCRAT DOESN'T SUPPORT IT. HERE WE REALIZE WHAT CHARTER SCHOOLS COULD DO FOR EDUCATION IN NEBRASKA BECAUSE WE'VE SEEN WHAT THEY'VE DONE ACROSS THIS COUNTRY, BUT WE REFUSE TO RECOGNIZE IT. I WILL CONTINUE TO TALK ON THIS ISSUE THROUGHOUT THE SESSION BECAUSE IT'S IMPORTANT. AND I HOPE IF I USE

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ENOUGH STATISTICS THAT SOMETIME I MIGHT ACTUALLY GET THROUGH. PROBABLY NOT. THANK YOU, MR. PRESIDENT. [LB81]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB81]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I RISE IN STRONG SUPPORT OF LB81 FROM SENATOR COOK. I WANT TO THANK HER FOR THAT. AND I KNOW FROM SOME CONSTITUENTS IN MY DISTRICT HOW FRUSTRATING IT IS TO GET CAUGHT IN THAT CLIFF EFFECT, AS THAT'S BEEN TERMED, WHEN YOU'RE MAKING... YOU'RE GETTING HELP AND THEN YOU MAKE A LITTLE BIT TOO MUCH AND THEN YOU NO LONGER GET HELP. AND IT'S JUST THE WAY OF SUSTAINING POVERTY. SO, AND THIS IS A WAY OUT. THIS IS WHAT WE'RE ALL AFTER SO THAT PEOPLE CAN KEEP GOING FOR BETTER AND BETTER. AND SO, AGAIN, I SUPPORT LB81 AND THANK SENATOR COOK FOR THIS WELL-THOUGHT-OUT BILL. THANK YOU. [LB81]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR COOK, YOU'RE RECOGNIZED TO CLOSE ON LB81. [LB81]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND THANK YOU ALL FOR YOUR KIND ATTENTION AND FOR YOUR WORDS OF SUPPORT. WHEN I RAN FOR THE LEGISLATURE, ONE OF MY OVERARCHING GOALS, IF YOU CAN IDENTIFY THAT FROM THE OTHER SIDE OF THE TRANSACTION, WAS TO ADDRESS THE ISSUE OF INTERGENERATIONAL POVERTY. I THINK A BIG PART OF BREAKING THAT CYCLE IS TO LIVE IN A HOME WHERE YOU SEE PEOPLE GOING TO WORK EVERY DAY, PUTTING MONEY ASIDE, GETTING AHEAD, AND I BELIEVE LB81 IS PART OF THE SOLUTION THAT CAN MAKE THAT HAPPEN. ONCE AGAIN, I APPRECIATE THOSE OF YOU WHO STOOD IN SUPPORT OF IT, AND WOULD ASK, MR. PRESIDENT, THAT THIS BE MY CLOSING, AND THAT WE ALL PUSH GREEN AND ADVANCE LB81. THANK YOU VERY MUCH, MR. PRESIDENT. [LB81]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB81 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH TO? RECORD, MR. CLERK. [LB81]

CLERK: 28 AYES, 0 NAYS ON THE ADVANCEMENT OF LB81. [LB81]

SPEAKER HADLEY: LB81 ADVANCES TO E&R INITIAL. MR. CLERK. [LB81]

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CLERK: MR. PRESIDENT, LB81A IS A BILL BY SENATOR COOK. (READ TITLE.)
[LB81A]

SPEAKER HADLEY: SENATOR COOK, YOU'RE RECOGNIZED TO OPEN ON LB81A.
[LB81A]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON AGAIN, COLLEAGUES. LB81A REPRESENTS THE FISCAL NOTE. IT IS ON YOUR LAPTOP COMPUTERS OR IN SOME CASES, I ALWAYS KEEP A HARD COPY OF IT IN MY BILL FILE. AND IT ESSENTIALLY OFFERS THE FISCAL IMPACT IN 2015 AND 2016 AND ESTIMATES THAT 1,944 PEOPLE WOULD BE ADDED...CHILDREN WOULD BE ADDED TO ELIGIBILITY FOR THE PROGRAM. WITH THAT, I WOULD ASK FOR YOUR ADVANCEMENT OF LB81A FOR ALL THE REASONS THAT WERE DESCRIBED IN THE SUPPORT OF TESTIMONY FOR THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB81A]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED. [LB81A]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. NOT ONLY DO I CARE DEEPLY ABOUT CHARTERS, I CARE ABOUT OTHER THINGS IN EDUCATION, WAYS TO CONTINUE TO INCENTIVIZE TEACHERS TO GO TO UNDERPRIVILEGED SCHOOLS, OR THOSE IN RURAL NEBRASKA THAT NEED TEACHERS, OR HIGH-QUALITY TEACHERS. WHETHER THAT'S ORGANIZATIONS LIKE TEACH FOR AMERICA, WHICH WE DO NOT HAVE IN THE STATE OF NEBRASKA, OR IT'S THINGS LIKE MERIT-BASED PAY, OR EVEN BONUSES FOR TEACHERS THAT ARE WILLING TO GO INTO SOME OF THESE SCHOOL DISTRICTS THAT IT'S DIFFICULT TO GET TEACHERS. THERE'S A NEW STUDY COMING OUT OF ISRAEL ON MERIT-BASED PAY AND HOW IT AFFECTED LEARNING IN ISRAEL. AND IN PEOPLE, CRITICS FOR MERIT-BASED PAY, HAVE ALWAYS SAID THAT IT WILL CREATE TEACHERS JUST TEACHING TO THE TEST. WELL, LUCKILY, THEY DID THIS OVER 10 OR 15 YEARS AND THEY WERE ABLE TO SHOW THAT NOT ONLY DID TEACHERS NOT TEACH TO THE TEST, BUT IT INCREASED THE NUMBER OF STUDENTS PASSING THE TEST OR DOING EXTREMELY WELL. AND THAT TEACHERS NOT ONLY WERE MORE MOTIVATED, BUT IN THEIR REVIEWS, IF YOU WANT TO CALL THEM THAT, WERE MORE ENGAGED AND FELT LIKE THEY WERE BEING MORE EFFECTIVE. EDUCATION NEEDS TO BE LIKE EVERY OTHER PROFESSION, OR MOST OTHER PROFESSIONS, IN WHICH YOU GET PAID BASED ON HOW EFFECTIVE YOU ARE. IF YOU'RE A GREAT TEACHER, YOU MIGHT NOT WANT TO MOVE UP TO BE A PRINCIPAL OR A SUPERINTENDENT, BUT YOU DON'T HAVE THE OPPORTUNITY TO

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REALLY GET A RAISE UNLESS WHATEVER THE RAISE IS THAT THE UNION SAYS YOU GET. AND IT DOESN'T MATTER IF YOU'RE A MUCH BETTER TEACHER THAN THE GUY THAT SITS NEXT TO YOU, YOU'RE GOING TO GET PAID THE SAME. SENATOR HUGHES' STUDENTS MAY SIGNIFICANTLY OUTPERFORM MY STUDENTS IF WE WERE TEACHERS, BUT IF WE STARTED IN THE SAME YEAR AND WITH TENURE, NOT ONLY WILL I NOT GET FIRED, I GET PAID JUST AS MUCH AS DAN FOR NOT DOING AS MUCH WORK, NOT TEACHING THE KIDS AS MUCH. WE ARE CONTINUING DOWN THE RACE OF...STUMBLING DOWN THE PATH OF MEDIOCRITY. AND IN OUR ATTEMPT TO FIX THAT, WE'RE GOING TO BE LUCKY ENOUGH TO NAME THREE SCHOOL DISTRICTS THAT NEED IMPROVEMENT TO TRY AND HELP THEM. JUST THREE, THOUGH. WE DON'T WANT TO GET TOO WILD. THERE MIGHT BE MORE THAN THREE, BUT JUST THOSE THREE. AND FRANKLY, IF YOU'RE IN THE GOOD CATEGORY, WHICH MEANS YOU'RE IN THE THIRD OF FOUR CATEGORIES, YOU PROBABLY NEED A LITTLE HELP. BUT WE DON'T WANT TO HURT FEELINGS, WE'LL STILL CALL YOU GOOD. YOU'RE DOING GOOD. I THINK THE GOOD SHOULD MAYBE BE CALLED AVERAGE. WE HAVE OPPORTUNITIES... [LB81A]

SENATOR KRIST PRESIDING

SENATOR KRIST: ONE MINUTE. [LB81A]

SENATOR LARSON: WE HAVE OPPORTUNITIES TO MAKE THIS STATE A BETTER PLACE FOR EDUCATION. WE HAVE AN OPPORTUNITY TO HELP PULL KIDS OUT OF POVERTY, AND LB81A THAT IS NOW APPROPRIATING THE MONEY TO LB81, WILL HELP THAT A LITTLE BIT, BUT IT DOESN'T ADDRESS THE TRUE ROOT OF THE PROBLEM, THE TRUE CYCLE IN WHICH THESE KIDS ARE IN, THESE FAMILIES ARE IN, AND THAT'S EDUCATION. HOW DO WE EXPECT TO BREAK THE CYCLE OF POVERTY WHEN THERE ARE SCHOOL DISTRICTS, WHETHER IT'S IN NEBRASKA, ACROSS THIS NATION, THAT LESS THAN 15 PERCENT OF THE KIDS CAN READ, WRITE, OR DO MATH AT GRADE LEVEL? HOW ON EARTH DO WE EXPECT TO BREAK THE CYCLE OF POVERTY WHEN LESS THAN 15 PERCENT OF THE KIDS CAN READ AND WRITE AT GRADE LEVEL? [LB81 LB81A]

