

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

Floor Debate
April 23, 2015

[LB15 LB56 LB67 LB89 LB89A LB132 LB152 LB245 LB259 LB268 LB317 LB324 LB330A
LB413 LB413A LB415 LB482 LB498 LB525 LB566 LB575 LB629 LB641 LB642 LR204
LR205 LR206]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE SIXTY-NINTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS FATHER PAUL RUTTEN FROM LINCOLN, NEBRASKA, SENATOR BOLZ'S DISTRICT. FATHER. PLEASE RISE.

FATHER RUTTEN: (PRAYER OFFERED.)

SPEAKER HADLEY: THANK YOU. I CALL TO ORDER THE SIXTY-NINTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. RECORD, MR. CLERK.

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: CORRECTIONS FOR THE JOURNAL?

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

SPEAKER HADLEY: MESSAGES, REPORTS, AND ANNOUNCEMENTS?

ASSISTANT CLERK: MR. PRESIDENT, YOUR COMMITTEE ON EDUCATION REPORTS LB525 TO GENERAL FILE WITH COMMITTEE AMENDMENTS. I HAVE A REPORT OF REGISTERED LOBBYISTS FOR THE CURRENT WEEK, AND AN ANNOUNCEMENT THAT VARIOUS AGENCY REPORTS ARE AVAILABLE ELECTRONICALLY THROUGH THE LEGISLATURE'S WEB SITE. THAT'S ALL I HAVE THIS MORNING. (LEGISLATIVE JOURNAL PAGES 1251-1252.) [LB525]

SPEAKER HADLEY: MR. CLERK, WE WILL MOVE TO FINAL READING. MEMBERS SHOULD RETURN TO THEIR SEATS IN PREPARATION FOR FINAL READING. MR. CLERK, THE FIRST BILL IS LB56. [LB56]

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

Floor Debate
April 23, 2015

ASSISTANT CLERK: (READ LB56 ON FINAL READING.) [LB56]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB56 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB56]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1252.) THE VOTE IS 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB56]

SPEAKER HADLEY: LB56 ADVANCES WITH THE EMERGENCY CLAUSE. MR. CLERK, THE NEXT BILL IS LB89. FIRST READING (SIC) IS TO DISPENSE WITH THE READING OF THE BILL. MR. CLERK, PLEASE READ THE TITLE...ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB56 LB89]

ASSISTANT CLERK: 37 AYES, 7 NAYS TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB89]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB89]

ASSISTANT CLERK: (READ TITLE OF LB89.) [LB89]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB89 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. RECORD, MR. CLERK. [LB89]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1253.) THE VOTE IS 31 AYES, 16 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB89]

SPEAKER HADLEY: THE BILL DOES NOT PASS WITH THE EMERGENCY CLAUSE ATTACHED. THE NEXT VOTE SHALL BE, SHALL THE BILL PASS WITH THE EMERGENCY CLAUSE STRICKEN? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH TO? RECORD, MR. CLERK. [LB89]

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

Floor Debate
April 23, 2015

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1253-1254.) VOTE IS 30 AYES, 15 NAYS, 2 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB89]

SPEAKER HADLEY: THE BILL PASSES WITH THE EMERGENCY CLAUSE STRICKEN. WE WILL NOW PROCEED TO LB89A WITH THE EMERGENCY CLAUSE. [LB89 LB89A]

ASSISTANT CLERK: (READ TITLE OF LB89A.) [LB89A]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB89A PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB89A]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1254-1255.) VOTE IS 28 AYES, 16 NAYS, 3 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB89A]

SPEAKER HADLEY: THE BILL DOES NOT PASS WITH THE EMERGENCY CLAUSE ATTACHED. THE NEXT VOTE, SHALL THE BILL PASS WITH THE EMERGENCY CLAUSE STRICKEN? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB89A]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1255.) VOTE IS 29 AYES, 16 NAYS, 2 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB89A]

SPEAKER HADLEY: THE BILL PASSES WITH THE EMERGENCY CLAUSE STRICKEN. WE WILL NOW PROCEED TO LB152. [LB89A LB152]

ASSISTANT CLERK: (READ LB152 ON FINAL READING.) [LB152]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB152 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB152]

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

Floor Debate
April 23, 2015

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1256.) VOTE IS 46 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB152]

SPEAKER HADLEY: LB152 PASSES. WE WILL NOW PROCEED TO LB245. [LB152 LB245]

ASSISTANT CLERK: (READ LB245 ON FINAL READING.) [LB245]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB245 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB245]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1256-1257.) VOTE IS 42 AYES, 4 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB245]

SPEAKER HADLEY: LB245 PASSES. WE WILL NOW PROCEED TO LB324. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB245 LB324]

ASSISTANT CLERK: 42 AYES, 1 NAY ON THE MOTION TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB324]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB324]

ASSISTANT CLERK: (READ TITLE OF LB324.) [LB324]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB324 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB324]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1257-1258.) VOTE IS 44 AYES, 3 NAYS, 2 EXCUSED AND NOT VOTING. [LB324]

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

Floor Debate
April 23, 2015

SPEAKER HADLEY: LB324 PASSES. WE WILL NOW PROCEED TO LB413. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB324 LB413]

ASSISTANT CLERK: 40 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB413]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB413]

ASSISTANT CLERK: (READ TITLE OF LB413.) [LB413]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB413 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB413]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1258-1259.) VOTE IS 45 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB413]

SPEAKER HADLEY: LB413 PASSES. WE WILL NOW PROCEED TO LB413A. [LB413 LB413A]

ASSISTANT CLERK: (READ LB413A ON FINAL READING.) [LB413A]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB413A PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB413A]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1259-1260.) 43 AYES, 2 NAYS, 2 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB413A]

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

Floor Debate
April 23, 2015

SPEAKER HADLEY: LB413A PASSES. NEXT IS LB415. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB413A LB415]

ASSISTANT CLERK: 41 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB415]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB415]

ASSISTANT CLERK: (READ TITLE OF LB415.) [LB415]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB415 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB415]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1260-1261.) VOTE IS 45 AYES, 2 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB415]

SPEAKER HADLEY: LB415 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. WE WILL NOW PROCEED TO LB482. [LB415 LB482]

ASSISTANT CLERK: (READ LB482 ON FINAL READING.) [LB482]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB482 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB482]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1261-1262.) THE VOTE IS 44 AYES, 2 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB482]

SPEAKER HADLEY: LB482 PASSES. WE WILL NOW PROCEED TO LB15. [LB482 LB15]

Floor Debate
April 23, 2015

ASSISTANT CLERK: MR. PRESIDENT, I HAVE A MOTION ON THE DESK. SENATOR KRIST WOULD MOVE TO RETURN LB15 TO SELECT FILE FOR A SPECIFIC AMENDMENT, THAT BEING STRIKE THE ENACTING CLAUSE. (FA46, LEGISLATIVE JOURNAL PAGE 1178.) [LB15]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN. [LB15]

SENATOR KRIST: THANK YOU, MR. SPEAKER. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I'LL BE VERY BRIEF. I AM TAKING THIS OPPORTUNITY TO PUT SOMETHING IN THE RECORD FOR THE LEGISLATIVE INTENT. LB15 STARTED OUT PUTTING THE GAL GUIDELINES, GUARDIAN AD LITEM GUIDELINES INTO STATUTE. IT WAS DETERMINED AND IN DISCUSSION WITH THE CHIEF JUSTICE THAT THAT WOULD CUT DOWN ON THEIR FLEXIBILITY IN TERMS OF MAKING THAT DOCUMENT AS IT SHOULD BE: DYNAMIC AND CHANGING AS IT NEEDS TO, TO PROTECT OUR KIDS, OUR CHILDREN IN THE STATE OF NEBRASKA. I'VE HAD MANY COMMENTS ABOUT SOME THINGS THAT POTENTIALLY COULD CHANGE IN THE GAL GUIDELINES WHICH ARE NOW...WE ARE NOW ASKING THE SUPREME COURT TO PUT IN SUPREME COURT RULE, WHICH IS THE RIGHT PLACE TO PUT IT. I WOULD MAKE THIS COMMENT ON THE MIKE SO THAT EVERYONE UNDERSTANDS. BEFORE THE SUPREME COURT PUTS IT IN RULE OR EVEN AFTER, I WOULD SAY ALL OF THOSE CONCERNS ABOUT THE PROPER HANDLING OF THE GAL PROGRAM AS IT WILL BE IN SUPREME COURT RULE SHOULD BE TAKEN TO THE SUPREME COURT AND THEY SHOULD DEAL WITH IT BEFORE THEY PUT IT INTO RULE. AND THEN AFTER IT IS THERE, THEY SHOULD CHANGE IT AS IT NEEDS TO BE TO PROTECT OUR CHILDREN. SO I JUST WANTED TO PUT THAT ON THE RECORD THIS MORNING. AND WITH THAT, I WOULD ASK TO WITHDRAW THE AMENDMENT. [LB15]

SPEAKER HADLEY: WITHOUT OBJECTION, IT IS WITHDRAWN. MR. CLERK. [LB15]

ASSISTANT CLERK: (READ LB15 ON FINAL READING.) [LB15]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB15 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB15]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1262-1263.) VOTE IS 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING. [LB15]

Floor Debate
April 23, 2015

SPEAKER HADLEY: LB15 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. WE WILL NOW PROCEED TO LB641. [LB15 LB641]

ASSISTANT CLERK: MR. PRESIDENT, WITH RESPECT TO LB641, SENATOR HILKEMANN WOULD MOVE TO RETURN THE BILL TO SELECT FILE FOR SPECIFIC AMENDMENT, THAT AMENDMENT BEING AM1233. (LEGISLATIVE JOURNAL PAGE 1162.) [LB641]

SPEAKER HADLEY: SENATOR HILKEMANN, YOU ARE RECOGNIZED TO OPEN. [LB641]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I MOVE TO MOVE LB641 BACK FROM FINAL TO SELECT FOR THE PURPOSE OF ADDING AN AMENDMENT. IT WAS OUR INTENT TO DO THIS DURING THE... WHILE IT WAS ON SELECT FILE. BUT IT WAS ONE OF THOSE SITUATIONS, SOMETIMES THAT YOU'VE HEARD THAT EXPRESSION, TOO MANY COOKS SPOIL THE BROTH. AND THAT'S A LITTLE BIT WHAT HAPPENED WHEN WE WERE MOVING IT FROM GENERAL TO SELECT. THIS IS A GOOD BILL AND WE NEED TO MOVE LB641. BUT WE HAVE AN OPPORTUNITY WITH THIS LB641 TO TAKE IT FROM BEING A GOOD BILL TO AN EVEN BETTER BILL. THERE IS AN ENTIRE GROUP OF PEOPLE THAT NEED PROTECTIONS WHEN THEY'RE CROSSING A STREET OR AN INTERSECTION, AND THAT GROUP OF PEOPLE ARE BICYCLISTS. AND THAT'S THE PURPOSE OF THIS AMENDMENT. AND I'M TALKING ABOUT BICYCLISTS OF ALL AGES. THIS PROBLEM BECAME VERY MUCH AWARE TO...I BECAME AWARE OF ACTUALLY WHEN THIS DISCUSSION BEGAN. AND I'M GOING TO SHARE A PERSONAL EXPERIENCE THAT I HAD A FEW YEARS AGO WHEN...IT WAS WHILE THE DODGE STREET OVERPASS WAS BEING BUILT IN WEST OMAHA. THEY DIVERTED THE NORMAL BIKE PATH THAT I HAD BECAUSE YOU HAD TO GO UNDERNEATH THERE AND IT FORCED US FOR JUST A SHORT WHILE TO GO DOWN PACIFIC STREET. NOW I'M AN AVID CYCLIST, AND I APPROACHED 156th STREET ON PACIFIC AT THAT INTERSECTION. I HAD THE PEDESTRIAN LIGHT. I HAD THE GREEN LIGHT, AND I WAS PROCEEDING THROUGH THAT INTERSECTION ON MY BICYCLE WHEN A YOUNG LADY TURNED RIGHT ON RED WHILE SHE WAS TEXTING OR TALKING ON HER CELL PHONE, DID NOT LOOK TO THE RIGHT AND HIT ME JUST AS I WAS APPROACHING THAT INTERSECTION. FORTUNATELY, MY BIKE WAS DESTROYED. I HAD SOME SCRAPES ON MY LEGS AND ELBOWS. AND EVEN THOUGH THE EMERGENCY ROOM...THE EMTs CAME AND THOUGHT I SHOULD BE FORCED TO GO TO A HOSPITAL, I CHOSE NOT TO AND I WAS JUST FINE. IT WAS ONE OF THOSE INCIDENTS, AT LEAST I FOUND OUT THAT THERE ARE A NUMBER OF ATTORNEYS IN THE CITY. I GOT ABOUT 50 CARDS WITHIN ABOUT TWO WEEKS OF THAT PARTICULAR INCIDENT. BUT IT WAS

Floor Debate
April 23, 2015

DURING THAT PARTICULAR TIME THAT I LEARNED THAT IF I HAD WANTED TO FILE A SUIT, I WAS IN THE WRONG BECAUSE I WASN'T ACTUALLY OFF OF MY BIKE. I NEEDED TO BE PUSHING MY BIKE ACROSS THE INTERSECTION AND THEN I WOULD HAVE BEEN PROTECTED. THOSE OF US IN THIS BODY WHO ARE BIKERS, WE'RE PROBABLY PRETTY SAVVY AND MOST OF THE TIME THAT DOESN'T HAPPEN. THAT WAS A REAL RARE INCIDENT. BUT YOU KNOW WHAT? YOU MAY HAVE ONE OF YOUR OWN CHILDREN, YOU MAY HAVE A GRANDCHILD THAT COMES UP TO THAT PEDESTRIAN AND IS ON THEIR BIKE AND DOES NOT REALIZE THAT THEY NEED TO DISEMBARK TO BE PROTECTED. THIS IS AN ISSUE THAT WE NEED TO ADDRESS IN THIS BODY. WE NEED TO MAKE BIKING SAFER FOR ALL NEBRASKANS. YOU KNOW, THOSE OF US WHO CYCLE A LOT, WE GET PRETTY SAVVY TO THE TRAFFIC, BUT WE STILL GET CAUGHT IN IT ONCE IN A WHILE. HERE IN LINCOLN THEY'VE BEEN HAVING SOME PROBLEMS WITH THIS ISSUE AS WELL. I THINK SENATOR PANSING BROOKS JUST HAD SOMEONE IN HER DISTRICT THAT WAS HIT THE SAME WAY AND IT WOULD...APPARENTLY I TALKED WITH SOME OF THE CYCLING PEOPLE IN LINCOLN...IN OMAHA, WERE APPARENTLY NOT BEING TICKETED FOR THIS, BUT APPARENTLY HERE IN LINCOLN, THERE'S EVEN BEING SOME TICKETS THAT PEOPLE ARE GOING ACROSS THE BIKE TRAIL. THIS IS AN ISSUE THAT NEEDS TO BE ADDRESSED. AND THIS IS THE PERFECT BILL TO DO IT ON. NEBRASKA IS 48th OUT OF 50 FOR BEING FRIENDLY TO BICYCLISTS AND THIS IS THE AMENDMENT THAT I WANT US TO TALK ABOUT. I HAVE TO SAY THAT LATE YESTERDAY AFTERNOON I HAD A CONVERSATION WITH SENATOR SMITH, THE CHAIRMAN OF TRANSPORTATION COMMITTEE. HE ASSURED ME THAT NEXT YEAR THAT THE COMMITTEE WILL LOOK AT THIS ISSUE. IT IS TIME THAT WE HAVE A GOOD, COMPREHENSIVE BIKE...PEOPLE OUGHT TO BE ABLE TO SHARE THE ROAD WITH CYCLISTS. CYCLISTS SHOULD BE SAFE. WE NEED TO TAKE THAT STIGMA. I FEEL SO BADLY. THERE WAS A LADY, AN 84-YEAR-OLD LADY JUST LAST...IN THE LAST WEEK, HIT A CYCLIST NORTH OF TOWN HERE WHILE HE WAS RIDING FROM BEHIND. I DON'T KNOW THE FACTORS OF IT. SHE'S GOT TO BE ABSOLUTELY DEVASTATED THAT THAT HAPPENED. WE HAD THAT HORRIBLE CRASH JUST RECENTLY OUT OF OMAHA HITTING ONE OF OUR CYCLISTS AS SHE TURNED THE WRONG TURN. WE NEED TO HAVE COMPREHENSIVE CYCLING REFORM. I'M GOING TO TRUST SENATOR SMITH AND THAT COMMITTEE THAT THEY'LL WORK ON THIS NEXT YEAR. AND WITH THAT, I WILL WITHDRAW MY MOTION. THANK YOU. [LB641]

SPEAKER HADLEY: WITHOUT OBJECTION, IT IS WITHDRAWN. MR. CLERK. [LB641]

ASSISTANT CLERK: (READ LB641 ON FINAL READING.) [LB641]

Floor Debate
April 23, 2015

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB641 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB641]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1263-1264.) VOTE IS 45 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 3 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB641]