SENATOR KRIST: TIME, SENATOR. YOU'RE NOW ON YOUR NEXT FIVE MINUTES. [LB81A]

SENATOR LARSON: YET, WHEN THAT IS HAPPENING IN OUR PUBLIC SCHOOL DISTRICTS, WE DON'T CLOSE DOWN THAT SCHOOL, WE JUST DECIDE THAT IT

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NEEDS MORE MONEY. LET'S THROW MORE MONEY AT THAT SCHOOL DISTRICT BECAUSE THAT'S WHAT'S GOING TO FIX OUR EDUCATIONAL SYSTEM, MORE MONEY. THAT HASN'T WORKED ANYWHERE ELSE IN THE NATION, AND IT HASN'T WORKED HERE YET, BUT THAT SCHOOL WILL CONTINUE TO STAY OPEN BECAUSE WE'RE NOT GOING TO CLOSE THAT TRADITIONAL PUBLIC SCHOOL. WHEREAS, IF A CHARTER SCHOOL FAILS, IT JUST SIMPLY FAILS. THEN PEOPLE SAY, WELL, YEAH, SOME CHARTER SCHOOLS DO FAIL. YOU DON'T WANT YOUR KID TO BE THE TEST CASE THAT THE CHARTER SCHOOL THAT FAILS NOW, DO YOU? WELL, MY KID IS ALREADY THE TEST CASE AT THE SCHOOL ACROSS THE STREET THAT WAS ONLY GETTING 13 PERCENT OF THE KIDS TO READ AND WRITE AND DO MATH AT GRADE LEVEL, SO THEY'RE ALREADY FAILING THERE. I MIGHT AS WELL TAKE THE RISK AND HAVE THE OPPORTUNITY WHERE THEY MIGHT SUCCEED. IF THEY'RE ALREADY FAILING OVER HERE, WHAT'S THE PROBLEM? I WAS ACTUALLY...IT REMINDS ME OF A CONVERSATION I WAS HAVING WITH, I THINK IT WAS SPEAKER HADLEY TODAY. WE WERE TALKING ABOUT ACUPUNCTURE, AND THE INDIVIDUAL SAID, I WAS GETTING ACUPUNCTURE AND THEY ASKED IF IT WORKED. WELL, I DON'T KNOW IF IT'S GOING TO WORK, BUT IT'S WORTH A SHOT. I'M ALREADY FAILING OVER HERE. YEAH, THERE MIGHT BE A CHARTER SCHOOL THAT FAILS, BUT IF IT'S IN A NEIGHBORHOOD WHERE EVERY OTHER SCHOOL IS FAILING, WE'LL CLOSE THE CHARTER SCHOOL, THE OTHER FAILING SCHOOLS WILL CONTINUE TO BE OPEN, OR IN OUR CASE, WE WON'T EVEN GIVE THE OPTION TO THE CHARTER SCHOOL. WE'LL JUST LET THEM KEEP GOING TO THE FAILING SCHOOLS BECAUSE THE MAJORITY OF THEM ARE ON FREE AND REDUCED LUNCHES, OR MINORITY BACKGROUNDS, AND THEY CAN'T AFFORD THE PRIVATE SCHOOLS, SUCH AS PREP, OR DUCHESNE, BROWNELL-TALBOT, TO SEND THEIR KIDS. AND IT DISTURBS ME THAT THERE'S NOT ENOUGH OF US THAT CARE ABOUT TRULY BREAKING THE ROOT OF THE CYCLE OF POVERTY. WE HEAR FROM ORGANIZATIONS THAT ARE AGAINST CHARTER SCHOOLS THAT IT SIPHONS PRECIOUS MONEY AWAY FROM THE OTHER PUBLIC SCHOOLS. THEY NEED THAT MONEY. WELL, THEY'RE GETTING IT NOW AND THEY'RE STILL FAILING. THEY'RE STILL NOT PRODUCING RESULTS WITH THE MONEY. SO, ARE WE GOING TO CONTINUE IN A POOR INVESTMENT, OR ARE WE GOING TO GIVE THE PARENTS OPTIONS? ARE WE GOING TO GIVE THEM AN OPPORTUNITY TO BETTER, TO CHOOSE WHERE THEY MIGHT SEND THEIR CHILDREN? WHY ARE WE AGAINST THAT CHOICE? WHY DO WE NOT WANT EXTRA SCHOOLS IN SENATOR HOWARD'S DISTRICT THAT COULD OUTPERFORM THE TRADITIONAL PUBLIC SCHOOLS? WHY DO WE WANT TO ROB HER CONSTITUENTS OF THAT, OF A CHOICE? ARE WE SCARED OF WHAT MIGHT HAPPEN, THAT THEY MIGHT OUTPERFORM THE LOCAL SCHOOL? WE MUST BE BECAUSE IT'S HAPPENING ALL ACROSS THE COUNTRY. [LB81A]

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SENATOR KRIST: ONE MINUTE. [LB81A]

SENATOR LARSON: AND WE DON'T WANT OUR SCHOOL DISTRICTS OR OUR SCHOOLS TO FEEL BAD, HENCE THE REASON THE DEPARTMENT OF EDUCATION CREATED EXCELLENT, GREAT, GOOD, AND NEEDS IMPROVEMENT. EVERYBODY NEEDS TO BE RIGHT THERE DOWN THE MIDDLE BECAUSE IF EVERYBODY IS AVERAGE, NO ONE GETS HURT. IF EVERYBODY IS AVERAGE, WE'VE SUCCEEDED. I DO NOT PRESCRIBE TO THAT CONCEPT. WE SHOULD WORK TO EXCEL. WE SHOULD WORK TO IMPROVE EDUCATIONAL FRAMEWORK, AND I APPLAUD OUR PRESIDENT FOR DOING THAT BECAUSE HE BELIEVES THAT PEOPLE IN DISTRICT NINE SHOULD HAVE AN OPPORTUNITY TO CHOOSE THEIR SCHOOL DISTRICTS OR THEIR SCHOOL. HE BELIEVES PEOPLE SHOULD HAVE THAT OPPORTUNITY. LEADERS ACROSS THIS NATION ON BOTH SIDES OF THE AISLE HAVE SPOKEN FOR THIS. THE STUDIES ARE COMING IN TO... [LB81A]

SENATOR KRIST: TIME, SENATOR. YOU ARE ON YOUR NEXT FIVE MINUTES AND THIS IS YOUR THIRD TIME. [LB81A]

SENATOR LARSON: THE STUDIES ARE COMING IN IN DROVES. CHARTERS OFFER UP TO AN ADDITIONAL 40 DAYS OF EDUCATIONAL VALUE VERSUS THE TRADITIONAL PUBLIC SCHOOLS IN THEIR AREA IN READING, AND 26th IN MATH. DO WE NOT WANT THOSE INDIVIDUALS IN THOSE MOSTLY POOR AREAS TO HAVE THAT? ARE WE TRYING TO HOLD THEM DOWN? DO WE NOT BELIEVE THAT THEY SHOULD HAVE A CHOICE? ARE WE WORRIED ABOUT THE SIPHONING OF MONEY FROM THE OTHER PUBLIC SCHOOLS? IS THAT WHAT THIS REALLY IS ABOUT? WELL, THE OTHER PUBLIC SCHOOLS ARE FAILING. CHARTER SCHOOL BUDGETS USUALLY OPERATE WITH LESS THAN 75 PERCENT OF THEIR TRADITIONAL PUBLIC SCHOOL COUNTERPART, YET GET BETTER RESULTS. THIS...THEY'RE AN EXAMPLE TO LEAD BY. TRADITIONAL PUBLIC SCHOOLS SHOULD BE WATCHING WHAT THEY'RE DOING AND FOLLOWING THAT. INSTEAD, WE'RE CAUGHT SITTING ON OUR HANDS. AND THOSE INDIVIDUALS THAT TESTIFIED BEHIND ME FOR MY CHARTER SCHOOL BILL ARE GOING TO BE DENIED ANOTHER YEAR OF EDUCATIONAL CHOICE AND FORCED IN TO THEIR SCHOOLS THAT ARE UNDERPERFORMING AND NOT WORKING. AND WE'RE JUST GOING TO THROW MORE MONEY AT THOSE SCHOOLS WITH THE HOPES THAT THEY GET BETTER. YOU KNOW, I DON'T HAVE...I DON'T HAVE THAT PROBLEM THAT IT SIPHONS MONEY OFF OF THOSE SCHOOL DISTRICTS. WE'VE SEEN THAT ARGUMENT ALL ACROSS THIS NATION. WE HEARD IT IN D.C., CHICAGO, NEW YORK, AND EVERY ONE OF THOSE AREAS, ESPECIALLY IN THE MAINLY MINORITY AND FREE AND REDUCED LUNCH AREAS, CHARTER SCHOOLS ARE OUTPERFORMING THE

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TRADITIONAL PUBLIC SCHOOLS, SIGNIFICANTLY. IF WE WANT TO BREAK THE CYCLE OF POVERTY, I WILL SAY IT AGAIN, IT IS THROUGH EDUCATION. THINGS LIKE LB81 ARE HELPERS. THEY ARE THINGS THAT CAN HELP, BUT IT WILL NEVER TRULY BREAK THE CYCLE OF POVERTY. THE ONLY THING THAT CAN DO THAT IS TO PROVIDE EDUCATIONAL RESOURCES AND OPPORTUNITIES FOR EVERYONE. I MENTIONED THE CHICAGO CHARTER SCHOOL THAT HAS SENT EVERY KID TO COLLEGE FOR THE LAST FIVE YEARS, EVERY SINGLE ONE, OVER 90 PERCENT AFRICAN-AMERICAN, ALMOST ALL OF THEM FREE AND REDUCED LUNCHES, THOSE KIDS ARE BREAKING THE CYCLE OF POVERTY. THEY REALIZED THE WAY TO DO IT WAS THROUGH EDUCATION. CHICAGO, RAHM EMANUEL HAS REALIZED THE WAY TO BREAK IT IS THROUGH EDUCATION. NOT ONLY DOES IT BREAK POVERTY, IT BREAKS CRIME. CYCLE OF CRIME, GUN DEATHS, EVERYTHING REVOLVES AROUND OUR EDUCATIONAL SYSTEM. THOSE KIDS, THEY'LL BECOME BETTER PARENTS, THEY'LL BECOME BETTER...THEY'LL BE BETTER EQUIPPED... [LB81A]

SENATOR KRIST: ONE MINUTE. [LB81A]

SENATOR LARSON: ...FOR GENERATIONS TO COME. I DO NOT TAKE IT LIGHTLY, ESPECIALLY WHEN WE SAY EVERY ONE OF THEM ARE ATTENDING COLLEGE. THAT'S...I APPLAUD THEM AND THAT IS EXCELLENT, YET WE DON'T NEED THEM IN NEBRASKA, THE OPPONENTS SAY. THEY'RE UNTESTED. AS I SAID, THE RESULTS ARE IN, WE'RE GETTING MORE AND MORE EVIDENCE EVERY DAY, CHARTER SCHOOLS HELP. THEY WILL IN THE END HELP BREAK THE CYCLE OF POVERTY, NOT ONLY IN THIS COUNTRY, BUT IN NEBRASKA. BECAUSE I WILL CONTINUE TO WORK, WHETHER I GET IT DONE IN MY NEXT THREE YEARS OR AFTER. THIS IS SOMETHING THAT WE NEED TO MOVE ON. AND WE WILL BE SHORTING OUR PEOPLE UNTIL IT GOES. THANK YOU, MR. PRESIDENT. [LB81A]

SENATOR KRIST: THANK YOU, SENATOR LARSON. SEEING NO ONE ELSE IN THE QUEUE, SENATOR COOK, YOU'RE RECOGNIZED TO CLOSE ON LB81A. [LB81A]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON AGAIN, COLLEAGUES. I RISE SIMPLY TO ASK FOR YOUR GREEN VOTE ON LB81A. WHAT LB81A DOES IS TO EXTEND TRANSITIONAL CHILDCARE TO ADDITIONAL LOW-INCOME HOUSEHOLDS. WITH THAT, I WILL YIELD THE BALANCE OF MY TIME TO THE CHAIR. THANK YOU. [LB81A]

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SENATOR KRIST: THANK YOU, SENATOR COOK. COLLEAGUES, YOU'VE HEARD THE CLOSING ON LB81A. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB81A]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB81A. [LB81A]

SENATOR KRIST: LB81A ADVANCES. NEXT ITEM. [LB81A]

CLERK: LB199, A BILL BY SENATOR HOWARD. (READ TITLE.) INTRODUCED ON JANUARY 13 OF THIS YEAR, AT THAT TIME REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM513, LEGISLATIVE JOURNAL PAGE 758.) [LB199]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN. [LB199]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT, GOOD AFTERNOON, MEMBERS. LB199 WOULD REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO WORK WITH NEBRASKA SCHOOLS OF SOCIAL WORK TO DEVELOP AN EDUCATIONAL STIPEND PROGRAM DESIGNED TO FUNNEL HIGHLY-EDUCATED, COMMITTED, AND PROFESSIONAL SOCIAL WORKERS INTO NEBRASKA'S CHILD WELFARE WORK FORCE. LB199 MAXIMIZES FEDERAL FUNDS UNDER TITLE IV-E FOR SOCIAL WORKER TRAINING THAT NEBRASKA HAS NEVER ACCESSED BEFORE. THERE WERE NO OPPONENT TESTIFIERS AT THE HEARING AND THE BILL ADVANCED UNANIMOUSLY FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. IV-E FUNDS REFER TO THE TITLE IV-E UNDER THE FEDERAL SOCIAL SECURITY ACT. IV-E REIMBURSEMENT FROM THE FEDERAL GOVERNMENT FOR CHILD WELFARE SERVICES IS LIMITED TO THREE AREAS: MAINTENANCE, ADMINISTRATION, AND TRAINING. MAINTENANCE IS THE ROOM AND BOARD PAYMENT MADE TO LICENSED FOSTER PARENTS, GROUP HOMES, AND RESIDENTIAL CHILDCARE FACILITIES THAT HOUSE IV-E ELIGIBLE CHILDREN. ADMINISTRATION INCLUDES COSTS ASSOCIATED WITH ADMINISTRATION OF THE PROGRAM, THINGS SUCH AS REFERRAL OF SERVICES, DETERMINATION OF ELIGIBILITY, DEVELOPMENT OF THE CASE PLAN, AND EVEN PLACEMENT OF THE CHILD. TRAINING FUNDS INCLUDE COST OF PROVIDING TRAINING AT EDUCATIONAL INSTITUTIONS, AS WELL AS IN-SERVICE TRAINING FOR

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PERSONNEL EMPLOYED BY THE STATE WHO ADMINISTERED THE IV-E PLAN. MY BILL IS FOCUSING ON TRAINING DONE AT EDUCATIONAL INSTITUTIONS. IT'S IMPORTANT TO NOTE THAT THE FUNDS DRAWN DOWN FOR THE EDUCATIONAL STIPENDS IN LB199 DO NOT AFFECT OUR CURRENT IV-E FUNDS THAT WE RECEIVE FOR TRAINING. THESE ARE IN ADDITION TO THOSE. THESE FUNDS THAT ARE AWARDED TO STUDENTS PURSUING DEGREES IN SOCIAL WORK AIM TO IMPROVE THE QUALITY OF PUBLIC CHILD WELFARE SERVICES BY OFFERING FINANCIAL ASSISTANCE TO STUDENTS PURSUING DEGREES RELATING TO SOCIAL WORK. IV-E SCHOLARSHIP GRANTS ARE AWARDED TO AND ADMINISTERED THROUGH INDIVIDUAL DEGREE-GRANTING PROGRAMS. THERE IS AN OBLIGATION FOR RECIPIENTS OF THESE FUNDS ONCE THEY COMPLETE THEIR COURSE OF STUDY. THESE NEW GRADUATES MUST ACCEPT QUALIFIED EMPLOYMENT AT A CHILD WELFARE AGENCY WITHIN THE STATE FROM WHICH THEY RECEIVE THE STIPENDS. THEY ARE EXPECTED TO WORK ONE FULL YEAR FOR EACH YEAR THAT FUNDS WERE GRANTED TO THEM THROUGH THE PROGRAM. IF THIS IS NOT COMPLETED, THE STUDENT WOULD BE EXPECTED TO PAY BACK THE FUNDS. THE IMPORTANCE OF TRAINED SOCIAL WORKERS IN CHILD WELFARE CANNOT BE OVERSTATED. RESEARCH IS CONCLUSIVE. IN THE CHILD WELFARE PROFESSION, WORKERS WHO ARE PROPERLY EDUCATED AND TRAINED, PARTICULARLY THOSE WITH SOCIAL WORK DEGREES, ARE MOST LIKELY TO STAY. ENSURING CONSISTENT CASE MANAGEMENT IS AN IMPORTANT PIECE OF WORKING TOWARD PERMANENCY FOR CHILDREN IN OUR SYSTEM. THE PARTNERSHIP BETWEEN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OUR NEBRASKA SCHOOLS OF SOCIAL WORK ESTABLISHED BY LB199 WILL ALLOW THE STATE TO ACCESS SPECIALIZED FEDERAL FUNDS FOR PROFESSIONALIZING THE FIELD OF PUBLIC CHILD WELFARE WORK FORCE THROUGH RECRUITMENT, TRAINING, AND RETENTION OF QUALIFIED GRADUATES INTO CHILD WELFARE POSITIONS. THERE IS AN AMENDMENT TO THE BILL THAT WILL BE INTRODUCED BY THE HEALTH AND HUMAN SERVICES COMMITTEE CHAIR THAT I AM VERY SUPPORTIVE OF, AND I ASK FOR YOUR SUPPORT OF LB199, AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS. THANK YOU, MR. PRESIDENT. [LB199]