SPEAKER HADLEY: LB641 PASSES. (VISITORS INTRODUCED.) SENATOR CHAMBERS, FOR WHAT PURPOSE DO YOU RISE? [LB641]

SENATOR CHAMBERS: EXCUSE ME. MR. PRESIDENT, I'M GOING TO INVOKE RULE 2, SECTION 11, WHICH RELATES TO PERSONAL PRIVILEGE. AND IT SAYS, PERSONAL PRIVILEGE SHALL BE, FIRST, THOSE AFFECTING THE RIGHTS, DIGNITY, AND INTEGRITY OF THE LEGISLATURE COLLECTIVELY. I HAD WRITTEN A THREE-SENTENCE MEMO THAT I'LL HAND OUT LATER, CAPTIONED "I TOLD YOU SO." I'M GOING TO READ THAT, BECAUSE IT'S BRIEF, AND EXCERPTS FROM AN ARTICLE DEALING WITH WHAT THE OIL AND GAS COMMISSION DID. THIS IS WHAT THE MEMO SAYS: THE OTHER DAY DURING THE DEBATE ABOUT POWDERED ALCOHOL, I SPECIFICALLY REFERENCED THIS OIL AND GAS COMMISSION AS AN EXAMPLE OF HOW LITTLE REGARD SUCH ENTITIES HAVE FOR THE LEGISLATURE AND WHATEVER CONCERNS THE LEGISLATURE MAY EXPRESS. I SAID WORDS, TO THE EFFECT: THEY'LL TELL YOU WHERE TO GO. THE FINAL COMMENT: THE LEGISLATURE MUST RECLAIM PARAMOUNTCY OR CONTINUE TO BE BRAZENLY DISRESPECTED. THESE ARE A FEW OF THE EXCERPTS. IT WAS FROM YESTERDAY'S WORLD-HERALD: A COLORADO ENERGY COMPANY WON APPROVAL WEDNESDAY TO CREATE A CONTROVERSIAL COMMERCIAL DISPOSAL WELL IN NORTHWEST NEBRASKA FOR DISCARDING WATER FROM OIL AND NATURAL GAS PRODUCTION. NEBRASKA OIL AND GAS CONSERVATION COMMISSION AUTHORIZATION MEANS THAT THIS COMPANY CAN GO AHEAD AND START CONSTRUCTING THIS WELL. THE COMPANY HAD SAID, HOWEVER, THEY MAY NOT START RIGHT AWAY BECAUSE OF CHANGES IN PRODUCTION IN COLORADO AND WYOMING WHICH MAY MAKE IT UNNECESSARY TO PUT A WELL IN THIS AREA AT THIS TIME. BUT NEVERTHELESS, CONTINUING THE ARTICLE, APPROVAL CAME IN A 2-0 VOTE. COMMISSIONERS TYPICALLY RULE ON SUCH APPLICATIONS BEFORE ADJOURNING THEIR QUASI-JUDICIAL HEARINGS. THEY TOOK THE TEREX, T-E-R-E-X, MATTER UNDER ADVISEMENT, HOWEVER, AFTER MORE THAN SIX HOURS OF COMMENTS AND TESTIMONY AT A PUBLIC HEARING MARCH 24. THE DECISION CAME 29 DAYS

Floor Debate
April 23, 2015

LATER IN A SIX-MINUTE SPECIAL MEETING. THIS IS THE PART THAT RELATES DIRECTLY TO THE LEGISLATURE AND SEVEN OF OUR COLLEAGUES PARTICULARLY: SEVEN STATE SENATORS CALLED ON THE COMMISSION LAST WEEK TO DELAY RULING ON THE PROPOSAL UNTIL AFTER A LEGISLATIVE STUDY TO BE COMPLETED LATER THIS YEAR. THE LEGISLATURE'S NATURAL RESOURCES COMMITTEE REVIEW WILL EXAMINE WHETHER NEBRASKA'S REGULATION OF UNDERWATER STORAGE OF OIL AND GAS WASTEWATER IS ADEQUATE TO PROTECT GROUNDWATER SUPPLIES. MEMBERS OF THE LEGISLATURE, I HAD ARGUED THAT THESE COMMISSIONS AND AGENCIES HAVE UTTER DISRESPECT AND TOTAL CONTEMPT FOR THE LEGISLATURE. WE HAD A VERY SINCERE AND STRENUOUS DEBATE ABOUT THIS VERY PROJECT. SEVEN OF OUR COLLEAGUES UNDERTOOK TO SEND THIS LETTER TO THE COMMISSIONERS AND, IN EFFECT, THEY IN THE LEGISLATURE WERE TOLD WHERE WE CAN ALL GO. THERE MAY NOT BE OTHERS CONCERNED ABOUT THE INTEGRITY OF THE LEGISLATURE AS AN INSTITUTION, BUT I AM; AND AS LONG AS I FEEL THAT WAY, WHEN I SEE THINGS OCCUR THAT I THINK DENIGRATE THE LEGISLATURE AS AN INSTITUTION COLLECTIVELY, I'M GOING TO SPEAK ON IT. MAYBE NOBODY ELSE FEELS THIS WAY, BUT WE EACH CONDUCT OUR AFFAIRS IN THE WAY WE THINK APPROPRIATE AND I SPEAK BECAUSE I SEE THESE THINGS A CERTAIN WAY. OTHERS DON'T SPEAK BECAUSE OBVIOUSLY NOBODY ELSE SEES IT THE WAY THAT I DO. BUT I WANT THE RECORD TO BE VERY CLEAR THAT I THINK THE COMMISSION ACTED INAPPROPRIATELY, NOT THAT THEY COULDN'T DO IT BECAUSE THEY COULD SAY USING PROFANITY WHERE THE LEGISLATURE OUGHT TO GO, BUT THE IDEA IS THAT THEY OUGHT NOT TO HAVE DONE THIS. THE VICE PRESIDENT OF THAT COMPANY SAID THAT THINGS HAVE CHANGED SINCE THEY MADE THEIR APPLICATION SO MAYBE IT WON'T EVEN BE NECESSARY, PERHAPS. BUT THE COMMISSION DID NOT TAKE THE TIME TO FIND OUT HOW MUCH CHANGE THERE HAD OCCURRED, AND I THINK THEY DELIBERATELY AND INTENTIONALLY WANTED THE LEGISLATURE TO KNOW THAT WHAT WE SAY COUNTS FOR NOTHING, THAT THEY'LL DO WHATEVER THEY PLEASE, THEY WILL INSULT THE LEGISLATURE, DEROGATE AGAINST ITS DIGNITY, AND GO AHEAD AND HASTILY MAKE THIS DECISION. I DON'T KNOW WHETHER THE LEGISLATURE WOULD WANT TO DO ANYTHING ABOUT IT. IT'S NOT IN MY DISTRICT. IT'S NOT IN MY PART OF THE STATE. BUT WHAT I ALWAYS INDICATE IS THAT MY TITLE SAYS "STATE SENATOR," AND ALTHOUGH I'M ELECTED BY A DISTRICT, MY RESPONSIBILITY IS TO BE CONCERNED ABOUT WHAT HAPPENS THROUGHOUT THIS STATE. AND WE KNOW THAT GROUNDWATER, ALL WATER, IS A MATTER OF STATEWIDE INTEREST AND OF CONCERN TO PEOPLE WHO DON'T EVEN LIVE WITHIN THIS STATE BECAUSE WATER DOES NOT RECOGNIZE STATE BOUNDARIES. I'M NOT GOING TO PROLONG

Floor Debate
April 23, 2015

THIS, BUT I HAD TO GET THAT, AS THEY SAY IN THE CLICHE, OFF MY CHEST. IF NOBODY ELSE CARES, I DO. I'M NOT RELIEVED OF MY RESPONSIBILITY BECAUSE NOBODY ELSE SEES IT THE SAME WAY. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: MR. CLERK, WE WILL RETURN TO GENERAL FILE.

CLERK: MR. PRESIDENT, IF I MAY, A COUPLE OF ITEMS. LB89 AND LB89A ARE REPORTED AS CORRECTLY ENROLLED. AND, MR. PRESIDENT, A COMMUNICATION FROM THE CLERK TO THE SECRETARY OF STATE REGARDING THE TRANSMITTAL OF LB498. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1264-1265.) [LB89 LB89A LB498]

SPEAKER HADLEY: WE WILL RETURN, LB67. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LB56, LB89, LB89A, LB152, LB245, LB324, LB413, LB413A, LB415, LB482, LB15, LB641. [LB67 LB56 LB89 LB89A LB152 LB245 LB324 LB413 LB413A LB415 LB482 LB15 LB641]

CLERK: MR. PRESIDENT, RETURNING TO GENERAL FILE, LB67 DISCUSSED YESTERDAY BY THE LEGISLATURE, A BILL BY SENATOR SCHUMACHER. IT'S A BILL THAT DEALS WITH THE NEBRASKA GOVERNMENTAL UNIT SECURITY INTEREST ACT. IT REDEFINES TERMS. WHEN THE LEGISLATURE LEFT THE ISSUE, SENATOR NORDQUIST HAD PENDING FA50 AS AN AMENDMENT TO THE BILL. (LEGISLATIVE JOURNAL PAGE 1245.) [LB67]

SPEAKER HADLEY: SENATOR SCHUMACHER, IF YOU'LL GIVE US A BRIEF OVERVIEW OF LB67. [LB67]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER. LB67 DEALS WITH THE ISSUE OF HOW BILLS GET PAID BETWEEN THE BONDHOLDERS, PENSION FUNDS, OTHER CREDITORS IN THE EVENT ONE OF OUR MUNICIPALITIES SHOULD DECLARE BANKRUPTCY. I'D LIKE TO THANK SENATOR NORDQUIST FOR HIS WORK ON THIS. AND I BELIEVE THAT WE ARE IN A POSITION TO MOVE FORWARD TENTATIVELY ON TO SELECT FILE AND WORK OUT DETAILS HOPEFULLY IN THE INTERIM PERIOD. THANK YOU. [LB67]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU'RE RECOGNIZED TO GIVE US A BRIEF OVERVIEW OF YOUR AMENDMENT. [LB67]

Floor Debate
April 23, 2015

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I'M HOPEFUL THAT THE BODY WILL ADOPT THE AMENDMENT. THE AMENDMENT, YOU KNOW, MAY NOT BE THE PERFECT LANGUAGE FOR WHAT WE'RE FULLY TRYING TO ACCOMPLISH, AND WE'LL HAVE TIME TO DO THAT. BUT ESSENTIALLY, IT CARVES OUT PENSIONS FROM THE IMPACTS OF LB67. BUT I WILL...WE'VE HAD ALL THE PARTIES THAT HAVE BEEN INVOLVED IN THIS KIND OF SIT DOWN AND HAMMER OUT A CONCEPT TO BE INCLUDED IN A COMPROMISE THAT WE COULD MAYBE GET TO ON SELECT FILE. THE TWO PIECES OF THAT WOULD BE FIRST, MUNICIPALITIES AND ALL...AND OTHER POLITICAL SUBDIVISIONS WILL CONTINUE PROVIDING GOVERNMENTAL SERVICES INCLUDING PAYING EMPLOYEES. SO THAT WOULD MAKE SURE THAT IF A CITY WENT INTO BANKRUPTCY THAT THEY WOULD HAVE THAT ABILITY. THE SECOND WOULD BE OF THE FUNDS AVAILABLE FOR CREDITORS, PENSION FUNDS AND RELATED OBLIGATIONS AND BONDHOLDERS SHALL HAVE PRIORITY OVER OTHER CREDITORS. SO ALL PARTIES AT THIS POINT AGREE TO THAT CONCEPT. WHETHER OR NOT WE CAN GET TO AN AMENDMENT THAT GETS US TO INCORPORATE THAT THAT EVERYONE AGREES TO BETWEEN NOW AND SELECT FILE IS THE QUESTION THAT'S OUTSTANDING. AND IF SENATOR SCHUMACHER WOULD...I WOULD LIKE TO ASK HIM A QUESTION, IF THAT'S OKAY. IS THAT ALL RIGHT? [LB67]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD TO A QUESTION? [LB67]

SENATOR SCHUMACHER: YES, I WILL. [LB67]

SENATOR NORDQUIST: SO, SENATOR SCHUMACHER, WITH WHAT I'VE JUST READ AND I THINK THE AGREEMENT WE HAVE IS IF WE CAN GET TO IT, WE WILL ADVANCE WITH THAT AMENDMENT ON SELECT FILE. AND IF WE CAN'T THEN, YOU KNOW, WE DON'T INTEND TO HAVE A LONG, DRAWN OUT DEBATE IN SELECT FILE. IS THAT YOUR UNDERSTANDING AND AGREEMENT? [LB67]

SENATOR SCHUMACHER: THAT IS CORRECT, SENATOR NORDQUIST. BASICALLY YOUR AMENDMENT SETS OUT WHAT WE HOPE ARE THE PARAMETERS OF THE RESOLUTION OF THIS PROBLEM. AND RIGHT NOW AS WE KNOW, THE VARIOUS PARTIES HAVE NOT BEEN ABLE TO CONTACT SUFFICIENT BANKRUPTCY COUNSEL IN ORDER TO DETERMINE THE IMPACT OF YOUR LANGUAGE AND WHETHER OR NOT IT ACCOMPLISHES WHAT WE WANT TO. BUT THERE'S NO INTENTION TO DRAG THIS OUT IF THERE'S NOT GOING TO BE A RESOLUTION OF IT AMICABLY. [LB67]

Floor Debate
April 23, 2015

SENATOR NORDQUIST: GREAT. THANK YOU, SENATOR SCHUMACHER. AND YOU KNOW, THIS IS AN IMPORTANT ISSUE THAT SENATOR SCHUMACHER HAS BROUGHT FORWARD THE LAST TWO YEARS. AND I ENCOURAGE THE BODY WITH SENATOR SCHUMACHER'S LEADERSHIP OVER THE INTERIM TO PULL TOGETHER THE RELEVANT COMMITTEES. AND THIS...WHEN YOU TALK ABOUT MUNICIPAL BANKRUPTCIES, WE'RE TALKING ABOUT BANKING AND INSURANCE, BUSINESS AND LABOR, PUBLIC PENSIONS, URBAN AFFAIRS COMMITTEE, MAYBE JUDICIARY COMMITTEE TO PULL TOGETHER A WORKING GROUP OF MAYBE COMMITTEE CHAIRS OR KEY LEADERS ON THIS ISSUE TO REALLY LOOK AT WHERE WE ARE. THERE ARE A LOT OF MOVING PARTS HERE THAT WE CAN'T OBVIOUSLY DO JUST DURING FLOOR DEBATE. BUT I WOULD ENCOURAGE THE LEGISLATURE TO TAKE A DEEP LOOK AT THAT OVER THE INTERIM. THANK YOU. [LB67]

SENATOR SULLIVAN PRESIDING

SENATOR SULLIVAN: THANK YOU, SENATOR NORDQUIST. THE CHAIR WOULD LIKE TO RECOGNIZE THE SPEAKER FOR AN ANNOUNCEMENT. [LB67]

SPEAKER HADLEY: MADAM PRESIDENT, MEMBERS OF THE BODY, I PASSED OUT A MEMO THIS MORNING AND I'D JUST LIKE TO EXPLAIN IT TO YOU. I HOPE YOU MIGHT HAVE HAD A CHANCE TO LOOK AT IT. I'M GOING TO TRY A TRIAL ON OUR WORKING SCHEDULE. AND WEEK AFTER NEXT, THE WEEK OF MAY 4, WE WILL NOT RECESS AT NOON. WE WILL BASICALLY HAVE LUNCH BROUGHT IN AND BROUGHT TO THE LOUNGE. AND WE'LL HAVE LUNCH PROVIDED. WE'LL TAKE ABOUT A 20-MINUTE TIME THAT WE STAND AT EASE SOMETIME BETWEEN 12:00 AND 1:00 TO DO WHATEVER YOU NEED TO DO. AND HOPEFULLY WE WILL BE DONE BY...I WILL END THE EVENING SESSION BY 7:00. THAT IS MY GOAL. IT IS A TRIAL. I WILL EVALUATE IT AFTER WE GET DONE TO SEE HOW MANY BILLS THAT WE'RE MOVING AND HOW IT WORKS. I THINK IT'S WORTHWHILE BECAUSE NIGHT SESSIONS ARE NOT FUN. BUT IF WE CAN GET THIS WORKED OUT, I HOPE THAT WE CAN EVALUATE IT AND SEE WHAT IS HAPPENING. BUT I WOULD ASK YOU TO BE FLEXIBLE BECAUSE AFTER THAT WEEK, WE WILL EITHER BE DOING NIGHT SESSIONS OR MORE OF WORKING THROUGH NOON, DEPENDING ON HOW IT WORKS. THANK YOU, MADAM PRESIDENT.

SENATOR SULLIVAN: THANK YOU, MR. SPEAKER. CONTINUING OUR DISCUSSION OF FA50, THE CHAIR RECOGNIZES SENATOR KEN HAAR. [LB67]

Floor Debate
April 23, 2015

SENATOR HAAR: MADAM CHAIR, MEMBERS OF THE BODY, FIRST OF ALL I'D SIMPLY LIKE TO SAY I WILL BE SUBMITTING A RESOLUTION TO STUDY THIS SUMMER THE DISSOLUTION OF THE NEBRASKA OIL AND GAS COMMISSION AND ASSIGNING THOSE RESPONSIBILITIES TO ANOTHER GROUP. BEYOND THAT...AND I WOULD LIKE TO WITHDRAW MY AMENDMENTS THAT I'VE FILED TO LB67. THANK YOU. [LB67]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR NORDQUIST, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR NORDQUIST WAIVES. THE QUESTION FOR THE BODY IS THE ADOPTION OF FA50. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB67]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR NORDQUIST'S AMENDMENT. [LB67]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. WE ARE NOW RETURNING TO...MR. CLERK. [LB67]

CLERK: MR. PRESIDENT, IF I MAY, A SERIES OF AMENDMENTS. SENATOR NORDQUIST, AM1081, SENATOR. [LB67]

SENATOR NORDQUIST: I'D LIKE TO WITHDRAW THAT AMENDMENT. [LB67]

CLERK: SENATOR KEN HAAR, AM1083. [LB67]

SENATOR HAAR: I'D LIKE TO WITHDRAW THAT AMENDMENT. [LB67]

CLERK: SENATOR KEN HAAR, AM1086. [LB67]

SENATOR HAAR: I'D LIKE TO WITHDRAW THAT AMENDMENT, PLEASE. [LB67]

CLERK: SENATOR HANSEN, AM1085. [LB67]

SENATOR HANSEN: YES, I'D LIKE TO WITHDRAW THAT AMENDMENT. [LB67]

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

Floor Debate
April 23, 2015

CLERK: SENATOR KOLOWSKI. [LB67]

SPEAKER HADLEY: IS ANYONE AUTHORIZED TO SPEAK FOR SENATOR KOLOWSKI? SEEING NONE, WE WILL PASS OVER THAT UNTIL SELECT FILE. [LB67]

CLERK: SENATOR CRAWFORD, AM1162. [LB67]

SENATOR CRAWFORD: I WISH TO WITHDRAW THAT AMENDMENT, PLEASE. [LB67]

CLERK: SENATOR JOHNSTON, AM1165. [LB67]

SENATOR JOHNSON: I WISH TO WITHDRAW. [LB67]

CLERK: SENATOR CRAWFORD, AM1245. [LB67]

SENATOR CRAWFORD: I WISH TO WITHDRAW THAT AMENDMENT, PLEASE. [LB67]

CLERK: SENATOR MORFELD, AM1253. [LB67]

SENATOR MORFELD: I WISH TO WITHDRAW MY AMENDMENT. [LB67]

CLERK: SENATOR CRAWFORD, AM1236. [LB67]

SENATOR CRAWFORD: I WISH TO WITHDRAW THAT AMENDMENT, PLEASE. [LB67]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB67]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO CLOSE ON LB67. [LB67]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER. AGAIN, I WANT TO THANK SENATOR NORDQUIST FOR HIS LEADERSHIP ON THIS. WE'VE MADE SOME JELL-O AND HOPEFULLY WE CAN GET IT TO SET BETWEEN NOW AND SELECT FILE. I ENCOURAGE A GREEN VOTE ON LB67. THANK YOU. [LB67]

Floor Debate
April 23, 2015

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON LB67. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB67]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB67. [LB67]

SPEAKER HADLEY: LB67 ADVANCES TO E&R INITIAL. MR. CLERK. [LB67]

CLERK: MR. PRESIDENT, LB642 IS THE NEXT BILL. SENATOR GARRETT OFFERED LB642. (READ TITLE.) INTRODUCED ON JANUARY 21, REFERRED TO TRANSPORTATION COMMITTEE, ADVANCED TO GENERAL FILE. I DO HAVE COMMITTEE AMENDMENTS. (AM402, LEGISLATIVE JOURNAL PAGE 596.) [LB642]

SPEAKER HADLEY: SENATOR GARRETT, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB642]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. LB642 IS A BILL THAT WAS BROUGHT TO ME BY THE DEPARTMENT OF MOTOR VEHICLES AS A FOUNDATIONAL PIECE OF LEGISLATION IN THEIR EFFORTS TO MODERNIZE THE CURRENT VEHICLE TITLE AND REGISTRATION SYSTEM. BEFORE I GET INTO THE DETAILS OF LB642, I'D LIKE TO GIVE YOU A LITTLE BACKGROUND REGARDING THE PROJECT. THE DEPARTMENT OF MOTOR VEHICLES HAS, FOR THE LAST SEVERAL YEARS, BEEN EVALUATING THE NEED TO MODERNIZE THE VEHICLE TITLE AND REGISTRATION SYSTEM. THE CURRENT SYSTEM WAS DESIGNED IN THE 1980s AND WRITTEN IN THE COMPUTER LANGUAGE COBOL. IT HAS BECOME INCREASINGLY DIFFICULT TO FIND PROGRAMMERS PROFICIENT TO MAINTAIN AND ALTER THE SYSTEM TO KEEP UP WITH STATUTORY CHANGES. ADDITIONALLY, THE CURRENT VEHICLE TITLE AND REGISTRATION SYSTEM HAS LIMITED ABILITY TO IMPLEMENT UPDATED AND MODERN BUSINESS PROCESSES. THE SYSTEM IS PRIMARILY USED TO TITLE AND REGISTER MOTOR VEHICLES AND MOTOR BOATS. THROUGH THESE PROCESSES, JUST UNDER \$625 MILLION WAS COLLECTED AND DISTRIBUTED THROUGH THE PERFORMANCE OF APPROXIMATELY 3 MILLION TRANSACTIONS IN 2014. UNDER THE STRUCTURE OF THE CURRENT VEHICLE TITLE AND REGISTRATION SYSTEM, EACH VEHICLE IS MAINTAINED AS A SEPARATE RECORD WITH NO MECHANISM TO PLACE...TO LINK LIKE RECORDS WITHIN THE SYSTEM OR TO OTHER RECORDS HOUSED WITHIN OTHER INFORMATION SYSTEMS MANAGED BY THE DEPARTMENT OF MOTOR VEHICLES. IN OCTOBER OF 2013, THE DEPARTMENT OF MOTOR VEHICLES PUBLISHED A BUSINESS CASE WHICH RECOMMENDED MODERNIZATION OF THE SYSTEM. FOR THOSE OF YOU WHO WERE NOT IN THE BODY LAST YEAR...WHO

Floor Debate
April 23, 2015

WERE IN THE BODY LAST YEAR, YOU MAY REMEMBER THE LEGISLATURE THEN ENACTED LEGISLATION WHICH ESTABLISHED THE VEHICLE TITLE AND REGISTRATION SYSTEM REPLACEMENT AND MAINTENANCE CASH FUND AND APPROPRIATED FUNDS TO PAY FOR INITIAL COSTS ASSOCIATED WITH THE ACQUISITION, IMPLEMENTATION, MAINTENANCE AND SUPPORT, UPGRADES AND REPLACEMENT OF THE VEHICLE TITLE AND REGISTRATION SYSTEM. AS A RESULT OF THAT LEGISLATION, THE DEPARTMENT OF MOTOR VEHICLES HAS ESTABLISHED A PLAN TO CARRY OUT THE RECOMMENDATIONS OF THE BUSINESS CASE. AS PART OF THE PLAN, THE DEPARTMENT OF MOTOR VEHICLES HAS GATHERED INFORMATION FROM OTHER STATES THAT HAVE IMPLEMENTED OR ARE IN THE PROCESS OF IMPLEMENTING SIMILAR MODERNIZATION PROJECTS. ONE OF THE CRITICAL COMPONENTS IDENTIFIED BY THIS RESEARCH IS THE IMPORTANCE OF POSSESSING THE CAPABILITY FOR LINKING RECORDS. LB642 WILL BEGIN THE PROCESS OF GRADUALLY UPDATING STATUTES TO IMPLEMENT A VEHICLE TITLE AND REGISTRATION SYSTEM WITH IMPROVED FUNCTIONALITY AND ALLOWS THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT INFORMATION TO BE USED FOR LINKING RECORDS, WHICH ALLOWS THEM TO PROVIDE MORE CUSTOMER-CENTRIC SERVICES. IN ORDER TO ACCOMPLISH MORE CUSTOMER-CENTRIC SERVICES, THE SYSTEM HOUSED AND MANAGED BY THE DEPARTMENT OF MOTOR VEHICLES MUST HAVE A UNIQUE DATA ELEMENT TO LINK RECORDS WITHIN EACH SYSTEM AND WITH THE RECORDS OF THEIR OTHER SYSTEMS. THE REQUIREMENTS OF LB642 WILL BE THE FIRST STEP IN ESTABLISHING A LINK BETWEEN THE RECORDS AND SYSTEMS. THE PROPOSED CHANGES OF LB642 CAN BE IMPLEMENTED WITHIN THE CURRENT VEHICLE TITLE AND REGISTRATION SYSTEM BUT WILL NOT NECESSARILY BE FULLY FUNCTIONAL COMPONENTS UNTIL A REPLACEMENT SYSTEM IS IN PLACE. LB642 WAS INTRODUCED THIS YEAR BECAUSE MAKING SMALL CHANGES NOW WILL LESSEN THE IMPACT TO THE PUBLIC AND COUNTY TREASURERS BY AVOIDING SUBSTANTIAL DATA COLLECTION CHANGES AT THE SAME TIME A NEW VEHICLE AND TITLE REGISTRATION SYSTEM IS DEPLOYED. WHEN IN EFFECT, LB642 WILL AMEND THE MOTOR VEHICLE AND MOTOR BOAT REGISTRATION AND TITLE STATUTES TO AUTHORIZE THE COLLECTION OF THE APPLICANT'S FULL LEGAL NAME AND A PERSONAL IDENTIFIER. THE INFORMATION WILL BE COLLECTED FROM THE CUSTOMER AT THE TIME OF TITLING, AND WHEN NECESSARY, AT ANNUAL REGISTRATION OF VEHICLES, TRAILERS, AND BOATS. THE BILL ALLOWS THE DMV TO PHASE IN THE COLLECTION OF THE DATA AT THE DISCRETION OF THE DIRECTOR WITH COMPLETION NO LATER THAN JANUARY 1, 2020. THE PHASED-IN APPROACH PROVIDES FOR LIMITED DISRUPTION TO NORMAL SERVICES INCLUDING THOSE PROVIDED ON-LINE. LB642 WOULD REQUIRE PERSONS TO PROVIDE THEIR FULL

Floor Debate
April 23, 2015

LEGAL NAME AS DEFINED IN SECTION 60-468.01 AS THEY DO FOR ISSUANCE OF A DRIVER'S LICENSE OR STATE IDENTIFICATION CARD. CURRENT TITLE AND REGISTRATION LAWS HAVE NO SPECIFIC STATUTORY REQUIREMENTS FOR HOW OUR NAME IS LISTED ON A TITLE OR REGISTRATION. SO SOME PERSONS USE SHORTENED NAMES SUCH AS PAT FOR PATRICK OR NICKNAMES WHICH MAY NOT HAVE ANY CORRELATION TO THEIR LEGAL NAME. AS A CONSEQUENCE, AN OWNER, EITHER A BUSINESS OR AN INDIVIDUAL, MAY OWN A NUMBER OF VEHICLES, TRAILERS, OR BOATS WITH SLIGHTLY DIFFERENT NAMES ON EACH TITLE OR REGISTRATION. SUCH NAME VARIATIONS PREVENT AN ACCURATE SEARCH BY NAME TO IDENTIFY ALL VEHICLES BELONGING TO A SINGLE OWNER AND PREVENTS THE DEPARTMENT OF MOTOR VEHICLES FROM MOVING TO A MORE CUSTOMER-CENTRIC BUSINESS MODEL. LB642 PROPOSES TO COLLECT A PERSONAL IDENTIFIER AS LISTED IN STATUTE 60-484, THE SAME AS COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES FOR DRIVER'S LICENSE AND STATE IDENTIFICATION CARD ISSUANCE. IN CASES WHERE TWO PERSONS HAVE THE SAME LEGAL NAME, THE PERSONAL IDENTIFIER IS NECESSARY TO DIFFERENTIATE BETWEEN AND CORRECTLY IDENTIFY THE RECORD WITH THE PROPER OWNER OF THE VEHICLE. THE PRIMARY PERSONAL IDENTIFIER WHICH WOULD BE USED AS A DRIVER'S LICENSE OR A STATE IDENTIFICATION CARD NUMBER, AND FOR THOSE PERSONS WHO DO NOT HAVE A DRIVER'S LICENSE OR A STATE IDENTIFICATION CARD, THEN A DATE OF BIRTH OR SOCIAL SECURITY NUMBER WOULD BE USED. IT IS IMPORTANT TO NOTE THAT THE DEPARTMENT OF MOTOR VEHICLES ALREADY COLLECTS THIS INFORMATION IN THEIR DRIVER LICENSING, AND ALL OF THE INFORMATION COLLECTED AND HOUSED IN THE DEPARTMENT MOTOR VEHICLES IS PROTECTED BY THE UNIFORM MOTOR VEHICLE RECORDS DISCLOSURE ACT. FOR BUSINESSES WHO OWN MOTOR VEHICLES, TRAILERS, OR MOTOR BOATS, THE IDENTIFIER USED WOULD BE THE TAX IDENTIFICATION NUMBER REGISTERED BY THE SECRETARY OF STATE'S OFFICE. LB642 WILL REQUIRE THE COLLECTION OF DEPARTMENT OF TRANSPORTATION NUMBERS FOR ALL VEHICLES REQUIRING SUCH A NUMBER UNDER FEDERAL LAW WHETHER THEY ARE REGISTERED BY THE COUNTY TREASURER OR BY THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF MOTOR VEHICLES. THE REQUIREMENT TO PROVIDE A DOT NUMBER IS NOT SPECIFICALLY STATED IN CURRENT STATE STATUTE, BUT IT'S COLLECTED AS PART OF NEBRASKA'S ADOPTION IN SECTION 60-3,183 OF THE PRISM, OR PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT PROGRAM. FOR TRUCKS REGISTERED AT THE COUNTY LEVEL, THE STATE HAS NEVER REQUIRED COLLECTION OF DOT NUMBERS BY COUNTY TREASURERS AT THE TIME OF REGISTRATION. THIS CREATES AN INEQUITABLE APPLICATION OF LAW BETWEEN COUNTY-REGISTERED VEHICLES AND THOSE

Floor Debate
April 23, 2015

REGISTERED WITH THE MOTOR CARRIER SERVICES DIVISION. IN MORE SIMPLE TERMS, THE PROVISIONS OF LB642 ALLOW THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT FROM ITS CUSTOMERS SOME OF THE SAME INFORMATION WHICH IS ALREADY COLLECTED AND STORED IN THE DRIVER'S LICENSE SYSTEM TO ALSO BE COLLECTED AND PLACED IN THE VEHICLE AND TITLE REGISTRATION SYSTEM. IT IS THE INITIAL STEP IN A PATH WHICH WILL LEAD TO A MORE CUSTOMER-CENTRIC SERVICES FOR THE DEPARTMENT OF MOTOR VEHICLES. THE BILL WAS ADVANCED FROM COMMITTEE ON A UNANIMOUS VOTE OF 8-0 AND A COMMITTEE AMENDMENT WHICH CLARIFIES THE DEFINITION OF BUSINESSES FOR PURPOSES OF COLLECTING TAX IDENTIFICATION NUMBERS. THE AMENDMENT WILL BECOME THE BILL. THERE WERE NO OPPONENTS TO THE BILL. AND THE DEPARTMENT OF MOTOR VEHICLES AND THE NEBRASKA NEW CAR AND TRUCK DEALERS ASSOCIATION TESTIFIED IN SUPPORT OF THE BILL. I URGE YOUR ADVANCEMENT OF LB642. [LB642]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE TRANSPORTATION, TELECOMMUNICATIONS COMMITTEE. SENATOR BRASCH, AS VICE CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB642]