SENATOR KRIST: THANK YOU, SENATOR HOWARD. AS THE CLERK HAS STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR CAMPBELL, AS THE CHAIR OF HEALTH AND HUMAN SERVICES, YOU ARE RECOGNIZED TO OPEN. [LB199]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, YOU HAVE TO LISTEN TO THIS ONE VERY CAREFULLY. THIS IS THE AMENDMENT. ON PAGE TWO,

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LINE FOUR, STRIKE THE WORD "PUBLIC." THAT IS THE SUM AND SUBSTANCE OF THE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB199]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL, FOR YOUR BREVITY. SENATOR KOLTERMAN, YOU ARE RECOGNIZED. [LB199]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF THIS BILL, AND I THOUGHT IT WAS GOOD LEGISLATION BEFORE WE MADE THE AMENDMENT. IT'S EVEN BETTER NOW THAT WE'VE GOT THE AMENDMENT ATTACHED. ONE OF THE REASONS THAT I WAS...I LIKE THE AMENDMENT IS BECAUSE IT DEALS WITH THE INDEPENDENT COLLEGES IN THE STATE OF NEBRASKA, AS WELL AS THE STATE COLLEGES. AND ANYTIME WE CAN GET THE TWO DIFFERENT ORGANIZATIONS, WHETHER IT BE STATE OR PRIVATE, TO AGREE, I THINK IT'S IMPORTANT THAT WE DO SO. I'D JUST LIKE TO TALK A LITTLE BIT ABOUT WHAT THE PRIVATE COLLEGES IN THE STATE DO AND HOW THEY CAN HELP ENHANCE THIS. MANY OF YOU ARE NOT AWARE THAT IN 2013 THE STATE PRIVATE COLLEGES AWARDED 57 PERCENT OF THE BACHELOR'S AND ADVANCE DEGREES IN HEALTH SCIENCES, INCLUDING NURSING AND MORE THAN ONE-HALF OF THE DEGREES IN BUSINESS. PRIVATE COLLEGES HAVE A FISCAL IMPACT ON THE STATE OF \$1.42 BILLION AND MORE THAN 4,800 FULL-TIME JOBS. I WOULD ENCOURAGE YOU TO SUPPORT THIS BILL. I THINK IT DOES A GOOD JOB OF KEEPING OUR STUDENTS...IT KEEPS OUR YOUNG PEOPLE HERE. IT GIVES THEM AN OPPORTUNITY TO HELP US...HELP US IN HEALTH AND HUMAN SERVICES BECAUSE AS THEY DO THESE INTERNSHIPS, THEY HAVE TO GO BACK TO WHERE THEY WENT ORIGINALLY. AND THAT'S, IN MANY CASES, IN RURAL NEBRASKA, AS WELL AS IN THE URBAN AREAS. AND I THINK IT'S JUST IMPORTANT THAT WE SUPPORT THIS. THANK YOU. [LB199]

SENATOR KRIST: THANK YOU, SENATOR KOLTERMAN. SENATOR RIEPE, YOU ARE RECOGNIZED. [LB199]

SENATOR RIEPE: MR. PRESIDENT, THANK YOU, AND MEMBERS OF THIS CHAMBER AND NEBRASKANS. MY QUESTION WILL BE TO SENATOR HOWARD, IF SHE WILL BE KIND ENOUGH TO YIELD. [LB199]

SENATOR KRIST: SENATOR HOWARD, WILL YOU YIELD? [LB199]

SENATOR HOWARD: CERTAINLY. [LB199]

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SENATOR RIEPE: MY QUESTION, SENATOR HOWARD, IS, DO WE SET SOME FORM OF A PRECEDENT THAT THERE WILL BE NURSING STUDENTS, OTHER KINDS OF HEALTHCARE STUDENTS AND NONHEALTHCARE STUDENTS AND...I DID VOTE FOR IT COMING OUT OF COMMITTEE. I DO THINK WE NEED TO GET MORE MENTAL HEALTH. BUT I AM...I HAVE A CONCERN ALWAYS ABOUT PRECEDENCE. ONE WILL GET YOU TEN IS THE BUSINESS THAT I'VE BEEN IN OVER THE YEARS, SO I WILL YIELD WITH THAT OR STOP. [LB199]

SENATOR HOWARD: CERTAINLY. THIS IS A GOOD QUESTION. IV-E FUNDS ARE VERY SPECIFIC AS TO NOT ONLY WHO IS ELIGIBLE TO RECEIVE THEM, BUT WHAT TYPE OF EMPLOYMENT THE PERSON WHO IS ELIGIBLE TO RECEIVE THEM MUST BE IN. IV-E FUNDS HAVE TO ONLY RELATE TO CHILD WELFARE. SO, IN NO WAY WOULD WE BE ABLE TO START A PRECEDENT FOR A NURSING STIPEND WITH IV-E FUNDS BECAUSE IV-E FUNDS CAN ONLY BE USED FOR CHILD WELFARE TRAINING AND ASSISTANCE. AND THIS PARTICULAR POT OF MONEY MAY ONLY BE USED FOR SOCIAL WORK. [LB199]

SENATOR RIEPE: OKAY. THANK YOU. [LB199]

SENATOR KRIST: THANK YOU, SENATOR RIEPE AND SENATOR HOWARD. SEEING NO ONE IN THE QUEUE, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM513 TO LB199. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB199]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB199]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB199]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR HOWARD WOULD YIELD TO A QUESTION. [LB199]

SENATOR KRIST; SENATOR HOWARD, WILL YOU YIELD? [LB199]

SENATOR HOWARD: YES, I WILL. [LB199]

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SENATOR KOLTERMAN: SENATOR HOWARD, WOULD YOU TALK A LITTLE BIT ABOUT THE MATCHING FUNDS THAT MIGHT BE AVAILABLE IN...TO HELP TAKE CARE OF SOME OF THE APPROPRIATIONS ASSOCIATED WITH THIS BILL? [LB199]

SENATOR HOWARD: YES, THANK YOU, SENATOR KOLTERMAN. THAT IS A VERY GOOD QUESTION. IV-E FUNDS ARE ALL BASED ON A MATCH SIMILAR TO OTHER FEDERAL PROGRAMS IN THE HEALTHCARE AREA. ADMINISTRATIVE COSTS ARE MATCHED 50 PERCENT, SO 50 PERCENT OF WHAT WE PUT IN IS MATCHED AT 50 PERCENT, BUT THE TRAINING FUNDS ARE ACTUALLY MATCHED AT 75. AND OUR PORTION OF THE MATCH WE CAN CONTRIBUTE WITH...NOT ONLY WITH DOLLARS BUT WITH IN-KIND SERVICES. SO OUR UNIVERSITIES ARE WILLING TO IN KIND SOME OF THE TIME OF THEIR PROFESSORS, AND THAT WOULD MEET THE MATCH FOR THE IV-E ELIGIBILITY, WHICH IS REALLY EXCITING. [LB199]

SENATOR KOLTERMAN: SO, IN ESSENCE THE DOLLARS THAT WE'RE LOOKING AT THERE MIGHT NOT NECESSARILY ALL JUST COME OUT OF THE GENERAL FUND? [LB199]

SENATOR HOWARD: EXACTLY. [LB199]

SENATOR KOLTERMAN: THANK YOU VERY MUCH. [LB199]

SENATOR HOWARD: THANK YOU. [LB199]

SENATOR KRIST: THANK YOU, SENATOR KOLTERMAN AND SENATOR HOWARD. SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR HOWARD, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. [LB199]

SENATOR HOWARD: IN CLOSING, I WOULD URGE THE BODY TO VOTE GREEN ON LB199. THANK YOU FOR YOUR TIME. [LB199]

SENATOR KRIST: MEMBERS, YOU'VE HEARD THE CLOSING ON LB199. THE QUESTION IS THE ADVANCEMENT OF LB199 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB199]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB199]

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SENATOR KRIST: LB199 ADVANCES. NEXT ITEM. [LB199]

ASSISTANT CLERK: MR. PRESIDENT, NEXT BILL IS LB106 INTRODUCED BY SENATOR WATERMEIER. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 8 OF THIS YEAR. IT WAS REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM521, LEGISLATIVE JOURNAL PAGE 752.) [LB106]