SENATOR BRASCH: THANK YOU, MR. SPEAKER, AND GOOD MORNING, COLLEAGUES. AS SENATOR GARRETT STATED IN HIS OPENING, LB642 IS AN IMPORTANT PART OF THE EFFORT BEING UNDERTAKEN BY THE DEPARTMENT OF MOTOR VEHICLES TO REPLACE THE 1980s VINTAGE COMPUTER SYSTEM USED FOR VEHICLE REGISTRATION AND TITLING. THAT SYSTEM, THE VEHICLE TITLING AND REGISTRATION SYSTEM, KNOWN AS THE VTR, IS THE BACKBONE FOR THE COLLECTION AND DISTRIBUTION OF OVER \$600 MILLION IN FEES AND TAXES EACH YEAR. THE COMMITTEE AMENDMENT SUBSTITUTES THE BILL AND MAKES TECHNICAL CHANGES. LB642 REQUIRES THAT NO LATER THAN JANUARY 1, 2020, THE DEPARTMENT SHALL REQUIRE INDIVIDUALS REGISTERING OR TITLING A MOTOR VEHICLE OR BOAT TO PROVIDE THE FOLLOWING INFORMATION: FULL LEGAL NAME AND THE INDIVIDUAL'S OPERATOR'S LICENSE, STATE IDENTIFICATION CARD, OR TAX IDENTIFICATION NUMBER. ADDITIONALLY, THE INDIVIDUAL MUST SHOW ONE OF THE IDENTIFICATION ELEMENTS PROVIDED FOR IN SECTION 60-484, WHICH IS THE DATE OF BIRTH, MAILING ADDRESS, AND SOCIAL SECURITY NUMBER. THE COMMITTEE AMENDMENT CLARIFIES THAT THIS INFORMATION SHALL BE PROVIDED FOR EACH OWNER OF A VEHICLE WHEN THE VEHICLE IS JOINTLY OWNED. AND IF THE VEHICLE IS OWNED BY A BUSINESS ENTITY, NONPROFIT ORGANIZATION, AN ESTATE, TRUST, OR CHURCH-CONTROLLED ORGANIZATION, IT SHALL ONLY BE REQUIRED TO PROVIDE A TAX

Floor Debate
April 23, 2015

IDENTIFICATION NUMBER. FINALLY, IF THE INDIVIDUAL TITLING OR REGISTERING A VEHICLE IS REQUIRED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO POSSESS A MOTOR CARRIER IDENTIFICATION NUMBER, THE NUMBER SHALL ALSO BE PROVIDED. THIS CONCLUDES MY INTRODUCTION OF THE COMMITTEE AMENDMENT AND I WOULD ASK FOR ITS ADOPTION. THANK YOU, MR. SPEAKER, AND THANK YOU, COLLEAGUES. [LB642]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB642]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I WAS WONDERING IF SENATOR GARRETT COULD ANSWER A QUESTION. [LB642]

SPEAKER HADLEY: SENATOR GARRETT, WILL YOU YIELD? [LB642]

SENATOR GARRETT: YES, I WILL. [LB642]

SENATOR SCHILZ: SENATOR GARRETT, THANK YOU VERY MUCH AND GOOD MORNING EVERYONE. I WAS...AS I'M SITTING HERE LISTENING TO YOUR OPENING AND ALL THIS, I UNDERSTAND THAT THE TECHNOLOGY IS BEHIND. BUT FOR FOLKS LIKE MYSELF THAT LIVE PLACES LIKE LAKE McCONAUGHY AND A MOTOR BOATING ENTHUSIAST, I WAS JUST WONDERING HOW MUCH MORE DIFFICULT IS THIS GOING TO BE FOR SOMEBODY TO GET THEIR TRAILER OR VEHICLE LICENSED? [LB642]

SENATOR GARRETT: IT'S NOT AT ALL. CURRENTLY, YOU PROVIDE YOUR FULL LEGAL NAME WHEN YOU GET YOUR DRIVER'S LICENSE OR A STATE I.D. AND ALL THEY'RE ASKING FOR IS THAT...AGAIN, THEY'RE WORKING TOWARDS INTEGRATING THESE TWO SYSTEMS WHICH IS GOING TO HAPPEN IN A COUPLE OF YEARS AND THEY WANT TO GET THIS FIRST STEP BY, YOU KNOW, MY LEGAL NAME IS TOMMY. IF I REGISTER MY CAR OR IF I HAD A BOAT WITH THE NAME "TOM" IT DOESN'T MATCH UP WITH THE DRIVER'S LICENSE STUFF. SO THAT'S WHAT THEY'RE TRYING TO DO HERE, IS JUST GET AHEAD OF IT. [LB642]

SENATOR SCHILZ: AND THEN ONCE THIS IS ALL DONE, YOU TALKED A LITTLE BIT ABOUT THE CUSTOMER SERVICE OPPORTUNITIES THAT THAT WOULD PROVIDE FOR THE DMV. CAN YOU EXPLAIN SOME OF THOSE, HOW THAT'S GOING TO BE BETTER FOR FOLKS? [LB642]

Floor Debate
April 23, 2015

SENATOR GARRETT: YEAH, THEY JUST WANT...RHONDA LAHM, I APPLAUD HER AND THE DEPARTMENT OF MOTOR VEHICLES. THEY'RE BEING VERY PROACTIVE HERE. AND, AGAIN, THEY DON'T WANT A HUGE DISRUPTION WHEN THE SYSTEM FINALLY COMES ON-LINE. SO THEY'RE TRYING TO INCREMENTALLY DO THIS TO BE ABLE TO IMPROVE CUSTOMER SERVICE CAN BE ABLE TO DO MORE THINGS ON-LINE. [LB642]

SENATOR SCHILZ: VERY GOOD. THANK YOU, SENATOR GARRETT. AND THANK YOU, MR. PRESIDENT. [LB642]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB642]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, JUST ONE ITEM. SENATOR BRASCH, I WOULD LIKE TO ASK YOU A QUESTION AND I KNOW THE ANSWER TO IT, BUT I JUST WANT IT A MATTER OF RECORD. [LB642]

SPEAKER HADLEY: SENATOR BRASCH, WILL YOU YIELD? [LB642]

SENATOR BRASCH: I WILL YIELD. [LB642]

SENATOR CHAMBERS: IF ONE OF THESE IDENTIFIERS SHOULD HAPPEN TO BE THE SOCIAL SECURITY NUMBER, THAT NUMBER WILL BE KEPT CONFIDENTIAL, IT'S NOT AVAILABLE TO THE PUBLIC. AND THAT IS A CORRECT STATEMENT, ISN'T IT? [LB642]

SENATOR BRASCH: THAT IS CORRECT. [LB642]

SENATOR CHAMBERS: THANK YOU. THAT'S ALL THAT I HAD. [LB642]

SPEAKER HADLEY: SENATOR SCHEER, YOU'RE RECOGNIZED. [LB642]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I RISE I THINK IN SUPPORT OF LB642, BUT I DO HAVE CONCERNS. AS WE MOVE FORWARD AND WE CONTINUE TO UTILIZE SOCIAL SECURITY NUMBERS IN GOVERNMENT DATABASES KNOWING THAT NOT ONLY THE POTENTIAL BUT PROBABLY THE FACT OF THE MATTER IS THERE WILL BE A BREACH AT SOME POINT IN TIME, IF THAT REALLY

Floor Debate
April 23, 2015

IS PRUDENT ON THE PART OF THE NEBRASKA GOVERNMENT TO CONTINUE TO TRY TO STORE PERSONAL IDENTIFIERS OF OUR CONSTITUENTS AND THE CITIZENS IN THE STATE OF NEBRASKA. WE DON'T HAVE TO LOOK VERY FAR TO FIND OUT ABOUT SECURITY BREACHES. STATES, FEDERAL GOVERNMENT, COMPANIES, THEY'VE ALL BEEN A VICTIM OF THIS, LARGE COMPANIES, SMALL COMPANIES. AND I'M JUST USING, I GUESS, THIS AS A POINT BECAUSE WE ARE GOING TO BE STORING SOCIAL SECURITY NUMBERS AND OTHER PERTINENT PERSONAL INFORMATION WITHIN A COMPUTER SYSTEM WITH THE STATE OF NEBRASKA. AND IF IT'S HACKED, NOT ONLY WILL MINE, PERHAPS, OR A LOT OF OTHER PEOPLE'S PERSONAL IDENTIFICATION INFORMATION BE AVAILABLE TO THOSE THAT HACK THE SYSTEM. I DON'T BELIEVE THAT THERE IS AN IMPREGNABLE SYSTEM YET DEVELOPED, AND IF IT IS, A WEEK LATER IT WON'T BE SIMPLY BECAUSE SOMEBODY WILL HAVE FOUND A WAY TO DO THAT. BUT I CERTAINLY WILL YIELD THE REMAINDER OF MY TIME TO SENATOR GARRETT TO RESPOND, BUT I DO HAVE A CONCERN AS WE CONTINUE TO COMPILE PERSONAL IDENTIFICATION INFORMATION. [LB642]

SPEAKER HADLEY: SENATOR GARRETT, YOU'RE YIELDED 3 MINUTES AND 6 SECONDS. [LB642]

SENATOR GARRETT: THANK YOU, SENATOR SCHEER. I SHARE YOUR CONCERN AND I THINK THE VAST MAJORITY OF US SHARE YOUR CONCERN. AGAIN, THEY WANT TO USE YOUR DRIVER'S LICENSE NUMBER OR STATE I.D. NUMBER. AND THEN IF YOU DON'T HAVE EITHER OF THOSE, THEY SPECIFICALLY SAID THE IDENTIFICATION NUMBER CAN BE A BIRTH DATE OR A SOCIAL SECURITY NUMBER. I THINK I WOULD DEFINITELY RATHER PROVIDE THE BIRTH DATE. SO IF YOU DON'T HAVE ANY OTHER FORM OF ID, YOU CAN USE YOUR DATE OF BIRTH AS THE IDENTIFICATION NUMBER INSTEAD OF A SOCIAL SECURITY NUMBER. SO THAT'S WHAT I WOULD ADVISE FOLKS TO DO AS WELL. THANK YOU, MR. SPEAKER. [LB642]

SPEAKER HADLEY: SENATOR BRASCH, YOU'RE RECOGNIZED AND THERE IS NO ONE ELSE IS IN THE QUEUE IF YOU WISH TO USE THIS FOR YOUR CLOSE. [LB642]

SENATOR BRASCH: THANK YOU, MR. SPEAKER, AND I WILL CLOSE VERY BRIEFLY. I WANT TO THANK EVERYONE FOR THEIR QUESTIONS AND THE CONCERNS THAT HAVE BEEN EXPRESSED. I DO BELIEVE THAT THROUGH TECHNOLOGY THAT AS SYSTEMS ARE BREACHED, WE ARE ALSO DESIGNING FIREWALLS THAT ARE MEETING THOSE COMPLICATIONS. AND MEDICAL RECORDS, SCHOOL RECORDS,

Floor Debate
April 23, 2015

STATE RECORDS, WE HAVE MOVED MORE AND MORE INTO ELECTRONIC DATA. AND THE SOFTWARE PROVIDER, SERVICE PROVIDERS, ARE IN CONSTANT CHANGE OF ENSURING PUBLIC CONFIDENTIALITY OF THEIR INFORMATION. THANK YOU, MR. SPEAKER. AND THANK YOU, COLLEAGUES. I ASK THAT YOU SUPPORT THIS AMENDMENT, AM402 AND LB642. AND I THANK SENATOR GARRETT FOR INTRODUCING IT. [LB642]

SPEAKER HADLEY: THE QUESTION IS, SHALL THE AMENDMENT TO THE COMMITTEE AMENDMENT TO LB642 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED? RECORD, MR. CLERK. [LB642]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB642]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR GARRETT, YOU'RE RECOGNIZED TO CLOSE ON...SENATOR GARRETT WAIVES CLOSING. THE QUESTION IS, SHALL LB642 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB642]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB642. [LB642]

SPEAKER HADLEY: LB642 IS ADVANCED TO E&R INITIAL. MR. CLERK. [LB642]

CLERK: LB317 IS A BILL BY SENATOR KINTNER. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 15, REFERRED TO THE TRANSPORTATION COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM483, LEGISLATIVE JOURNAL PAGE 766.) [LB317]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB317]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. THE MIDWEST INTERSTATE PASSENGER RAIL COMPACT IS A COMPACT THAT WE'VE BEEN IN SINCE 2001 TO 2002. AND SINCE WE'VE BEEN IN IT, WE'VE PUT \$197,650 INTO IT. AND AS WE'VE

Floor Debate
April 23, 2015

INVESTIGATED, WE HAVE FOUND NO TANGIBLE BENEFIT THAT WE HAVE FOUND FROM BEING A MEMBER. NOW, THIS INTERSTATE PASSENGER RAIL COMPACT IS AN ADVOCATE FOR PASSENGER RAIL. THEY ADVOCATE IT, THEY PREACH IT, THEY LIVE IT. BUT MAKE NO MISTAKE, AMTRAK DOES PASSENGER RAIL AND THEY GO WHERE THE POPULATION CENTERS ARE. WE HAVE ONE PASSENGER RAIL LINE THAT COMES THROUGH OUR STATE COURTESY OF BEING SITUATED BETWEEN DENVER AND CHICAGO. SOUTH DAKOTA HAS NONE. SO AS WE LOOKED AT IT, THERE'S BEEN ATTEMPTS TO GET OUT IN THE PAST AND THE GOVERNOR "LINE ITEMED" IT OUT LAST YEAR AND THE LEGISLATURE PUT THE MONEY BACK IN. AND THE SENTIMENT WAS AT THE TIME, WE NEED TO FORMALLY WITHDRAW. WE JUST CAN'T STOP PAYING FOR IT, WE NEED TO WITHDRAW. SO THAT'S EXACTLY WHAT THIS IS. THIS PULLS US OUT OF IT. I ENCOURAGE PEOPLE TO LIKE RAIL AND I LIKE RAIL TOO. THERE'S A ROMANTIC SENSE ABOUT IT, TO BE AN ADVOCATE FOR IT, ADVOCATE FOR RAIL. DO IT WITH YOUR MONEY. DO IT WITH YOUR TIME. AND LET'S LET THE STATE GET ON TO THE BUSINESS AT HAND. WE'VE GOT TO PAVE ROADS, WE HAVE TO EDUCATE KIDS, AND WE'VE GOT TO MAKE SURE OF THE PUBLIC SAFETY. SO THAT'S WHAT THIS DOES. AND I WOULD ENCOURAGE EVERYONE TO VOTE FOR THIS AND LET'S MOVE ON. BY THE WAY, OHIO HAS PULLED OUT OF THE COMPACT. IOWA HAS NOW PULLED OUT OF THE COMPACT. AND I THINK STATES ARE REASSESSING THAT, OKAY, WE'VE BEEN DOING THIS NOW FOR 15 YEARS AND THERE'S NOTHING TO SHOW FOR IT. AND IT'S TIME TO MOVE ON. PASSENGER RAIL IS GOING TO HAPPEN BASED UPON ECONOMIC FACTORS AND THE CONCENTRATION OF PEOPLE, NOT BECAUSE TAXPAYERS ADVOCATE FOR IT. AND THERE ARE SOME COMMITTEE AMENDMENTS AND I SUPPORT THOSE. AND WE'LL LET THEM INTRODUCE THOSE. THANK YOU, MR. PRESIDENT. [LB317]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. SENATOR BRASCH, AS VICE CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB317]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND EXCUSE ME, COLLEAGUES, WE NEED JUST A MOMENT HERE. AS VICE CHAIR, I WAS NOT AWARE OF AN AMENDMENT AT THIS TIME. IT ADDS THE EMERGENCY CLAUSE AND AN OPERATIVE DATE OF JULY 1. AND WE BELIEVE THAT THIS COMPACT, AS SENATOR KINTNER HAS SAID DURING HIS INTRODUCTION, WE ARE SEEING SOME OF OUR SURROUNDING STATES, SUCH AS IOWA WITHDRAW, THAT THE NEED FOR THIS HAS DIMINISHED SINCE ITS ORIGINAL INCEPTION. AND WE ASK FOR THIS TO BE

Floor Debate
April 23, 2015

WITHDRAWN IN AN EMERGENCY CLAUSE. THANK YOU, MR. SPEAKER. AND
THANK YOU, COLLEAGUES. [LB317]

SPEAKER HADLEY: MR. CLERK. [LB317]

CLERK: MR. PRESIDENT, SENATOR LINDSTROM WOULD MOVE TO AMEND THE
COMMITTEE AMENDMENTS WITH AM1287. (LEGISLATIVE JOURNAL PAGE 1245.)
[LB317]

SPEAKER HADLEY: SENATOR LINDSTROM, YOU'RE RECOGNIZED. [LB317]

SENATOR LINDSTROM: THANK YOU, MR. SPEAKER, COLLEAGUES. THE
AMENDMENT TO THE COMMITTEE AMENDMENT IS PRETTY SIMPLE. THE
AMENDMENT IS JULY 1, 2015. THIS AMENDMENT WOULD CHANGE THE DATE
FROM 2015 TO 2018, THEREBY GIVING US ABOUT THREE YEARS. JUST TO GIVE A
LITTLE HISTORY ON THE COMPACT, LIKE IT WAS MENTIONED BEFORE, IT
STARTED IN 2001. WE WERE THE FIFTH STATE TO JOIN THE COMPACT. IN 2007,
LB165, WAS BROUGHT TO REPEAL OUR MEMBERSHIP TO THE COMPACT AND WAS
NOT ADVANCED. IN 2009, GOVERNOR HEINEMAN AND THE DEPARTMENT OF
ROADS NOTIFIED THE COMPACT THAT WE WOULD NO LONGER HAVE THE FUNDS
TO PAY FOR THE \$15,000 A YEAR MEMBERSHIP DUE TO BUDGET CONSTRAINTS
AND, OF COURSE, DURING THAT TIME THERE WERE QUITE A FEW OF THOSE. IN
2011, THE COMPACT SUSPENDED OUR TRAVEL REIMBURSEMENTS SINCE WE
WERE NOT A PAYING MEMBER. IN 2012, LB747 TO REPEAL OUR MEMBERSHIP WAS
INTRODUCED BUT NOT ADVANCED. AND IN 2013, LB486 WAS INTRODUCED TO PAY
BACK DUES OVER THE COMPACT BUT, AGAIN, WAS NOT ADVANCED. IN 2014,
LB891 WAS INTRODUCED TO PAY BACK WHAT WE OWED AND THAT WE WERE UP-
TO-DATE WITH THE MEMBERSHIPS AT THAT TIME. SO, AGAIN, THIS IS A SIMPLE
AMENDMENT TO THE COMMITTEE AMENDMENT, EXPANDED IT THREE YEARS,
2015 TO 2018. THANK YOU, MR. SPEAKER. [LB317]