SENATOR KRIST: THANK YOU MR. CLERK. SENATOR WATERMEIER, YOU'RE RECOGNIZED TO OPEN ON LB106. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT, AND MEMBERS OF THE LEGISLATURE, AND GOOD AFTERNOON, NEBRASKA. I BRING TO YOU TODAY LB106 WHICH PROPOSES TO CREATE THE LIVESTOCK OPERATING SITING AND EXPANSION ACT. I INTRODUCED THIS LEGISLATION BECAUSE I'M CONCERNED WITH THE LIVESTOCK TRENDS IN NEBRASKA. IF NEBRASKA DOES NOT WELCOME NEW LIVESTOCK OPERATIONS, OR THE EXPANSION OF EXISTING OPERATIONS, WE WILL CONTINUE TO EXPERIENCE LOST OPPORTUNITIES FOR INVESTMENT, JOBS, ECONOMIC ACTIVITY. AS A RURAL STATE THAT DEPENDS ON AGRICULTURE, WE MUST ENCOURAGE LIVESTOCK GROWTH. A RECENT REPORT FROM THE DEPARTMENT OF AGRICULTURE ECONOMICS WITHIN UNL, RECOGNIZE THAT THE LIVESTOCK INDUSTRY IN NEBRASKA IS SIGNIFICANT PART OF THE STATE'S AGRICULTURAL SECTOR AND OF THE OVERALL STATE ECONOMY. LIVESTOCK PRODUCTION ACCOUNTS FOR MORE THAN 25 PERCENT OF THE STATE'S GROSS STATE PRODUCT. HOWEVER, THE REPORT STATED THAT DESPITE THE APPARENT ECONOMIC ADVANTAGES FOR LIVESTOCK PRODUCTION IN NEBRASKA, THE INDUSTRY HAS NOT GROWN IN THE PAST TWO DECADES AT RATES COMPARABLE TO THEIR NEIGHBORING STATES. STATE ECONOMISTS CITED NUMEROUS ISSUES AND POLICIES THAT HAVE BEEN CONSTRAINED POTENTIAL DEVELOPMENT, INCLUDING LIMITATIONS ON CORPORATE FARMING ACTIVITY, STATE AND LOCAL PERMITTING PROCESSES, NUISANCE RULES AND LAWSUITS, AND ISSUES AND CONCERNS FROM THE GENERAL PUBLIC AND INTEREST GROUPS. THE REPORT STRESSED THAT FURTHER EXPANSION OF THE LIVESTOCK INDUSTRY IS DEPENDENT UPON FINDING FEASIBLE SOLUTIONS TO EACH OF THESE ISSUES. THIS PAST INTERIM A GROUP OF LIVESTOCK PRODUCERS AND COUNTY OFFICIALS MET TO DISCUSS POLICY ISSUES THAT COULD BE HINDERING LIVESTOCK GROWTH. ALTHOUGH COUNTY ZONING WAS VIEWED AS A GOOD PROCESS FOR ORDERLY LAND PLANNING, THEY IDENTIFIED THE LOCAL CONDITIONAL USE PERMITTING PROCESS AS AN AREA OF CONCERN. CONCERNS

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FOCUSED ON THE UNCERTAINTY OF CONDITIONS WHICH MIGHT BE REQUIRED, THE INCONSISTENCY AND THE LACK OF UNIFORMITY ACROSS THE STATE, THE SUBJECTIVITY NATURE OF THE CONDITIONS OR REGULATIONS, AND THE EMOTION OR POLITICAL PRESSURE PUT ON LOCAL OFFICIALS. THE WORKING GROUP HAD HEARD THAT SOME OF THE LIVESTOCK PRODUCERS HAD DECIDED AGAINST EVEN ATTEMPTING TO APPLY FOR CONDITIONAL USE PERMIT DUE TO THE EXPENSE, THE UNPREDICTABILITY, AND THE INCONSISTENCY OF LOCAL DECISIONS. I MUST POINT OUT THAT THERE ARE SOME AREAS OF THE STATE THAT ARE DOING AN EXCELLENT JOB IN THE LOCAL CONDITIONAL USE PERMIT PROCESS, BUT THIS IS NOT CONSISTENT STATEWIDE. THE BASIC CONCEPT BEHIND LB106 EMERGED FROM THE DISCUSSIONS OF THIS WORKING GROUP. LB106 REPLACES THE CONDITIONAL USE PERMIT PROCESS FOR LIVESTOCK OPERATING PERMITTING PURPOSES ONLY. IT APPLIES ONLY TO COUNTIES THAT ARE ZONED AND THAT WANT TO REQUIRE LIVESTOCK OPERATIONS TO BE PERMITTED. LB106 ATTEMPTS TO BALANCE LOCAL CONTROL, ORDERLY DEVELOPMENT, AND ECONOMIC OPPORTUNITIES IN RURAL NEBRASKA. THE PROCESS USED IN LB106 MAINTAINS LOCAL CONTROL WHILE PROVIDING PREDICTABILITY, UNIFORMITY, AND CLEAR STANDARDS. LB106 DIRECTS THE DEPARTMENT OF AGRICULTURE TO DEVELOP AN ASSESSMENT MATRIX FOR USE BY COUNTY OFFICIALS WHEN DETERMINING WHETHER TO APPROVE AN APPLICATION FOR A LIVESTOCK OPERATION SITING PERMIT. SUCH A MATRIX IS CURRENTLY BEING USED IN MADISON AND PIERCE COUNTIES IN NEBRASKA. IN DESIGNING THE MATRIX, THE DEPARTMENT IS TO CONSIDER MATRIXES ALREADY IN EXISTENCE, DESIGN THE MATRIX TO PRODUCE QUANTIFIABLE RESULTS BASED ON THE SCORING OF OBJECTIVE CRITERIA, ASSURE THE MATRIX IS A PRACTICAL TOOL, AND PROVIDE A MINIMUM THRESHOLD REQUIRED FOR APPROVAL. THE MATRIX COULD BE USED TO EVALUATE OPERATIONS ON FACTORS SUCH AS ODOR CONTROL PRACTICES, MANURE STORAGE, PROXIMITY TO NEIGHBORING RESIDENCES, COMMUNITY SUPPORT, AND ECONOMIC IMPACT TO THE COMMUNITY. THE DEPARTMENT MUST ALSO CONSIDER WHEN DEVELOPING THE MATRIX WHETHER THE CRITERIA IS PROTECTIVE OF PUBLIC HEALTH AND SAFETY, PRACTICAL, COST EFFECTIVE, AND OBJECTIVE BASED ON SCIENTIFIC INFORMATION, DESIGNED TO PROMOTE THE GROWTH OF ANIMAL AGRICULTURE, DESIGNED TO BALANCE ECONOMIC VIABILITY OF FARM OPERATIONS WITH PROTECTING NATURAL RESOURCES AND COMMUNITY INTERESTS, AND WHETHER IT IS USABLE BY COUNTY OFFICIALS. THE DIRECTOR OF AGRICULTURE IS TO APPOINT A COMMITTEE OF EXPERTS AND THE REPRESENTATION FROM NACO, LIVESTOCK PRODUCTION AGRICULTURE, AND THE UNIVERSITY TO ADVISE THE DEPARTMENT ON THE DEVELOPMENT OF THIS MATRIX. A COUNTY MAY ENACT A REQUIREMENT THAT IN ZONING DISTRICTS

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WHERE THE PRIMARY USE IS AGRICULTURE, THAT A PERSON MUST OBTAIN A PERMIT FROM THE COUNTY PLANNING COMMISSION OR COUNTY BOARD OF COMMISSIONERS FOR A NEW LIVESTOCK OPERATION OR FOR THE EXPANSION OF AN EXISTING LIVESTOCK OPERATION IF OVER SPECIFIED SIZE THRESHOLDS. THE THRESHOLDS CONTAINED IN THE BILL ARE THE SAME AS THOSE CURRENTLY USED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY WHEN REQUIRING INSPECTIONS. LB106 DOES NOT ALTER THE PERMITTING REQUIREMENTS OF THE NDEQ. A COUNTY MAY DENY A LIVESTOCK OPERATION SITING OR EXPANSION PERMIT IF THE SITE IS LOCATED IN A ZONING DISTRICT WHERE THE PRIMARY LAND USE IS NOT AGRICULTURE. IF THE OPERATION WILL EXCEED THE SIZE THRESHOLDS BUT DOES NOT MEET THE MINIMUM SCORE REQUIRED UNDER THE MATRIX, OR IF NECESSARY TO PROTECT PUBLIC HEALTH, SAFETY, AND THE WELFARE OF THE STATE. SUCH A DECISION MUST BE MADE WITHIN 90 DAYS AFTER THE NOTIFICATION THAT THE APPLICANT IS COMPLETE, EXCEPT THAT THE TIME MAY BE LIMITED BY OR EXTENDED FOR AN ADDITIONAL 45 DAYS AS SPECIFIED REASONS. LB106, AS INTRODUCED, CREATE A REVIEW BOARD. THERE WAS SOME CONCERN THAT THIS REVIEW BOARD WOULD RESULT IN THE LOSS OF LOCAL CONTROL. THEREFORE, I HAVE WORKED WITH SENATOR GROENE WHO SUGGESTED LANGUAGE TO REPLACE THE REVIEW BOARD WITH A VOLUNTARY MEDIATION PROCESS. SENATOR GROENE AND I WILL EXPLAIN THIS FURTHER DETAIL WHEN WE GET TO THE AMENDMENT, WHICH I DO SUPPORT. IN SUMMARY, I BELIEVE WE NEED TO BETTER BALANCE THE SITING PROCESS BY PROTECTING THE LOCAL CONTROL OF COUNTIES IN THEIR USE OF ZONING WHILE ASSURING THE CONDITIONS PLACED ON FARMS AND RANCHES ARE CONSISTENT, REASONABLE, AND BASED ON SCIENTIFIC INFORMATION. LB106 MAINTAINS LOCAL CONTROL AS COUNTIES RETAIN ALL ZONING AUTHORITY AND THEY RETAIN THEIR AUTHORITY TO REQUIRE, APPROVE, AND DENY PERMITS FOR LIVESTOCK OPERATIONS. LB106 GIVES LOCAL OFFICIALS ANOTHER TOOL, BASED ON FACTUAL, OBJECTIVE CRITERIA TO USE IN THIS DECISION. I URGE YOU TO FAVORABLY LOOK ON THE VOTE OF LB106. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR KRIST: THANK YOU, SENATOR WATERMEIER. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE COMMITTEE. SENATOR MURANTE, AS THE CHAIR OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, YOU'RE RECOGNIZED TO OPEN. [LB106]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, GOOD AFTERNOON. LB106 WAS HEARD BY THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE ON THURSDAY, FEBRUARY 12. THE COMMITTEE AMENDMENT ADDS A NEW SECTION 3 TO CLARIFY THE ONLY