SPEAKER HADLEY: SENATOR COASH, YOU'RE RECOGNIZED. [LB317]

SENATOR COASH: THANK YOU, MR. PRESIDENT. AND I'M GLAD I GET TO FOLLOW
SENATOR LINDSTROM BECAUSE HE DID A LOT OF WHAT I WAS GOING TO DO,
WHICH WAS JUST GIVE YOU KIND OF A HISTORY OF HOW WE GOT TO WHERE WE
ARE. WHEN I SAW LB317 ON THE AGENDA I THOUGHT, HOW IS IT WE ARE STILL
TALKING ABOUT THIS ISSUE? MY SEVEN YEARS DOWN HERE WE'VE TALKED
ABOUT THIS, AS SENATOR LINDSTROM POINTED OUT, IN SOME FORM OR

Floor Debate
April 23, 2015

ANOTHER, FREQUENTLY. AND ALL WE TALK ABOUT IS WE HAVE THIS, WE DON'T USE IT, BUT WE PAY FOR IT. BUT SINCE WE'RE IN IT, WE NEED TO PAY FOR IT. IT'S SOMETHING I KNOW THE TRANSPORTATION COMMITTEE HAS DEALT WITH. IT'S SOMETHING THAT I KNOW THE GOVERNOR HAS DEALT WITH. AND AT THE END OF THE DAY, NOBODY HAS COME AND SHOWED ME THE VALUE OF REMAINING IN THIS COMPACT. AND I'VE ASKED FOR THAT. I'VE SAID, SHOW ME THE VALUE. WHAT ARE MY CONSTITUENTS GETTING OUT OF THIS COMPACT? WHAT ARE NEBRASKANS GETTING OUT OF THIS COMPACT? AND HALF OF THE TIME THE ANSWER IS, WE'RE NOT GETTING ANYTHING OUT OF IT BECAUSE YOU'VE BEEN SUSPENDED BECAUSE YOU WON'T PAY. AND SO AT THE END OF THE DAY I'M SITTING HERE WONDERING, WHY ARE WE STILL TALKING ABOUT THIS? AND I'M GLAD LB317 IS UP HERE. AND I'M NOT SURE HOW I FEEL ABOUT THESE AMENDMENTS BECAUSE I THINK IT'S JUST GOING TO CAUSE ANOTHER DISCUSSION TO HAPPEN WHEN I'M GONE AND I'M TRYING TO SAVE SOME OF MY COLLEAGUES FROM WHAT I'VE BEEN THROUGH OVER SEVEN YEARS, WHICH IS TALKING ABOUT SOMETHING THAT HASN'T YIELDED ANY BENEFIT THAT HAS BEEN PRESENTED TO ME BY MEMBERSHIP IN THIS COMPACT. SO I ENCOURAGE YOU TO AT LEAST VOTE FOR LB317. MAKE YOUR OWN DECISION ON THE AMENDMENTS, BUT IT IS TIME THAT WE PUT THIS TO BED AND I APPRECIATE SENATOR KINTNER FOR BRINGING IT AND THE TRANSPORTATION COMMITTEE FOR THE UNANIMOUS SUPPORT IN THE BILL. SO WITH THAT, MR. PRESIDENT, I WILL YIELD THE REST OF MY TIME BACK TO THE CHAIR. [LB317]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS NORDQUIST, BURKE HARR, BRASCH, BLOOMFIELD, KRIST, AND OTHERS. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB317]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE IN OPPOSITION OF LB317. I'M CERTAINLY NOT GOING TO TAKE IT TO THE MAT TO FIGHT IT. BUT I ACTUALLY, I KNOW, I DON'T KNOW WHO ELSE IN THIS BODY HAS ATTENDED, BUT SENATOR SMITH AND I ATTENDED THE MIDWEST PASSENGER RAIL COMPACT MEETING THIS SUMMER IN KANSAS CITY. AND WE CAN TELL YOU WHY NEBRASKA...AT LEAST I CAN, WHY NEBRASKA IS NOT GETTING ANYTHING OUT OF IT, BECAUSE UP UNTIL THAT TIME WE WEREN'T SENDING ANYBODY. EVERY OTHER STATE THAT'S PARTICIPATING SENDS THEIR LEADERSHIP FROM THEIR DEPARTMENT OF TRANSPORTATION THERE. THEY'RE COORDINATING ACROSS STATE AGENCIES AND ACROSS THE REGION AND NEBRASKA HAS SAID, WE'RE NOT GOING TO SHOW UP. AND, QUITE FRANKLY, WE HAVE A LOT TO LOSE. WE DO HAVE PASSENGER RAIL SERVICE IN NEBRASKA ALREADY WITH AMTRAK. LINCOLN HAS MADE A SUBSTANTIAL INVESTMENT IN

Floor Debate
April 23, 2015

A VERY NICE STATION IN DOWNTOWN LINCOLN WHICH COULD BE AN ECONOMIC DEVELOPMENT TOOL IF WE STRENGTHEN PASSENGER RAIL IN OUR STATE AND WE'RE PART OF THE LONG-TERM PLANNING FOR THAT. THERE ARE BILLIONS OF DOLLARS OF FEDERAL FUNDS STILL AVAILABLE. EVERY YEAR THERE'S ABOUT...OR OVER THE LAST FIVE YEARS SINCE '09, THERE'S BEEN \$4.1 BILLION OF COMPETITIVE TIGER GRANTS, WHICH ARE FEDERAL FUNDING GRANTS TO ENHANCE RAIL SERVICE IN COMMUNITIES AND CONNECTING COMMUNITIES. THERE WAS \$10.1 BILLION OF FEDERAL FUNDING THROUGH THE HIGH SPEED INTERCITY PASSENGER RAIL PROGRAM. AND WE ARE JUST TURNING OUR BACK SAYING, WE DON'T EVEN WANT TO BE PART OF THAT DISCUSSION. WE DON'T WANT TO COORDINATE WITH OUR NEIGHBORING STATES. QUITE FRANKLY, THE BIGGEST INVESTMENT OF PASSENGER RAIL THAT'S GOING ON IN THE ENTIRE COUNTRY IS IN THE MIDWEST PASSENGER RAIL COMPACT AREA IN CHICAGO. THEY'RE DOING HUNDREDS OF MILLIONS OF DOLLARS AS WE SPEAK, HUNDREDS OF MILLIONS OF DOLLARS OF UPGRADES TO PASSENGER LINES OUT OF CHICAGO. IT WILL HAPPEN THAT CHICAGO WILL HAVE HIGHER SPEED PASSENGER RAIL TO THE QUAD CITIES AREA. AND OBVIOUSLY IOWA, EVEN THOUGH THEY'RE NOT PART OF THE COMPACT RIGHT NOW, THEY ARE STILL WORKING ON A PASSENGER RAIL PLAN ACROSS THE STATE OF IOWA. IN THE MIDWEST PASSENGER RAIL COMPACT STATES, A NUMBER OF THEM, KANSAS, MISSOURI, HAVE ALL RECEIVED SIGNIFICANT DOLLARS THROUGH THE HIGH SPEED RAIL, THE FEDERAL HIGH SPEED INTERCITY PASSENGER RAIL FUNDING. KANSAS AND MISSOURI HAVE RECEIVED TENS OF MILLIONS OF DOLLARS IN PLANNING AND UPGRADING PASSENGER RAIL LINES. BUT, AGAIN, THIS ISN'T A HILL I'M GOING TO DIE ON. I WILL SUPPORT THE AMENDMENT TO EXTEND IT BECAUSE IT MAKES SENSE TO TRY TO CONTINUE OUR INVOLVEMENT. BUT WHEN OUR ADMINISTRATION JUST TURNS THEIR BACK AND SAYS, NO, WE DON'T WANT TO PARTICIPATE, YOU'RE OBVIOUSLY NOT GOING TO GET ANYTHING OUT OF IT. AND THAT'S VERY UNFORTUNATE FOR THE LONG TERM BECAUSE, OBVIOUSLY, INVESTMENTS IN ANY INFRASTRUCTURE, WHETHER IT'S ROADS OR RAIL OR ANYTHING IS NOT ABOUT TOMORROW, IT'S ABOUT 50 YEARS FROM NOW. AND 50 YEARS FROM NOW, OUR KIDS AND GRANDKIDS ARE GOING TO BE PAYING THE PRICE OF OUR UNWILLINGNESS RIGHT NOW TO AT LEAST ENGAGE IN THESE DISCUSSIONS. THANK YOU, MR. PRESIDENT. [LB317]

SPEAKER HADLEY: SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB317]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I STAND IN SUPPORT OF AM483. PIGGYBACK, I AGREE WITH A LOT OF WHAT SENATOR NORDQUIST SAID. IT'S KIND OF HARD TO PROVE WHETHER WE'RE GETTING

Floor Debate
April 23, 2015

ANYTHING OUT OF IT OR NOT WHEN WE DON'T REALLY PARTICIPATE TO THE FULL DEGREE THAT WE CAN. MY HOPE IS THAT BY PASSING AM483, WE CAN TAKE THIS OFF THE AGENDA FOR A YEAR OR TWO AND WE CAN HAVE MEMBERS--I AM NOW ON THE COMPACT AS IS SENATOR LINDSTROM--AND WE CAN GO AND WE CAN REALLY ENGAGE WITH THE COMPACT AND SEE HOW IT PERFORMS AND THEN WHETHER IT IS WORTH IT. IT'S \$15,000, NOT A GREAT SUM, NOT A SMALL SUM. BUT WE NEED TO START PLANNING FOR THE FUTURE. WE NEED TO START PLANNING IN CASE WE DO NOT HAVE CARS IN THE FUTURE. I KNOW I TOOK THE TRAIN FROM OMAHA DOWN TO LINCOLN FOR THE NEBRASKA-MIAMI FOOTBALL...I GUESS IT WOULD BE MIAMI-NEBRASKA FOOTBALL GAME. AND WE HAD A HECK OF A GOOD TIME. IT WAS A GREAT EXPERIENCE. AND I HAVE IN THE PAST TAKEN RAIL FROM ST. PAUL, MINNESOTA, TO SOUTH BEND, INDIANA. IT'S A GREAT WAY OF TRAVELING. AND SO WE NEED TO KEEP ALL OUR OPTIONS OPEN AND WE NEED TO FIND OUT IF THIS IS A BETTER, CHEAPER, AND MORE ENVIRONMENTALLY FRIENDLY WAY OF TRAVEL. AIR TRAVEL IS GETTING SLOWER AND SLOWER DUE TO SECURITY CONCERNS AND YOU HAVING TO BE THERE SO MUCH EARLIER. THERE ARE TIMES WHEN TRAIN TRAVEL IS BETTER. I WISH MANY A MORNING WHEN I'M RECEIVING TEXTS THAT I CAN'T RESPOND TO IN THE CAR DRIVING DOWN TO LINCOLN FROM OMAHA THAT I WERE ON A TRAIN, THAT I COULD READ THE NEWSPAPER, THAT I COULD RESPOND TO CONSTITUENTS. SO I THINK IT'S IMPORTANT THAT WE KEEP OUR OPTIONS OPEN, WE LOOK AND SEE HOW IT IS. I WANT TO THANK SENATOR KINTNER FOR THIS COMPROMISE LANGUAGE. I WANT TO THANK SENATOR LINDSTROM FOR INTRODUCING THE AMENDMENT. I THINK THIS IS A GOOD AMENDMENT AND I'D ASK FOR YOUR SUPPORT ON AM483. AND IN THREE YEARS, WE CAN CARRY THE BURDEN WHETHER THIS NEEDS TO GO ON OR NOT. BUT THANK YOU. [LB317]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS BRASCH, BLOOMFIELD, KRIST, SCHEER, AND SCHUMACHER. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB317]

SENATOR BRASCH: THANK YOU, MR. SPEAKER, AND THANK YOU, COLLEAGUES. SPEAKING WITH THE COMMITTEE COUNSEL AND LOOKING THAT WE DID HAVE EIGHT MEMBERS ALL IN SUPPORT OF THIS, INCLUDING CHAIRMAN SMITH, WE MADE THE EMERGENCY CLAUSE DATE TO LINE UP WITH THE FISCAL YEAR. HOWEVER, WE DO BELIEVE THAT WE'D SUPPORT SENATOR LINDSTROM'S AMENDMENT TO LOOK AT IT LONGER. WE BELIEVE THAT SHOULD THERE BE VALUE THERE DISCOVERED WITHIN THE NEXT THREE YEARS, THAT'S A GOOD

Floor Debate
April 23, 2015

THING. AND SO WITH THIS, I YIELD THE REST OF MY TIME TO SENATOR KINTNER.
[LB317]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE YIELDED 4 MINUTES AND 10
SECONDS. [LB317]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I HEARD WHAT MY COLLEAGUE, SENATOR NORDQUIST, SAID AND HE CRITICIZED OUR STATE FOR NOT PARTICIPATING. LET ME TELL YOU SOMETHING, OUR STATE CAN COORDINATE WITH OTHER AGENCIES WITHOUT SPENDING \$15,000. THEY CAN PICK UP THE PHONE AND THEY DO IT ON STUFF ALL THE TIME. HE SAID THAT IOWA PULLED OUT. I SAID IOWA PULLED OUT, HE ACKNOWLEDGED IT. AND THEN WENT ON TO SAY, THEY'RE COORDINATING RIGHT NOW. THEY'RE GETTING FEDERAL MONEY AND COORDINATING. THEY'RE COORDINATING RIGHT NOW ON SOME RAIL STUFF. I'LL TAKE HIS WORD FOR IT. I DON'T KNOW IF THEY ARE BUT I'LL TAKE HIS WORD FOR IT. AND THEY'RE NOT IN THE COMPACT. SO YOU DON'T HAVE TO BE IN COMPACT TO COORDINATE STUFF. NOW LET ME ALSO TALK ABOUT THE HIGH SPEED RAIL. DURING THE GLORY DAYS OF THE STIMULUS WHEN MONEY WAS JUST FLYING OUT OF WASHINGTON BACK TO STATES WE WERE NEVER IN THE CONVERSATION FOR HIGH SPEED RAIL, NEVER EVER, EVER, EVER, EVER, EVER. WE DON'T HAVE THE CONCENTRATION OF PEOPLE TO SUSTAIN RAIL IN OUR STATE. THE CLOSEST IT EVER CAME DOWN WAS FROM CHICAGO DOWN INTO IOWA. WISCONSIN LOOKED AT IT, TURNED DOWN THE FEDERAL MONEY. OHIO LOOKED AT IT, TURNED DOWN THE FEDERAL MONEY. FLORIDA LOOKED AT IT AND TURNED DOWN THE FEDERAL MONEY BECAUSE EVEN IF THE FEDERAL GOVERNMENT BUILT IT, THEY WOULD HAVE TO RUN IT AT A HUGE LOSS EVERY YEAR. CALIFORNIA TOOK THE MONEY. AND THEY STILL...I DON'T THINK THEY PUT A SHOVEL IN THE GROUND YET AND THE COST ABOUT TRIPLED ON THEIR HIGH SPEED RAIL. I DON'T KNOW IF IT'S GOING FROM UP AND DOWN THE COAST FROM ONE CITY TO ANOTHER CITY, AND IT'S JUST BEEN A BOONDOGGLE. AND THEY'RE NOT...THEY'RE...I DON'T KNOW, TEN YEARS AWAY FROM A PASSENGER BUTT IN THE SEATS. SO WHAT IS GOING TO HAPPEN IS GOING TO HAPPEN WITH OR WITHOUT BEING IN THE PASSENGER RAIL COMPACT. WE CAN COORDINATE WITH OTHER STATES WITHOUT BEING IN THE PASSENGER RAIL COMPACT. AMTRAK IS GOING TO DO WHAT AMTRAK IS GOING TO DO IF WE'RE IN THE PASSENGER RAIL COMPACT OR WE'RE NOT IN THE PASSENGER RAIL COMPACT. I DO SUPPORT SENATOR LINDSTROM'S AMENDMENT. IT'LL SUNSET AFTER THREE YEARS. AND I ENCOURAGE THIS BODY TO TAKE A GOOD LOOK AT WHAT WE'RE DOING FOR THREE YEARS AND SEE IF AT ANY TIME WE GET A BENEFIT. MAYBE WE HAVEN'T GOTTEN A BENEFIT IN 15 YEARS, MAYBE