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COUNTY ZONING AUTHORITY MODIFIED BY THE BILL IS THE SPECIFIC AUTHORITY TO GRANT CONDITIONAL USE PERMITS OR SPECIAL EXCEPTIONS FOR SITING OF LIVESTOCK OPERATIONS. THE AMENDMENT ALSO ADDS A NEW SECTION 4 THAT MAKES CLEAR THAT EXISTING AND LAWFUL LIVESTOCK OPERATIONS, WITH OR WITHOUT CONDITIONAL USE PERMITS OR SPECIAL EXCEPTIONS, SHALL BE ALLOWED TO CONTINUE UNTIL EXPANSION OCCURS. IN SECTION 5(2)(c), THE AMENDMENT CLARIFIES THE CRITERIA IN THE MATRIX REGARDING THE DEPARTMENT OF ENVIRONMENTAL QUALITY PERMITTING REQUIREMENTS MUST ALLOW FOR THE CONSIDERATION OF FULL COMPLETED APPLICATIONS AND THOSE IN THE PROCESS OF BEING COMPLETED IN SUCH OPERATIONS...IF SUCH OPERATION IS REQUIRED TO SEEK THAT TYPE OF PERMIT. THE AMENDMENT STRIKES THE REFERENCE TO "ZONE FOR AGRICULTURAL USE ONLY" AND INSERTS "PRIMARY LAND USE IS AGRICULTURAL." THAT CHANGE MORE ACCURATELY REFLECTS THE LAND CLASSIFICATIONS FOR THE PURPOSES OF COUNTY ZONING. THE AMENDMENT ALSO ADDS A NEW SECTION TO ALLOW FOR COUNTIES WISHING TO ADOPT HIGHER SIZE THRESHOLDS IN THE BILL...THAN IN THE BILL AND WOULD ALLOW COUNTIES TO DO SO. FINALLY, THE AMENDMENT ADDS LANGUAGE IN SECTION 8(3) ALLOWING FOR A PERSON WHO HAS HAD A LIVESTOCK SITING PERMIT DENIED BY THE COUNTY THAT THEY MAY APPEAL SUCH DECISION DIRECTLY TO THE DISTRICT COURT. I ENCOURAGE YOU TO SUPPORT THE COMMITTEE AMENDMENT AND LB106. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR KRIST: THANK YOU, SENATOR MURANTE. MR. CLERK. [LB106]

ASSISTANT CLERK: MR. PRESIDENT, THERE ARE AMENDMENTS TO THE COMMITTEE AMENDMENTS. THE FIRST FROM SENATOR WATERMEIER. SENATOR, THIS IS THE ONE THAT...THIS IS AM698 AND I UNDERSTAND YOU WISH TO WITHDRAW THAT ONE AND OFFER AM1029. [LB106]

SENATOR KRIST: WITHOUT OBJECTION, SO ORDERED. [LB106]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR WATERMEIER WOULD OFFER AM1029. (LEGISLATIVE JOURNAL PAGES 1014-1019.) [LB106]

SENATOR KRIST: SENATOR WATERMEIER, YOU ARE RECOGNIZED. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. ALTHOUGH AM1029 HAS BEEN OFFERED BY SENATOR GROENE AND MYSELF, IT HAS BEEN COMMONLY

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REFERRED TO AS THE GROENE AMENDMENT MUCH THROUGHOUT THE BILLING IN THE LAST WEEK. THE AMENDMENT CONTAINS CLARIFICATION LANGUAGE THAT I HAVE OFFERED AND THEN THE HEART OF THE AMENDMENT IS FROM SENATOR GROENE. I WANT TO TAKE THIS TIME TO THANK HIM FOR HIS WORK ON THIS AMENDMENT. HE IS DILIGENT. I THINK HIS LANGUAGE MAKES THE BILL BETTER. I'LL BRIEFLY EXPLAIN THE AMENDMENT AND THEN LET SENATOR GROENE EXPLAIN, IN DETAIL, HIS PORTION OF THE AMENDMENT. THERE'S SEVERAL POINTS HERE. FIRST, LANGUAGE TAKEN FROM GROENE AMENDMENT STRIKES LANGUAGE IN COMMITTEE AMENDMENT, AM521, WHICH CREATES THE LIVESTOCK SITING REVIEW BOARD AND INSERTS A NEW SECTION 8 WHICH PROVIDES FOR MEDIATIONS TO THE DEPARTMENT OF AG TO RESOLVE THE DISPUTES BETWEEN LIVESTOCK OPERATIONS AND COUNTIES. MEDIATION SIMILAR TO PROCESS ALREADY IN LAW FOR FENCE DISPUTES. THE SECOND POINT INSERTS A NEW SECTION 10 WHICH STRIKES LANGUAGE IN 23-114.01 OF SUBSECTION 4 REFERENCING CONDITIONAL USE PERMITS FOR LIVESTOCK OPERATIONS WHICH WOULD NO LONGER BE APPLICABLE WITH THE PASSAGE OF LB106. THE SECOND ONE STRIKES DEFINITION FOR THE REVIEW BOARD SINCE NO LONGER NEEDED AND RENUMBERS ACCORDINGLY. INCREASES NUMBER OF DAYS FOR ANIMALS TO BE STABLED OR CONFINED FROM 45 DAYS TO 180 DAYS IN THE DEFINITION OF LIVESTOCK OPERATION TO MATCH THE DEFINITION IN MOST EXISTING COUNTY REGULATIONS AND CLARIFIES THE BILL THAT SHALL NOT APPLY TO COUNTIES WHICH ARE NOT ZONED UNDER THE CURRENT LAW. THE THIRD POINT IS CLARIFYING CHANGES AND ADDS LANGUAGE REQUIRING DEPARTMENT OF AG TO ESTABLISH STANDARD MINIMUM SET BACKS FROM RESIDENCES AND PUBLIC USE AREAS IN CONJUNCTION WITH DEVELOPMENT OF THE MATRIX. THE FOURTH POINT IS CLARIFIES MATRIX MAY INCLUDE CONSIDERATION FOR DISTANCES WHICH EXCEED THE STANDARD MINIMUM SET BACKS ESTABLISHED BY THE NDA. THE FIFTH IS CHANGES CLARIFYING THAT LIVESTOCK SITING PERMITS ARE APPLICABLE IN ZONING DISTRICTS WHERE THE PRIMARY USE IS ONLY AGRICULTURE. REQUIRES MATRIX TO BE REVIEWED ANNUALLY BY THE COMMITTEE OF EXPERTS INSTEAD OF EVERY FOUR BILLS AS WAS PROPOSED IN MY ORIGINAL GREEN COPY OF THE BILL. NUMBER SEVEN, ADDS LANGUAGE FROM EXISTING LAW CLARIFYING THE PLANNING COMMISSION ROLE IF THE COUNTY BOARD RETAINS AUTHORITY TO MAKE FINAL PERMIT DECISIONS. CHANGES CLARIFYING THAT LIVESTOCK PERMITS ARE APPLICABLE IN ZONING DISTRICTS WHERE THE PRIMARY USE IS AGRICULTURE. THE EIGHTH CHANGE IS, CHANGES LANGUAGE REQUIRING FINDING OF FACT AS PART OF THE COUNTY DECISION TO BE SIMILAR TO LANGUAGE ALREADY IN STATUTE. NOW WITH THAT, I WANT TO REMIND WHERE WE'RE AT. THIS IS AN AMENDMENT TO THE COMMITTEE AMENDMENT TO THE

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BILL AND WE'VE HAD SOME DISCUSSION HERE IN THE LAST...WELL, AT THE 11:45 OF THE HOUR HERE, WITH SOME CONCERNS ABOUT THE BILL EVEN AS IT IS AMENDED. AND SENATOR DAVIS HAS AN AMENDMENT IN THE QUEUE BEHIND MINE AND I'M GOING TO SUPPORT THE THEORY BEHIND THAT BILL. BUT WE CANNOT GET TO THAT AMENDMENT...EXCUSE ME, BEHIND SENATOR DAVIS' AMENDMENT. WE CANNOT GET TO HIS AMENDMENT UNTIL WE PASS THIS AMENDMENT AND THEN I'M GOING TO WHOLEHEARTEDLY SUPPORT SENATOR DAVIS' AMENDMENT WHICH DOES SIGNIFICANTLY GUT MY BILL, AND PUT THE REQUIREMENTS OF THE COUNTIES TO ACCEPT THE MATRIX AND NOT BE A MANDATORY MATRIX. SO, JUST EVERYONE IS CLEAR ON THAT POINT, SENATOR DAVIS AND I HAVE HAD A COUPLE SIDEBAR DISCUSSIONS HERE, AND I'M GOING TO ASK THAT THE BODY PASS MY AMENDMENT SO THAT WE CAN AT LEAST GET TO SENATOR DAVIS' AMENDMENT. THANK YOU, MR. PRESIDENT. OH, I WOULD LIKE...EXCUSE ME, REMAINING TIME TO SENATOR GROENE. THANK YOU. [LB106]