Floor Debate
April 23, 2015

THERE WILL BE A BENEFIT IN THE NEXT THREE YEARS. AND IF THERE IS, THEN WE CAN SIT DOWN, REEVALUATE WHAT WE'RE GETTING OUT OF IT AND MAKE A DECISION IF WE WANT TO REJOIN AT THAT POINT. BUT I THINK THIS IS PROBABLY A GOOD COMPROMISE, A GOOD WAY TO MOVE FORWARD. AND IT GETS US ON THE TRACK TO GET OUT UNLESS THIS BODY SEES SOMETHING THAT THEY LIKE FROM THE RAIL COMPACT AND THEN WE CAN GET BACK IN. BY THE WAY, IT'S EASY TO GET IN, YOU JUST GET IN. IT'S TOUGH TO GET OUT. IT TAKES... YOU'VE GOT TO GIVE THEM A YEAR'S ADVANCED NOTICE. SO YOU CAN CHECK IN, BUT IT'S TOUGH TO CHECK OUT. THANK YOU, MR. PRESIDENT. [LB317]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB317]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. THERE'S NOTHING TOUGHER TO KILL THAN A GOVERNMENT PROGRAM. THE ONLY THING THAT COMES CLOSE IS OUR INVOLVEMENT IN A MULTI-GOVERNMENT PROGRAM THAT DOES US NO GOOD. WE'VE BEEN TRYING TO CHOKe THIS TURKEY FOR THE LAST FIVE YEARS THAT I'VE BEEN HERE AND IT KEEPS CRAWLING BACK TO SURVIVE. I THINK IT WAS TWO YEARS AGO, WE FINALLY KILLED AN AIRPORT THING, A COMMISSION THAT HADN'T HAD A MEETING IN OVER 20 YEARS. WE FINALLY GOT THAT OFF OF THE BOOKS. MY GOSH, PEOPLE, LET'S GET RID OF THIS THING. I SUPPORT SENATOR KINTNER'S ORIGINAL BILL, AND I REALLY LIKE TRANSPORTATION COMMITTEE'S BILL TO END IT ON AN EMERGENCY BASIS. AM1287 GIVES IT ANOTHER THREE YEARS. WELL, WHY NOT? THAT'S ONLY ANOTHER \$45,000. WE TALK ABOUT WE'RE LOOKING OUT 50 YEARS ON THAT. WELL, YEAH, LET'S STAY IN ANOTHER 50 YEARS, THAT'S ONLY THREE QUARTERS OF A MILLION. WHEN IS ENOUGH, ENOUGH? WE HAVE REACHED THAT POINT. I UNDERSTAND THE IDEA OF THE COMPROMISE HERE. I'M OPPOSED TO THE COMPROMISE. LET'S KILL THIS THING AND GET IT OUT OF OUR BUDGET, GET IT OUT OF OUR HAIR AND BE DONE WITH IT. WE HAVE ALLOWED THIS TO GO ON FOR WAY TOO LONG. I LIKE SENATOR KINTNER'S HANDOUT. I BELIEVE WE OUGHT TO PUT A MAP OF NEBRASKA ON TOP OF EACH ONE OF THOSE RAIL CARS GOING OFF OF THE CLIFF, BECAUSE WE JUST KEEP THROWING MONEY AWAY BECAUSE WE'VE GOT NOTHING ELSE TO DO WITH IT. COLLEAGUES, THAT'S WHERE WE'RE GOING. MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR KINTNER, IF HE'D LIKE IT. [LB317]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE YIELDED 2 MINUTES AND 50 SECONDS. SENATOR KINTNER WAIVES. (VISITORS INTRODUCED.) SENATOR KRIST, YOU'RE RECOGNIZED. [LB317]

Floor Debate
April 23, 2015

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, AGAIN, COLLEAGUES, AND GOOD MORNING, NEBRASKA. SORRY FOR MY DELAY. BUT I WONDER IF SENATOR KINTNER WOULD YIELD FOR A QUESTION. [LB317]

SPEAKER HADLEY: SENATOR KINTNER, WILL YOU YIELD? [LB317]

SENATOR KINTNER: CERTAINLY. [LB317]

SENATOR KRIST: SO JUST SO WE TRACK THROUGH BECAUSE SOMETIMES WHEN YOU'RE IN AND OUT IN DISCUSSION YOU LOSE THE CONTINUITY AND THE LEGISLATIVE INTENT ON THE FLOOR. WHAT DOES LB317 PROPOSE TO DO? [LB317]

SENATOR KINTNER: LB317 GETS US OUT OF THE RAIL COMPACT STARTING WITH THIS NEXT FISCAL YEAR. [LB317]

SENATOR KRIST: OKAY. AND DOES THAT MEAN THAT WE WOULD GIVE ONE YEAR'S NOTICE UPON THE PASSAGE OF THIS BILL AND THAT WE WOULD GIVE OUR ONE-YEAR NOTICE TO THE COMPACT AND BE GOOD ON OUR OBLIGATION THROUGH THAT YEAR PERIOD? [LB317]

SENATOR KINTNER: THAT IS CORRECT. BUT I GOT TO POINT OUT THAT THE AMENDMENT TO THE COMMITTEE AMENDMENT IS A COMPROMISE THAT SUNSETS US OUT IN THREE YEARS. SO IT'S GOING TO CHANGE THE ORIGINAL BILL TO JUST SUNSET US OUT IN THREE YEARS AND '18 WOULD BE THE YEAR WE'D BE OUT. [LB317]

SENATOR KRIST: AND I APPRECIATE THAT. I'M GOING TO WALK THROUGH EACH ONE OF THESE THOUGH AND MAKE SURE WE'RE THERE. BUT THIS BILL...IT WOULD BE YOUR INTENTION THAT IF LB317 WOULD BE AS PRINTED--GREEN COPY, LET'S SAY--THAT WE WOULD GIVE NOTIFICATION TO THE COMPACT, BE GOOD ON OUR OBLIGATION FOR OUR DUES FOR THAT YEAR AND THEN EXIT AFTER THAT YEAR. [LB317]

SENATOR KINTNER: THAT IS CORRECT. [LB317]

SENATOR KRIST: OKAY. AND THAT, SENATOR KINTNER, IS VERY IMPORTANT BECAUSE WITHIN THE COMPACT, IT'S CLEARLY STATED THAT ONE-YEAR NOTIFICATION FOR TERMINATION IS REQUIRED. AND I THINK IF WE CAN RECALL

Floor Debate
April 23, 2015

DISCUSSIONS OVER THE PAST SEVERAL YEARS THAT I'VE BEEN HERE, IT WAS ALWAYS, WE DON'T WANT TO PAY IT, WE JUST DON'T WANT TO PAY IT, WE DON'T WANT TO PAY IT. AND THEN WE WERE IN ARREARS. AND I THINK, YOU KNOW, WE ALL TALK ABOUT THE NEBRASKA WAY. AND I THINK MANY OF US TALKED ABOUT IT ON THE MIKE THAT DAY, IF WE ARE GOING TO SUSPEND OR NOT BE INVOLVED WITH THE COMPACT, WE DO NEED TO GO THROUGH THE PROPER PROCESS. SO I THANK YOU FOR THE BILL AND THANK YOU FOR AN EXPLANATION. COMMITTEE CHAIR SMITH IS NOT HERE TODAY. I WAS WONDERING IF THE VICE CHAIR, SENATOR BRASCH, WOULD YIELD TO A QUESTION. [LB317]

SPEAKER HADLEY: SENATOR BRASCH, WILL YOU YIELD? [LB317]

SENATOR BRASCH: I WOULD YIELD. [LB317]

SENATOR KRIST: SO JUST TO, AGAIN, FLOW THROUGH THIS PROCESS, THE COMMITTEE AMENDMENT WOULD PURPORT TO DO WHAT? [LB317]

SENATOR BRASCH: THE COMMITTEE AMENDMENT WILL MAKE IT EFFECTIVE AS THE EMERGENCY CLAUSE OF JULY 2015 TO MATCH TO THIS FISCAL YEAR. [LB317]

SENATOR KRIST: OKAY. AND SO THE COMMITTEE AMENDMENT WOULD, INDEED, VIOLATE THE INTENT OF THE CONTRACT OF THE ACTUAL COMPACT BECAUSE WE'RE NOT GETTING A FULL YEAR'S NOTICE IN TERMS OF OUR TERMINATION OF OUR MEMBERSHIP? [LB317]

SENATOR BRASCH: FROM THE COMMITTEE COUNSEL HERE, IT DOES NOT VIOLATE THE COMPACT. IT WOULD BE PROPER NOTIFICATION. [LB317]

SENATOR KRIST: HOW DOES THAT HAPPEN IF THE EFFECTIVE DATE IS JULY OF '15, WHICH IS JUST A FEW MONTHS AWAY, HOW DOES THAT NOT VIOLATE THE CONTRACT? I'LL TELL YOU WHAT, SENATOR BRASCH, LET ME JUST SKIP OVER. IF YOU WANT TO TALK TO COUNSEL, I'LL COME A BACK TO YOU IN JUST A SECOND. SENATOR LINDSTROM, WOULD YOU YIELD TO A QUESTION? [LB317]

SPEAKER HADLEY: SENATOR LINDSTROM, WILL YOU YIELD? [LB317]

SENATOR LINDSTROM: YES. [LB317]

Floor Debate
April 23, 2015

SENATOR KRIST: SO WHAT DOES THE AMENDMENT TO THE COMMITTEE AMENDMENT PURPORT TO DO? [LB317]

SENATOR LINDSTROM: IT CHANGES THE DATE FROM JULY 1, 2015, TO JULY 1, 2018. [LB317]

SENATOR KRIST: OKAY, THANK YOU FOR THAT. AND WHILE I'M WAITING FOR SENATOR BRASCH TO COME BACK, IS THERE AN APPROPRIATIONS COMMITTEE MEMBER I CAN TALK TO IN TERMS OF WHAT'S BEEN...IS SENATOR NORDQUIST AVAILABLE FOR A QUESTION? [LB317]

SPEAKER HADLEY: SENATOR NORDQUIST, WILL YOU YIELD? [LB317]

SENATOR NORDQUIST: YES. [LB317]

SENATOR KRIST: HAVE WE PUT... [LB317]

SPEAKER HADLEY: ONE MINUTE. [LB317]

SENATOR KRIST: ...IN OUR BALANCE IN OUR BUDGET THROUGHOUT THE NEXT COUPLE OF YEARS, WHAT HAVE YOU APPROPRIATED IN TERMS OF THIS OBLIGATION? [LB317]

SENATOR NORDQUIST: NOW YOU'RE MAKING ME THINK. I THINK OUR DISCUSSION WAS THAT WE SHOULD AND WE DID MAINTAIN THE FUNDING UNTIL WE GET OUT. [LB317]

SENATOR KRIST: OKAY, THANK YOU. AND THEN, IF SENATOR BRASCH WOULD YIELD ONE MORE TIME? TURN HER MIKE ON. THANK YOU. [LB317]

SPEAKER HADLEY: SENATOR BRASCH, WILL YOU YIELD? [LB317]

SENATOR BRASCH: YES, I YIELD. [LB317]

SENATOR KRIST: SO THE ANSWER TO THAT QUESTION, SENATOR BRASCH, WAS WHAT? [LB317]

Floor Debate
April 23, 2015

SENATOR BRASCH: IS IT GIVES THE ONE YEAR'S NOTICE. IT'S WITH OUR FISCAL YEAR. THAT GIVES IT AN ENTIRE YEAR. IT WAS A RECOMMENDATION MADE TO SENATOR KINTNER'S COUNSEL, TO SENATOR SMITH'S COUNSEL TO GIVE NOTICE THIS JULY '15 AND WE WOULD BE OUT OF THE COMPACT ON JULY 2016 WHICH WOULD MATCH THE PROPER CALENDAR NOTIFICATION. [LB317]

SENATOR KRIST: OKAY, SUPER. THANK YOU. [LB317]

SPEAKER HADLEY: TIME, SENATOR. [LB317]

SENATOR KRIST: THANK YOU, SENATOR KINTNER, SENATOR LINDSTROM, SENATOR BRASCH, AND SENATOR NORDQUIST. [LB317]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB317]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I HAVE TO JOIN IN THE ACCOLADES TO SENATOR KINTNER OVER HIS HANDOUT. THIS IS THE CUTEST THING I THINK I'VE SEEN SINCE I WAS IN KINDERGARTEN AND THE LITTLE TRAIN WAS SAYING, I THINK I CAN. I THINK I CAN, I THINK I CAN. SENATOR KINTNER'S TRAIN MUST BE SAYING, HERE I GO, HERE I GO. AND EVEN THOUGH RAILROAD TRAFFIC IS A WONDERFUL ASPIRATION, THE ECONOMICS OF IT APPLYING VERY MUCH HERE IN THE CORNHUSKER STATE WITH OUR SPARSE POPULATION IS REASONABLY REMOTE AND IT'S PROBABLY TIME FOR US TO GO. THANK YOU. [LB317]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: THANK YOU, SENATOR SCHUMACHER. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB317]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT. I JUST WANTED TO MAKE SURE WE GOT ON THE RECORD THAT ON THE IOWA DEPARTMENT OF TRANSPORTATION WEB SITE THEY EVEN HAVE A WHOLE PAGE DEDICATED TO THE CHICAGO COUNCIL BLUFFS/OMAHA REGIONAL PASSENGER RAIL SYSTEM PLANNING STUDY. SO THE COMMENT THAT WAS MADE THAT NEBRASKA WAS NEVER IN ANY DISCUSSION JUST ISN'T FACTUALLY ACCURATE. AS A MATTER OF FACT, THERE IS STILL PLANNING WORK GOING ON IN THE IOWA DEPARTMENT OF TRANSPORTATION ABOUT A PASSENGER RAIL SYSTEM THAT AT THIS TIME ON

Floor Debate
April 23, 2015

MOST RECENT PLANNING AND DOCUMENTS, THE TERMINUS OF THAT RAIL LINE IS IN COUNCIL BLUFFS. CERTAINLY I FEEL STRONGLY THAT ENDING THAT PASSENGER RAIL LINE IN OMAHA COULD MEAN TENS OF MILLIONS OF DOLLARS OF ECONOMIC ACTIVITY. RIGHT NOW WE HAVE A TRAIN THAT GOES THROUGH EVERY SINGLE DAY WITH THE CALIFORNIA ZEPHYR. AND I THINK WE SHOULD BE IN DISCUSSIONS WITH THAT ENTIRE PLANNING OPERATION. AND EVEN THOUGH IOWA ISN'T IN THE MIX, THE OTHER STATES FROM ILLINOIS AND OTHER STATES THAT ARE INVOLVED IN THAT ENTIRE PROJECT ARE. AND IT JUST ALLOWS US TO HAVE A VOICE IN THE PROCESS. THANK YOU. [LB317]

SENATOR GLOOR: THANK YOU, SENATOR NORDQUIST. SENATOR GROENE, YOU'RE RECOGNIZED. [LB317]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. GOT TO GET THAT SHOCK OUT OF THE WAY. I'M LOOKING AT THIS AS A FEDERAL--WHEN YOU CROSSED INTERSTATE LINES--THAT THIS IS GOING TO BE A FEDERAL PROJECT IF IT EVER HAPPENS. I REALLY DON'T SEE WHERE THE STATES ARE INVOLVED RIGHT NOW, UNLESS YOU'RE DOING ONE IN CHICAGO OR ONE IN OMAHA. BUT I WOULD SEE THIS COMING OUT OF THE FEDERAL GOVERNMENT SO I REALLY DON'T SEE THE NEED FOR THIS. BUT MY CONCERN ON AM1287 IS, WE DO BIENNIUM BUDGETS. WHY DOESN'T THIS END JULY OF '17? WE GOT...THE BUDGET THIS YEAR WILL BE '15-'16, '16-'17. WHY DRAG THIS TO ANOTHER BIENNIUM BUDGET? MY SENSE IS SOMEBODY THINKS IF WE'RE DOING THE SAME THING HERE, WELL, WE ALREADY GOT IT IN THE NEW BIENNIUM BUDGET SO WE GOT TO PAY IT THE FIRST YEAR, LET'S DRAG IT ON FOR TWO MORE YEARS. NOW, CALL ME SKEPTICAL, BUT I'D SURE LIKE TO SEE THIS THING AMENDED BACK TO THE END OF '17 AND NOT DRUG IN TO WHOEVER THE NEW APPROPRIATIONS MEMBERS ARE IN TWO YEARS. LET'S END IT. LET'S NOT EVEN PUT IT ON THE TABLE IN THE NEXT BIENNIUM BUDGET. BUT, SENATOR LINDSTROM, WOULD YOU ANSWER A QUESTION OR POINT ME IN THE RIGHT DIRECTION WHO I SHOULD ASK THE QUESTION TO? [LB317]

SENATOR GLOOR: SENATOR LINDSTROM, WOULD YOU YIELD? [LB317]

SENATOR LINDSTROM: YES. [LB317]

SENATOR GROENE: WHY DID WE GO THREE YEARS AND NOT JUST TWO AND KEEP IT IN THIS BIENNIUM BUDGET? [LB317]