SENATOR KRIST: SENATOR WATERMEIER, BEFORE YOU DO THAT, JUST FOR THE RECORD SO IT'S CLEAR, THE GROENE AMENDMENT, AS YOU REFERRED TO IT, IS PART OF THE AMENDMENT THAT YOU JUST INTRODUCED. [LB106]

SENATOR WATERMEIER: IT IS. IT IS THE AMENDMENT, YES. [LB106]

SENATOR KRIST: THANK YOU. SENATOR GROENE, YOU'RE RECOGNIZED. [LB106]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. WHEN I FIRST SAW LB106, I WAS TORN BETWEEN TWO PRINCIPLES I HOLD: SUPPORT AGRICULTURE, HELP IT GROW TO FEED THE WORLD, HELP OUR ECONOMY, AND THEN THE OTHER SIDE OF IT WAS, I'M A FIRM BELIEVER IN LOCAL CONTROL ALSO, WHICH THE ORIGINAL VERSION OF LB106 TOOK AWAY LOCAL CONTROL ON ZONING. IT PRETTY MUCH GAVE A VETO POWER TO THE STATE. SO, I WORKED WITH SENATOR WATERMEIER, AND I AGREED TO HELP GET IT THROUGH COMMITTEE IF WE WOULD WORK ON AN AMENDMENT TO MAINTAIN LOCAL CONTROL. YOU KNOW, AS THE LAND GRANT COLLEGE, IF YOU READ THE ORIGINAL PURPOSE FOR IT, IS TO HELP AGRICULTURE TO BE AN EXTENSION SERVICE. AND I THOUGHT, WELL, IF WE COULD GET THE UNIVERSITY ALONG WITH THE AG DEPARTMENT TO CREATE A MATRIX, A MODEL OF WHAT IS ACCEPTABLE IN PRACTICES OF LARGE LIVESTOCK OPERATIONS. AND WE NEED THAT IN NEBRASKA, BECAUSE RIGHT NOW WE DON'T HAVE THAT. WE HAVE THE PRODUCERS AND THEIR ORGANIZATIONS WITH IDEALS OF WHAT WE NEED FOR WASTE MANAGEMENT, SIZE OF FACILITIES, HOW FAR FROM COMMUNITIES, AND

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THEN WE HAVE THE COUNTY ZONING PEOPLE WITH THEIR IDEAL WHAT HAPPENS, AND A PRODUCER LOOKS TO EXPAND AND IT DEPENDS ON WHAT SIDE OF THE COUNTY LINE HE STOOD ON, IT COULD VARY QUITE A BIT. SO, THEY WEREN'T EXPANDING AS MUCH AS THEY COULD HAVE IN NEBRASKA WHERE WE RAISE THE CORN, AND WE RAISE THE INPUTS. WE ARE AN AGRICULTURAL STATE. SO, I WORKED WITH THE SENATOR AND WE...THROUGH THE AMENDMENT, WE STRUCK THE BOARD THAT WAS GOING TO BE CREATED THAT COULD OVERRULE A COUNTY ZONING AUTHORITY IF A PRODUCER FOLLOWED THE MATRIX. WE STRUCK THAT. WE WENT AND WE ADDED A GOOD OPTION. RIGHT NOW IN LAW, IF A PRODUCER IS TURNED DOWN BY A COUNTY ZONING, THEY GO STRICTLY TO COURT...THEY GO TO DISTRICT COURT. SO, WE CREATED A MEDIATION OPTION AND THE AG DEPARTMENT ALREADY HAS A MEDIATION SYSTEM SET UP AND THEY USE IT FOR FENCE LINE DISPUTES AND OTHER THINGS. I, QUITE FRANKLY, I DIDN'T WANT THE LAWYERS TO GET INVOLVED. SO, WE CREATED A MEDIATION IN THIS AMENDMENT WHERE IF THE...IF THE COUNTY TURNS DOWN THE PRODUCER, THEY GO TO DISTRICT COURT, THE COURT REFERS THEM TO MEDIATION, AND WE ALSO MADE SURE THAT THE MEDIATORS COULD FUNCTION OUTSIDE OF THE MATRIX. LET'S SAY THEY WANTED 8,000 HEAD AND THE MATRIX SAID IT WAS TEN TO 15,000, THE MEDIATOR COULD SAY, WILL YOU AGREE TO 8,000 HEAD? AND THEY COULD NEGOTIATE THAT. OR THEY COULD NEGOTIATE THAT THE COUNTY SAID, WE WANT MORE WASTE PONDS, SO KEEPS THE ODOR DOWN THAN WHAT THE MATRIX SAYS, THEY CAN NEGOTIATE THAT. BUT NOW EVERYBODY WITH THIS MATRIX, WITH THIS MODEL, EVERYBODY IS ON THE SAME PLAYING FIELD. EVEN THE COUNTIES THAT HAVE THEIR OWN ZONING, AS FAST AS TECHNOLOGY MOVES IN LIVESTOCK MANAGEMENT, THEY CAN NOW GO, IF WE PASS THIS LAW, TO THE DEPARTMENT OF AGRICULTURE AND SAY, WHAT ARE THE BEST PRACTICES? WHAT SHOULD WE BE LOOKING AT AS WE ARE CONFRONTED WITH THESE NEW AND LARGER FEED YARDS? FOLKS, WE'RE GETTING MORE PEOPLE IN THIS WORLD AND WE HAVE TO FEED THEM, AND LARGER AGRICULTURE IS AN ANSWER FOR THAT. SO, WE'RE GOING TO HAVE TO LIVE WITH THAT. BUT I REALLY THINK WE FIXED THE ISSUE. WE'RE GOING TO HAVE...IF WE PASS THIS, WE'RE GOING TO HAVE SOMETHING IN PLACE BY EXPERTS, AS WE CALL THEM, AT THE UNIVERSITY OF NEBRASKA, THROUGHOUT THE INDUSTRY, TO PUT THAT MATRIX THERE THAT EVERYBODY CAN GO TO THE EXTENSION SERVICE AND SAY, WHAT'S BEST PRACTICES. BUT THAT SAID, I AGREE WE NEED TO EASE INTO THIS. IF WE GET THE MATRIX IN PLACE, THOSE COUNTIES THAT HAVE DONE A GOOD JOB...YOU KNOW, OUT WEST WHERE I'M FROM, EVERYBODY IS APPROVED. YOU WANT A CATTLE YARD, YOU WANT A HOG CONFINEMENT, YOU GET IT BUILT BECAUSE WE'RE AGRICULTURE. BUT I UNDERSTAND AS URBAN BUTTS UP

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AGAINST AGRICULTURE, WE NEED SOMETHING IN PLACE SO THE CITIZEN IN THE CITY KNOWS, ARE THEY DOING THIS RIGHT? HOW DO WE KNOW WHAT THEIR BUILDING IS WHAT'S BEST FOR US AND OUR ENVIRONMENT? WELL, IF YOU'VE GOT THE UNIVERSITY INVOLVED, THEN YOU'VE GOT THE DEPARTMENT OF AG INVOLVED, AND YOU'VE GOT THE EXPERTS. NOW, PEOPLE CAN SAY, YEAH, THEY'RE PROBABLY DOING IT RIGHT. I DON'T HAVE TO WORRY AS MUCH. BUT ALSO PEOPLE FROM OUTSIDE THE STATE THAT WANT TO COME HERE AND TAKE ADVANTAGE OF OUR LARGE CORN CROPS AND THE INPUTS THAT WE RAISE, THEY CAN NOW LOOK AND SAY, YEAH, NEBRASKA PRETTY MUCH HAS THE SYSTEM THAT IF I FOLLOW THE RULES AND I DO IT RIGHT, THERE'S A GOOD CHANCE I'LL GET APPROVED TO BUILD MY FACILITY. THAT DOESN'T HAPPEN NOW. THEY'RE GOING TO KANSAS, THEY'RE GOING TO OTHER STATES BECAUSE IT'S...YOU KNOW, YOU DON'T INVEST A LOT OF MONEY AND THEN FIND OUT YOU'RE GOING TO GET TURNED DOWN BECAUSE SOMEBODY DISAGREED WITH WHAT YOU BELIEVE IS THE RIGHT WAY TO BUILD YOUR FACILITY. SO, ANYWAY, I WOULD HOPE THAT YOU WOULD AGREE TO THIS. IT'S A GOOD START. AND WE DID...THE SYSTEM WORKED WELL. DEBATE, THE TALK BETWEEN THE SENATORS, THE INPUTS FROM THE COUNTY ZONING PEOPLE, THE PRODUCERS, THIS BILL AND THESE AMENDMENTS HAVE EVOLVED OVER THE LAST 45 DAYS, AND THE ABILITY TO LET SENATOR DAVIS' AMENDMENT TO ALLOW PEOPLE TO OPT IN INSTEAD OF OUT IS A GOOD START BECAUSE... [LB106]

SENATOR KRIST: ONE MINUTE. [LB106]

SENATOR GROENE: ...I REALLY FEEL IF WE DO THIS RIGHT, THOSE COUNTIES THAT OPT OUT WILL STILL USE THE SYSTEM. THEY CAN STILL USE THAT MATRIX WHEN THEY HAVE A SITUATION THAT THEY HAVE QUESTIONS ABOUT, WHAT'S THE BEST PRACTICES TO OPERATE UNDER. SO, I WOULD HOPE YOU WOULD SUPPORT THESE AMENDMENTS, AND LET'S GET IT TO THE POINT WHERE WE CAN VOTE ON SENATOR DAVIS' AMENDMENT BECAUSE I WILL SUPPORT THAT ALSO, AND LET'S GET SOME COMMON GROUND HERE ON HOW WE BUILD AND OPERATE OUR LARGE AG FACILITIES, PRODUCTION FACILITIES. THANK YOU. [LB106]

SENATOR KRIST: THANK YOU, SENATOR GROENE AND SENATOR WATERMEIER. YOU HEARD THE OPENING TO AM1029 TO AM521 TO LB106. THOSE WISHING TO SPEAK, SENATOR SULLIVAN, BLOOMFIELD, SCHNOOR, GROENE AND FRIESEN. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB106]

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SENATOR SULLIVAN: THANK YOU MR. PRESIDENT, AND COLLEAGUES. LIVESTOCK PRODUCTION AND DEVELOPMENT IN NEBRASKA IS A GOOD THING. I'M A FARM GIRL. I LIVE IN RURAL NEBRASKA AND I WANT AGRICULTURE TO FLOURISH. I WANT ALSO TO HAVE RURAL NEBRASKA AND THE PEOPLE WHO LIVE THERE TO FLOURISH. SO, INITIALLY I STAND IN FULL OPPOSITION TO LB106. AS SENATOR GROENE SAID, THINGS HAVE EVOLVED OVER THE LAST SEVERAL DAYS AND HOURS, AND I'M LISTENING CAREFULLY, BUT I WANT YOU ALSO TO KEEP IN MIND AND THROW OUT A CAUTIONARY NOTE. THIS IS A SEA CHANGE IN TERMS OF ZONING AND PLANNING IN THIS STATE. WE HAVE ALL BUT FIVE COUNTIES IN NEBRASKA THAT ARE ZONED. AND ZONING AND PLANNING BOARDS HAVE WORKED EXTENSIVELY FOR NEARLY 20 YEARS WITH MANY, MANY DOLLARS DEVOTED TO CRAFTING, ZONING, AND PLANNING, ORDINANCE BILLS, STIPULATIONS, THAT THEY NEED TO FOLLOW IN THEIR COUNTIES. AND THEY TAKE THIS RESPONSIBILITY QUITE HEAVILY. SO, THEY'RE VERY CONCERNED ABOUT HOW THIS MIGHT CHANGE HOW THEY OPERATE. AS I SAID, I'M VERY PRO-LIVESTOCK DEVELOPMENT IN THIS STATE. BUT WE ALSO HAVE TO BE COGNIZANT, AS I'VE HEARD MANY TIMES IN THIS LEGISLATURE, HOW WE VALUE LOCAL CONTROL. AND WHO IS BEST TO MAKE THE DECISIONS OF HOW AND WHAT HAPPENS IN THOSE LOCAL COMMUNITIES THAN THE PEOPLE WHO LIVE THERE ON A DAILY BASIS. NOW, I WENT TO THE PORK PRODUCER'S GATHERING THE OTHER NIGHT AND I FELT A LITTLE BIT UNCOMFORTABLE, QUITE FRANKLY, ENJOYING A LOVELY MEAL, BUT ALSO SITTING AT THE TABLE KNOWING FULL WELL THAT THE ORGANIZATION WAS IN FULL SUPPORT OF LB106. AND ONE OF THE COMMENTS THAT I SORT OF TOOK ISSUE WITH WAS, WELL, THIS IS GOING TO TAKE THE EMOTION OUT OF IT AND THE PERSONAL FEELINGS ABOUT IT. WELL, I THINK THAT FLIES IN THE FACE OF THE HARD WORK THAT ZONING AND PLANNING BOARDS HAVE DONE WITH RESPECT TO THEIR RESPONSIBILITY. AND I HEARD FROM MANY OF THEM CONCERNING LB106. MANY OF WHOM, MOST OF WHOM, AT LEAST IN THE COUNTIES IN DISTRICT 41, ARE THEMSELVES LIVESTOCK PRODUCERS. SO, THEY TAKE THEIR RESPONSIBILITY VERY HEAVILY. THEY WANT ECONOMIC DEVELOPMENT. THEY KNOW THAT AGRICULTURE IS THE BACKBONE OF OUR COUNTIES. BUT THEY ALSO FEEL A RESPONSIBILITY TO CRAFTING WHAT WORKS BEST FOR THEIR COUNTY. AND I WILL TELL YOU, FOLKS, ONE SIZE DOES NOT FIT ALL. AND GRANTED, I LIKE WHAT SENATOR WATERMEIER HAS INTRODUCED WITH AM1029 TO REMOVE THE REVIEW BOARD, AND WHAT SENATOR GROENE HAS DONE, ALTHOUGH TO A CERTAIN EXTENT I TAKE ISSUE WITH THE FACT THAT WE'RE STILL, EVEN THOUGH WITH MEDIATION, WE END UP WITH SORT OF A FIGHT, IF YOU WILL. BUT THOSE ZONING BOARDS ARE MADE UP OF PEOPLE WHO LIVE AND BREATHE LIVING IN THOSE COUNTIES ON A DAILY BASIS. AND AS I SAID,

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MANY OF THEM ARE LIVESTOCK PRODUCERS THEMSELVES. AND I TAKE ISSUE AND WONDER A LITTLE BIT ABOUT THE MATRIX. SOME COUNTIES HAVE ALREADY, PIERCE COUNTY, AND ALTHOUGH I'M NOT FAMILIAR WITH THEIR MATRIX, BUT THEY'VE ALREADY DEVELOPED ONE. CAN'T OTHER COUNTIES DEVELOP THEIR MATRIXES, AS WELL? AND CERTAINLY, WE CAN HAVE GUIDANCE AND BEST PRACTICES, BUT WE...DO WE NEED TO HAVE THIS TOP-DOWN APPROACH THAT REQUIRES... [LB106]

SENATOR KRIST: ONE MINUTE. [LB106]

SENATOR SULLIVAN: ...EVEN WITH AN OPT IN, OPT OUT APPROACH THROUGH SENATOR DAVIS' BILL. AND EVEN THERE, I'LL TAKE A CLOSE LOOK AT THAT BECAUSE I THINK THERE ARE SOME GOOD THINGS TO THAT AS WELL. SO, THE LONG AND THE SHORT OF IT WITH ME IS THAT I FEEL UNCOMFORTABLE WITH LB106 BECAUSE I DO THINK THAT IT IS A FUNDAMENTAL PHILOSOPHICAL CHANGE IN HOW WE LOOK AT ZONING AND PLANNING IN THIS STATE. I WANT US TO BE LIVESTOCK FRIENDLY. I WANT US TO BE PRO-LIVESTOCK DEVELOPMENT, BUT THERE IS A BALANCE TO BE MET, AND DO WE NEED A STATE DOWN, OR RATHER DO WE VALUE LOCAL CONTROL? SO, AGAIN, I'M LISTENING CAREFULLY TO THIS DEBATE. I'M WITHHOLDING ANY TOTAL SUPPORT ON ANYTHING BECAUSE I THINK WE STILL NEED TO HAVE SOME DISCUSSION ON THIS, AND HOPE THAT WE DO END UP WITH SOMETHING THAT DOES VALUE NOT ONLY AGRICULTURAL DEVELOPMENT IN THE STATE, BUT ALSO THE LOCAL CONCERNS OF THE PEOPLE IN RURAL NEBRASKA WHO LIVE THERE. THANK YOU. [LB106]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN. MR. CLERK, ITEMS. [LB106]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB15, LB367, AND LB498, ALL CORRECTLY ENGROSSED. AN AMENDMENT TO BE PRINTED FROM SENATOR STINNER TO LB156. NAME ADDS: SENATOR McCOLLISTER WOULD ADD HIS NAME TO LB329. (LEGISLATIVE JOURNAL PAGES 1019-1021.) [LB15 LB367 LB498 LB156 LB329]

AND FINALLY, A PRIORITY MOTION. SENATOR BAKER WOULD MOVE TO ADJOURN UNTIL TUESDAY, MARCH 31, 9:00 A.M.

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. WE ARE ADJOURNED UNTIL TOMORROW MORNING AT 9:00 A.M.