Floor Debate
April 23, 2015

SENATOR LINDSTROM: I THINK THIS IS THE COMPROMISE IN THE WORK OF THE COUNSEL OF TRANSPORTATION AND THIS IS WHAT WE CAME UP WITH. [LB317]

SENATOR GROENE: IT WASN'T BECAUSE OF SOME AGREEMENT WITH THE COMPACT THAT YOU HAVE TO GIVE A THREE YEAR'S NOTICE? [LB317]

SENATOR LINDSTROM: NO, NOT THAT I'M AWARE OF. [LB317]

SENATOR GROENE: ALL RIGHT. WELL, THANK YOU, SENATOR LINDSTROM, THAT'S ALL I HAVE. THANK YOU. [LB317]

SENATOR GLOOR: THANK YOU, SENATOR GROENE AND SENATOR LINDSTROM. MEMBERS IN THE QUEUE WISHING TO SPEAK: KRIST, SCHEER, BLOOMFIELD, AND DAVIS. SENATOR KRIST, YOU'RE RECOGNIZED. [LB317]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. SORRY IT TOOK ME LONG AGAIN BUT I WAS HAVING SOME OTHER CONVERSATIONS OFF OF THE MIKE. I DIDN'T FINISH, I GUESS, MY PERSPECTIVE ON THIS BILL. I BELIEVE THAT EVERY YEAR THAT I'VE BEEN HERE WE HAVE TALKED ABOUT THIS IN ONE FORM OR ANOTHER, SOMETIMES JUST SAYING WE DON'T WANT TO PLAY ANYMORE AND WE DIDN'T PAY YOU SO WE'RE IN ARREARS SO JUST LET US GO. LET MY PEOPLE GO. BUT IN SOME WAYS, I THINK THIS DISCUSSION IS A GOOD DISCUSSION AND I WOULD SAY THIS ABOUT THESE SUBJECT MATTER THAT JUST KEEPS REPEATING AND REPEATING. WE HAVE TO PUT THIS TO BED. I MEAN, I JUST HAD A CONVERSATION OFF OF THE MIKE WITH A TRANSPORTATION COMMITTEE MEMBER WHO'S BEEN THERE, DONE THAT, WORN THAT T-SHIRT FOR THE WHOLE TIME SHE'S BEEN HERE, AND SHE'S TOLD ME, WE'VE GOT TO PUT THIS THING TO BED. AND SENATOR CAMPBELL AND I ARE IN TOTAL AGREEMENT THAT THAT'S WHAT NEEDS TO HAPPEN. I WOULD GO BACK, THOUGH, TO SOME TESTIMONY THAT'S BEEN PUT OUT HERE ON THE FLOOR THAT THE REASON WE'VE SEEN NO BENEFIT IS THE LACK OF PARTICIPATION IN THE PROCESS. NOW I UNDERSTAND SENATOR KINTNER'S CONCERNS. WE'VE NEVER BEEN PART OF HIGH SPEED. WE'RE NEVER GOING TO BE PART OF HIGH SPEED. BUT I THINK I HEAR FROM FOLKS WHO KNOW RAIL THAT WE DON'T HAVE ENOUGH INSPECTORS OUT THERE LOOKING AT THE PROCESS. I THINK I UNDERSTOOD FROM SENATOR NORDQUIST'S CONVERSATION THAT THERE ARE PROGRAMS OUT THERE BEING PART OF THIS PACT THAT WE COULD TAKE ADVANTAGE OF. AND TO SENATOR GROENE'S CONCERN, I TOTALLY AGREE. I DON'T THINK WE SHOULD THROW ANOTHER \$15,000 OR ANOTHER \$15,000 OR ANOTHER \$15,000 JUST BECAUSE IT'S

Floor Debate
April 23, 2015

BEEN PUT INTO THE BUDGET. BUT I THINK WE SHOULD...AT LEAST WITH THE 18 NEW MEMBERS IN HERE, YOU NEED TO UNDERSTAND WE HAVE TALKED ABOUT THIS THING EVERY YEAR FOR THE LAST SIX YEARS. WE NEED TO TAKE DEFINITIVE ACTION, WE NEED TO ANALYZE WHAT THE PROCESS IS, AND MAKE SURE AT THIS POINT THAT WE'RE TAKING ADVANTAGE OF THE INVESTMENT THAT WE'VE MADE AND STOP OR CONTINUE BASED UPON SOUND JUDGMENT. THE METRICS THAT, POTENTIALLY, OUR TWO MEMBERS WHO ARE GOING TO ATTEND NOW AND GET MORE INVOLVED WITH THE PROCESS CAN BRING BACK TO THIS LEGISLATURE. I GUESS ON THE SURFACE I WOULD SAY, BECAUSE MY TIME IS PROBABLY RUNNING OUT, I'LL SUPPORT SENATOR LINDSTROM'S AMENDMENT. I THINK IT'S A GOOD COMPROMISE TO BOTH THE TRANSPORTATION COMMITTEE AMENDMENT AND TO SENATOR KINTNER. AND I'M HOPING SENATOR KINTNER...I DID NOT HEAR THAT YOU WERE SUPPORTING IT, BUT I'M HOPING THAT YOU'LL TELL US THAT YOU WOULD SUPPORT THAT EFFORT. SENATOR KINTNER IS GIVING ME A THUMBS UP. SO, COLLEAGUES, I WOULD JUST URGE US TO PUNCH OFF OUR LIGHTS AT THIS POINT, VOTE GREEN ON ALL THREE OF THEM, AND LET'S MOVE ON. GET A GOOD REPORT BACK WITHIN THE NEXT FEW YEARS FROM THOSE COMMITTEE MEMBERS WHO ARE GOING TO BE IN PROCESS AND LET'S PUT THIS TO BED FOR FUTURE LEGISLATURES SO THEY NEVER HAVE TO DEAL WITH IT AGAIN, OR WE START PARTICIPATING AND GETTING OUR MONEY'S WORTH OUT OF THE PROCESS. THANK YOU. [LB317]

SENATOR GLOOR: THANK YOU, SENATOR KRIST. (VISITORS INTRODUCED.)
SENATOR SCHEER, YOU'RE RECOGNIZED. [LB317]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. WOULD SENATOR LINDSTROM YIELD TO A FEW QUESTIONS? [LB317]

SENATOR GLOOR: SENATOR LINDSTROM? [LB317]

SENATOR LINDSTROM: YES. [LB317]

SENATOR SCHEER: SENATOR LINDSTROM, YOU SAID THIS WAS A COMPROMISE. COULD YOU PLEASE TELL ME WHO THE COMPROMISE IS BETWEEN? [LB317]

SENATOR LINDSTROM: THIS IS A COMPROMISE BETWEEN NOT ONLY OUR COMMITTEE, SENATOR HARR AND MYSELF, BUT WITH SENATOR KINTNER.
[LB317]

Floor Debate
April 23, 2015

SENATOR SCHEER: OKAY. CAN YOU TELL ME WHAT IS IT THAT YOU ARE GOING TO BE ABLE TO ASCERTAIN IN THE NEXT TWO TO THREE YEARS THAT PREVIOUS PEOPLE THAT HAVE SERVED BEFORE YOU WERE NOT ABLE TO? [LB317]

SENATOR LINDSTROM: WELL, WE'VE HAD ONE MEETING WITH SOME FOLKS THAT CAME UP, REPRESENTATIVES. WE HAVE NOT HAD A CHANCE TO YET MEET WITH THE OTHER REPRESENTATIVES FROM THE OTHER STATES AND THAT WOULD TAKE PLACE IN SEPTEMBER SO TO GET A BETTER FEEL OF WHERE WE'RE AT AND WHERE WE'RE GOING. [LB317]

SENATOR SCHEER: IF THIS WAS A COMPROMISE, THEY WERE LOOKING AT ONE YEAR AND YOU'RE LOOKING AT THREE YEARS, THEN ISN'T THE COMPROMISE TWO YEARS AND THEN THAT PERHAPS SOLVES SOME OF THE PROBLEMS? IT GETS DONE WITHIN THIS BIENNIUM AND WE EITHER MOVE IT FORWARD OR NOT? I GUESS FROM MY VANTAGE POINT, IT PUTS MORE OF A FINALITY ON IT. MY CONCERN, AGAIN, LIKE OTHERS IS THAT IT MAY MOVE ITSELF FORWARD SIMPLY BECAUSE WE ARE MIDSTREAM. YOU KNOW, \$15,000 BASED ON THE BUDGET THAT WE'LL HAVE HERE NEXT YEAR IS NOT A REAL, REAL LARGE SUM, BUT IT'S STILL MONEY. AND I KNOW IN TALKING TO SENATORS PREVIOUSLY THAT WHEN THE FUNDS DRIED UP, IF YOU HAD A BILL THAT HAD ANY TYPE OF FISCAL IMPACT, IT DIDN'T GO ANYWHERE. THEY WOULD HAVE LOVED TO HAVE \$15,000 TO MOVE SOMETHING WITH. SO I'M WONDERING IF YOUR COMMITTEE MIGHT ENTERTAIN A COMPROMISE TO YOUR COMPROMISE OF PERHAPS PULLING YOURS BACK ONE YEAR AND BRINGING THEIRS ONE YEAR OUT. IS THAT SOMETHING THAT YOU WOULD CONSIDER? [LB317]

SENATOR LINDSTROM: THAT IS SOMETHING I'D CONSIDER. SO WHAT YOU'RE SAYING IS FROM 2018 TO 2017? [LB317]

SENATOR SCHEER: CORRECT. [LB317]

SENATOR LINDSTROM: I WOULD NOT HAVE A PROBLEM WITH THAT. [LB317]

SENATOR SCHEER: OKAY. THEN THE REST OF THE MEMBERS ON THE FLOOR, I WILL BE INTRODUCING THAT AMENDMENT TO TRY TO GET SOME FINALITY AND SHORTEN THE PERIOD UP SO WE EITHER ARE GOING TO BE DOING SOMETHING OR NOT. AND IF WE'RE DOING SOMETHING, THOSE REPRESENTATIVES SHOULD BE ABLE TO COME BACK AND TELL US FINITELY WHAT IT IS THAT WE'RE

Floor Debate
April 23, 2015

RECEIVING FOR THOSE FUNDS WITHOUT GOING INTO A NEW BIENNIUM. THANK YOU, SENATOR LINDSTROM. THANK YOU, MR. PRESIDENT. [LB317]

SENATOR GLOOR: THANK YOU, SENATOR SCHEER AND SENATOR LINDSTROM. SENATOR BLOOMFIELD, YOU'RE NEXT IN THE QUEUE. [LB317]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR KINTNER WOULD YIELD TO A QUESTION. [LB317]

SENATOR GLOOR: SENATOR KINTNER, WOULD YOU YIELD? [LB317]

SENATOR KINTNER: AGAINST MY BETTER JUDGMENT, YES, I WILL. [LB317]

SENATOR SCHUMACHER: THANK YOU, SENATOR KINTNER. OKAY. THE BILL AS YOU INTRODUCED IT GETS US OUT IN A YEAR. WE PAY THE \$15,000, WE SEND PEOPLE THIS YEAR. IS THAT CORRECT? [LB317]

SENATOR KINTNER: YES. AND WE GIVE THEM OUR NOTICE IN JUNE THIS YEAR, YES. [LB317]

SENATOR BLOOMFIELD: OKAY. THANK YOU. YOU MADE A LITTLE STATEMENT A LITTLE WHILE AGO THAT IT'S NOT HARD TO GET BACK IN. IF WE WENT FOR ONE MORE YEAR--WHICH WE'RE OBLIGATED TO DO UNDER YOUR ORIGINAL PROPOSAL--GAVE THEM OUR NOTICE AND LO AND BEHOLD OUR DELEGATES TO THEIR MEETING SAID, THERE'S A LOT THAT WE CAN GAIN HERE, HOW LONG WOULD IT TAKE US TO GET BACK IN? [LB317]

SENATOR KINTNER: I JUST THINK A LETTER OF INTENT. I THINK YOU'RE BACK IN, IN NO TIME. [LB317]

SENATOR BLOOMFIELD: THAT'S MY UNDERSTANDING AS WELL. COLLEAGUES, LET'S SAVE THE \$30,000. IS SENATOR NORDQUIST AVAILABLE FOR A QUESTION? [LB317]

SENATOR GLOOR: SENATOR NORDQUIST, WOULD YOU YIELD? [LB317]

Floor Debate
April 23, 2015

SENATOR BLOOMFIELD: I DON'T SEE SENATOR NORDQUIST. WHAT ABOUT SENATOR BURKE HARR? [LB317]

SENATOR GLOOR: SENATOR HARR, WOULD YOU YIELD? [LB317]

SENATOR HARR: YES. [LB317]

SENATOR BLOOMFIELD: THANK YOU, SENATOR HARR. [LB317]

SENATOR HARR: YOU BET. [LB317]

SENATOR BLOOMFIELD: IF WE WERE TO GIVE NOTICE THIS YEAR THAT WE WANTED OUT AND WE PAID OUR \$15,000, HOW LONG WOULD IT TAKE US TO GET BACK IN IF YOU HAVE SOME GREAT REVELATION AT THIS NEXT MEETING THAT IT WAS GOING TO DO US SOME GOOD? [LB317]

SENATOR HARR: WELL, I MEAN, WHAT THIS BILL DOES IS, IT CREATES A SUNSET THAT SAYS IN THREE YEARS WE WILL GET OUT, 2018. [LB317]

SENATOR SCHUMACHER: THAT ONLY COSTS US \$30,000. [LB317]

SENATOR HARR: MAYBE, IT MIGHT BE \$45,000. I'M NOT REALLY CLEAR ON IT, SO \$30,000. BUT THE ANSWER IS AFTER 2018, WE'RE OUT UNLESS THERE'S LEGISLATION TO BRING US IN. SO RIGHT NOW THE BURDEN IS ON...TO GET OUT. THIS CHANGES THE BURDEN IN THREE YEARS TO SAY THE...IF YOU WANT TO STAY IN IT, YOU HAVE TO PROVE THAT IT'S WORTHWHILE. BUT WE HAVE TO HAVE SOME TIME TO SEE WHAT THEY ACTUALLY DO BECAUSE WE HAVEN'T REALLY BEEN GOOD MEMBERS IN GOOD STANDING RECENTLY. [LB317]

SENATOR BLOOMFIELD: WE'VE BEEN A PART OF IT SINCE 1908, I DON'T KNOW THAT WE NEED A LOT MORE TIME. COLLEAGUES, AGAIN, PLEASE, PLEASE, LET'S KILL AM1287. LET'S PASS AM483 AND SAVE THE STATE \$30,000. WE CAN GET BACK IN IF IT'S SOMETHING WORTHWHILE. ALL IT TAKES IS A LETTER THAT SAYS, HEY, WE'D LIKE BACK IN, AND WE'RE THERE. WE CAN WRITE THE CHECK AGAIN THE FOLLOWING YEAR IF IT'S WORTHWHILE. I WONDER IF SENATOR GROENE WOULD YIELD TO A QUESTION. [LB317]

Floor Debate
April 23, 2015

SENATOR GLOOR: SENATOR GROENE, WOULD YOU YIELD? [LB317]

SENATOR GROENE: YES. [LB317]

SENATOR BLOOMFIELD: SENATOR GROENE, I'M TOLD THIS WAS PART OF A COMPROMISE TO STRETCH OUT THREE YEARS. WERE YOU INVOLVED IN THE COMPROMISE? [LB317]

SENATOR GROENE: NO, I WAS NOT. FROM WHEN I SEEN THE BILL, READ IT THE FIRST TIME I THOUGHT, GREAT IDEA. I CAME HERE TO MAKE GOVERNMENT SMALLER AND...NO, BUT I WASN'T ONE OF THE COMPROMISE. I THINK, AS RUMOR HAS IT, THE BIG BULLY BEHIND ALL THIS IS THE THREAT OF A FILIBUSTER. BUT WE ALL USE THOSE, THAT'S JUST PART OF THE BODY. [LB317]

SENATOR BLOOMFIELD: THANK YOU, SENATOR GROENE. COLLEAGUES, I WASN'T PART OF A COMPROMISE EITHER. [LB317]

SENATOR GLOOR: ONE MINUTE. [LB317]

SENATOR BLOOMFIELD: WE'VE GOT A WONDERFUL IDEA UP THERE IN LB317, AN EVEN BETTER IDEA IN AM483, AND AN OPPORTUNITY TO SAVE THE STATE \$30,000 OVER WHAT WE WOULD DO IF WE PASS AM1287. LET'S PUT A LITTLE MONEY IN THE BANK. I THINK WE CAN FIND A PROGRAM THAT WE COULD EITHER SPEND IT TOWARD THAT WE MIGHT GET SOME GOOD OUT OF OR, HEAVEN FORBID, WE MIGHT GIVE A LITTLE BIT BACK TO THE TAXPAYER AT SOME POINT. THANK YOU, MR. PRESIDENT. [LB317]

SENATOR GLOOR: THANK YOU, SENATOR BLOOMFIELD AND SENATOR GROENE. SENATOR DAVIS, YOU ARE NEXT IN THE QUEUE. [LB317]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I JUST WANT TO MAKE A POINT WHICH IS THAT THE BILL THAT SENATOR KINTNER BROUGHT TO US WAS ACTUALLY STRENGTHENED BY THE COMMITTEE BECAUSE WE THOUGHT, YOU KNOW, WE'VE BEEN DEBATING THIS FOR THE LAST TWO YEARS AND IF WE'RE GOING TO GET OUT OF IT, LET'S JUST GET OUT OF IT. SO I CAN'T IMAGINE WHY WE WANT TO DRAG IT OUT ANOTHER TWO YEARS AND GO THROUGH THE ANXIETY AND THE STRESS OF DOING SO AT THAT POINT. I AGREE WE HAVEN'T BEEN GOOD PARTICIPANTS IN IT, AND THAT

Floor Debate
April 23, 2015

SHOWS THAT MAYBE THERE'S BEEN A SIGNIFICANT LACK OF INTEREST. MAYBE OUR NEW APPOINTEES WOULD BE MUCH MORE INVOLVED BUT I'M WITH SENATOR BLOOMFIELD. YOU KNOW, \$30,000 IS \$30,000. IF WE CAN SAVE IT, PUT IT TO BETTER USE SOMEWHERE ELSE BECAUSE, HONESTLY, IF HIGH SPEED RAIL EVER COMES INTO EFFECT IN THIS NATION, NEBRASKA IS GOING TO BE RIGHT AT THE HEART OF IT BECAUSE THE TRAIN IS GOING TO GO RIGHT THROUGH OUR STATE AND WE CAN GET BACK INTO THE ENTITY WHENEVER WE WANT TO. VOTE AGAINST THE AMENDMENT, VOTE FOR THE COMMITTEE AMENDMENT, KILL THE BILL, AND LET'S GET OUT ON THE FIRST OF JULY. THANK YOU. [LB317]

SENATOR GLOOR: THANK YOU, SENATOR DAVIS. SENATORS IN THE QUEUE: BURKE HARR, SENATOR SCHEER, NORDQUIST, AND MURANTE. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB317]

SENATOR HARR: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. SO I'M THE DARK KNIGHT, I'M THE ONE WHO WORKED WITH SENATOR KINTNER ON A COMPROMISE. AND LET ME JUST TALK ABOUT WHAT MY THEORY WAS BEHIND THE COMPROMISE. THERE WAS GOING TO BE AND THERE STILL MAY BE A FILIBUSTER OF THIS BILL AND THIS IS ABOUT \$30,000. THE QUESTION IS, IS \$30,000 AN INVESTMENT OR A LIABILITY AND ARE WE LEARNING SOMETHING THAT WE CAN MAYBE TAKE ADVANTAGE OF AS A STATE TO EXPAND RAILROAD TRANSPORTATION? I DON'T KNOW, I JUST JOINED. AND SO I WANTED A LITTLE TIME TO BE ABLE TO SIT AND EVALUATE AND LOOK TO THESE. THE STATE PAYS FOR A LOT OF THINGS AND ORGANIZATIONS. ALEC...ARE WE GOING TO HAVE SOMETHING THAT SAYS YOU CAN'T DO SOMETHING FOR ALEC? ALEC IS CONTROVERSIAL. I GET IT. BUT WE DO. YOU DON'T SEE ME UP HERE HOOTING AND HOLLERING ABOUT THAT. I UNDERSTAND WHAT SENATOR KINTNER IS DOING. I THINK WE NEED TO HAVE SOME OVERSIGHT OF THIS. AND NOW THE BURDEN SWITCHES FROM HIM TRYING TO GET THIS BILL REPEALED TO MYSELF OR MAYBE SENATOR LINDSTROM OR SOMEONE ELSE SAYING, YOU KNOW WHAT? THERE'S REAL VALUE IN THIS PROGRAM AND WE'RE LEARNING SOMETHING AND IT'S GOOD FOR US TO HAVE A SEAT AT THE TABLE. IF THIS IS GOING TO GO THROUGH OUR STATE, WE DON'T NEED TO WORRY. WELL, I TAKE THE OTHER STANCE THAT IF THIS IS GOING THROUGH OUR STATE, I THINK WE NEED TO BE AT THE TABLE SO WE CAN HAVE A SAY AS TO WHERE IT GOES SO THAT MAYBE IT TRAVELS CLOSE TO THE INTERSTATE BECAUSE THAT'S WHERE THE POPULATION IS OR MAYBE WE WANT IT TO GO THROUGH A DIFFERENT PART OF THE STATE BECAUSE WE WANT TO ENCOURAGE GROWTH IN THAT PART OF THE STATE THAT THIS WOULD CREATE. SO I THINK IT'S IMPORTANT THAT WE DO HAVE A SEAT AT THE TABLE SO WE CAN TALK ABOUT OUR CONCERNS. WE MAYBE DON'T WANT

Floor Debate
April 23, 2015

THIS TO GO OVER AN OGALLALA AQUIFER. WHY? I DON'T KNOW, I'M JUST TRYING TO COME UP WITH REASONS. BUT IT'S IMPORTANT THAT WE'RE THERE AND THAT WE'RE A PART OF IT. AND SO I WANT TO THANK SENATOR KINTNER ONCE AGAIN FOR, WILLING TO WORK WITH ME TO COME UP WITH A COMPROMISE AND TO TRY TO DO SOMETHING THAT REALLY GIVES ROOM TO GROW TO SEE IF IT DOES ANYTHING BUT THEN REALLY PUTS THE BURDEN WHERE IT BELONGS AND THAT'S ON THOSE PEOPLE WHO BELONG TO IT. SO THANK YOU, SENATOR KINTNER. WITH THAT, I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR SCHEER IF HE WOULD LIKE IT. [LB317]

SENATOR GLOOR: SENATOR SCHEER, 2 MINUTES, 25 SECONDS. [LB317]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HARR. I JUST WANTED TO CLARIFY, I WAS NOT AWARE OF THE EXTENT OF THE COMPROMISE HAD BEEN WORKED OUT. I BELIEVE THIS IS AMENABLE TO THE BILL'S INTRODUCER, SENATOR KINTNER. AS SENATOR HARR HAD POINTED OUT, IT DOES SHIFT THE PENDULUM BACK TO THOSE THAT ARE PARTICIPATING TO SHOW THE WORTH AND THE VALUE OF THE INVESTMENT. WE'VE BEEN DOING THIS FOR THE LAST TWO YEARS THAT I'VE BEEN HERE, AND EACH YEAR WE'VE NOT BEEN ABLE TO COME UP TO THE RESOLUTION TO PUT A FINITE DATE ON IT. IF NOTHING ELSE, THIS YEAR WE HAVE PUT A FINITE DATE ON IT. AND THAT, IN AND OF ITSELF, IS A SUCCESSFUL PART OF THE BILL TO ME. IT MAY GIVE A LITTLE ADDITIONAL TIME MORE THAN I WOULD LIKE, BUT PART OF THE FRUSTRATION OF MINE WOULD BE OVER SIMPLY BECAUSE IF NOTHING IS PROVEN, THEN NOTHING GOES FORWARD. SO AT LEAST FROM THAT VANTAGE POINT, I'M SATISFIED--MAYBE NOT 100 PERCENT BECAUSE I'D RATHER HAVE TWO THAN THREE--BUT THAT'S THE COMPROMISE THAT WORKED OUT, AND THAT'S PART OF WHAT WE DO ON THE FLOOR. AND WITH THAT, I WOULD SUPPORT THE COMPROMISE. THANK YOU, MR. PRESIDENT. [LB317]

SENATOR GLOOR: THANK YOU, SENATOR HARR AND SENATOR SCHEER. SENATOR SCHEER, YOU'RE NEXT IN THE QUEUE. SENATOR SCHEER WAIVES. SENATOR MURANTE, YOU ARE NEXT IN THE QUEUE. SENATOR MURANTE WAIVES. SEEING NO SENATORS WISHING TO BE RECOGNIZED, SENATOR LINDSTROM, YOU'RE RECOGNIZED TO CLOSE ON THE AMENDMENT TO THE COMMITTEE AMENDMENT. [LB317]

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I APPRECIATE THE DIALOGUE THAT TOOK PLACE ON THE FLOOR

Floor Debate
April 23, 2015

TODAY. AGAIN, I THINK THIS IS A GOOD COMPROMISE THAT WAS WORKED OUT BETWEEN OUR COMMITTEE, TRANSPORTATION COMMITTEE, AND SENATOR KINTNER. AND I WOULD URGE YOUR GREEN VOTE ON THE AMENDMENT, AM1287, AND LB317. THANK YOU, MR. PRESIDENT. [LB317]

SENATOR GLOOR: THANK YOU, SENATOR LINDSTROM. MEMBERS, YOU'VE HEARD THE CLOSING ON AM1287. THE QUESTION IS, SHALL THE AMENDMENT TO THE COMMITTEE AMENDMENT TO LB317 BE ADOPTED? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB317]

CLERK: 31 AYES, 4 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR LINDSTROM'S AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB317]

SENATOR GLOOR: THE AMENDMENT IS ADOPTED. WE RETURN TO DEBATE ON THE COMMITTEE AMENDMENT. SEEING NO SENATORS IN THE QUEUE, SENATOR BRASCH, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT TO LB317. SENATOR BRASCH WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS BE ADOPTED? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB317]

CLERK: 34 AYES, 3 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB317]

SENATOR GLOOR: THE COMMITTEE AMENDMENTS ARE ADOPTED. MEMBERS, WE NOW RETURN TO DEBATE ON LB317. SEEING NO ONE IN THE QUEUE. SENATOR KINTNER, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF LB317. [LB317]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. I JUST WANT TO THANK EVERYONE FOR BEARING WITH US THROUGH AN EXTENDED DEBATE HERE. WHAT WE HAVE NOW IS A BILL THAT PUTS US ON, IF I MAY USE A BURKE HARR PUN, ON TRACK TO END WHAT SOME PEOPLE SEE AS A BOONDOGGLE. AND IT PUTS THE ONUS ON PEOPLE THAT THINK THAT WE'RE GOING TO GET SOMETHING OUT OF THIS. AND IT'S A WORTHWHILE ENDEAVOR TO MAKE THAT CASE. SO THEY CAN MAKE THAT CASE IN 2018 IF THEY THINK THAT WE SHOULD STAY IN IT, AND I INVITE THEM TO DO IT AND I INVITE MY COLLEAGUES TO WATCH THIS. WATCH WHAT GOES ON, SEE WHAT WE'RE DOING, SEE IF WE CAN GET ANYTHING

Floor Debate
April 23, 2015

TANGIBLE OUT OF IT. I DON'T THINK WE WILL, BUT LET'S KEEP OUR EYES OPEN AND SEE WHAT HAPPENS. AND I ENCOURAGE MY COLLEAGUES TO MOVE THIS FORWARD. THANK YOU, MR. PRESIDENT. [LB317]

SENATOR GLOOR: THANK YOU, SENATOR KINTNER. THE QUESTION IS THE ADVANCEMENT OF LB317 TO E&R INITIAL. THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB317]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB317. [LB317]

SENATOR GLOOR: THE BILL ADVANCES. CONTINUING WITH GENERAL FILE, MR. CLERK. [LB317]

CLERK: LB566, A BILL BY SENATOR COASH. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 21, REFERRED TO THE JUDICIARY COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM1021, LEGISLATURE JOURNAL PAGE 1088.) [LB566]

SENATOR GLOOR: THANK YOU, MR. CLERK. SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON LB566. [LB566]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. LB566 IS A BILL THAT CHANGES PROVISIONS TO THE INDIAN CHILD WELFARE ACT, WHICH IS ALSO KNOWN AS ICWA. IT WAS ADVANCED FROM THE JUDICIARY COMMITTEE UNANIMOUSLY. FOR ANYONE NOT FAMILIAR WITH ICWA, I WANT TO FIRST GIVE YOU A LITTLE BIT OF BACKGROUND. CONGRESS ENACTED ICWA IN 1978 AFTER RECOGNIZING THAT A DISPROPORTIONATE NUMBER OF NATIVE AMERICAN CHILDREN WERE BEING REMOVED FROM THEIR HOMES AND PLACED IN FOSTER CARE. CONGRESS RECOGNIZED THAT MAINTAINING TIES TO CULTURE AND TRADITION ARE ESSENTIAL TO THE WELL-BEING OF CHILDREN AND FAMILIES. FEDERAL ICWA GUIDELINES ARE BROAD IN NATURE IN ORDER FOR STATES TO DEVELOP THEIR OWN VERSIONS. NEBRASKA ADOPTED ITS ICWA VERSION IN 1985, WHICH BASICALLY MIRRORS THE FEDERAL ICWA LAW AND WE HAVE NOT CHANGED IT SINCE THAT TIME. I HAVE INTRODUCED SIMILAR ICWA BILLS LAST YEAR BUT IT NEVER MOVED DUE TO SOME CONCERNS BY OPPONENTS. IN ORDER TO FIND CONSTITUTIONALLY VIABLE SOLUTIONS TO THOSE CONCERNS NUMEROUS MEETINGS WERE HELD IN THE INTERIM BETWEEN

Floor Debate
April 23, 2015

AN ICWA COALITION, COUNTY ATTORNEYS, HHS, AND OTHER INTERESTED PARTIES. WE ARE DETERMINED TO PASS A BILL THAT WILL HELP KEEP CHILDREN OUT OF FOSTER CARE AND WITH THEIR CULTURE. A FEW WEEKS AGO SINCE THE INTRODUCTION OF THIS BILL THE FEDERAL GOVERNMENT DID PUBLISH NEW GUIDELINES FOR THE FIRST TIME SINCE 1978 AND THOSE ARE EFFECTIVE IMMEDIATELY. WE HAVE REVIEWED THESE GUIDELINES AND THEY ARE REPRESENTED HERE IN LB566 SO WHAT WE HAVE HERE IS A MIRROR OF FEDERAL GUIDELINES. COLLEAGUES, I BECAME INTERESTED IN MAKING CHANGES TO ICWA A FEW YEARS AGO AFTER I READ THE KIDS COUNT REPORT THAT WE GET FROM VOICES FOR CHILDREN. THE REPORT STATED THAT NATIVE AMERICAN CHILDREN ARE EXTREMELY OVERREPRESENTED IN OUR CHILD WELFARE SYSTEM. AND THE LAST REPORT LISTED THAT NATIVE CHILDREN REPRESENT JUST 2 PERCENT OF THE TOTAL CHILD POPULATION BUT FOR MORE THAN 5 PERCENT OF THE CHILDREN WHO ARE WAITING FOR ADOPTION. THIS IS ONE OF THE HIGHEST RATES IN THE NATION. NATIVE AMERICAN CHILDREN ARE MORE LIKELY TO BE STATE WARDS THAN THEIR PEERS. THESE ARE PRETTY ALARMING STATISTICS. CONTINUOUS EFFORTS ARE BEING MADE TO ASSIST TRIBES AND COUNTIES WITH DECREASING THE REMOVAL OF NATIVE CHILDREN FROM THEIR HOMES. AND THE INTENT OF ICWA IN THIS BILL IS TO ENSURE THAT IF A NATIVE CHILD IS REMOVED FROM THEIR HOME, THEN A GREATER EFFORT WILL BE MADE BY JUDGES AND THE STATE TO PLACE THAT CHILD WITH NEXT OF KIN OR AT LEAST WITHIN THE TRIBAL COMMUNITY. LB566 CLARIFIES THE RESPONSIBILITIES OF CHILD WELFARE STAKEHOLDERS BY STRENGTHENING OUR LAWS AND DEFINING KEY AREAS OF ICWA. THERE ARE SEVERAL COMPONENTS OF ICWA THAT ARE NOT CURRENTLY DEFINED IN FEDERAL AND STATE STATUTE BUT ARE STILL CRITICAL TO ENSURING CULTURAL COMPETENCY IN INDIAN CHILD WELFARE CASES. FOR EXAMPLE, FEDERAL AND CURRENT STATE LAW REQUIRES THAT ANY PARTY SEEKING TO EFFECT A FOSTER CARE PLACEMENT OR A TERMINATION OF PARENTAL RIGHTS TO AN INDIAN CHILD SHALL SATISFY ACTIVE EFFORTS HAVE BEEN MADE TO PROVIDE REMEDIAL SERVICES AND REHABILITATIVE PROGRAMS DESIGNED TO PREVENT THE BREAKUP OF THE INDIAN FAMILY. BUT THERE IS CURRENTLY NO LEGISLATIVE DEFINITION OF WHAT ACTIVE EFFORTS ARE IN NEBRASKA TO RELY ON, SO THERE IS NO STANDARD. HOWEVER, THERE ARE STANDARDS IN COURT PRECEDENT, FEDERAL GUIDANCE, AND LEGISLATION FROM OTHER STATES WHICH LB566 UTILIZED TO ENSURE UNIFORM APPLICATION OF THE LAW. THE DEFINITION OF ACTIVE EFFORTS IS IN THE BILL, IT BEGINS ON PAGE 7 AND IT CLARIFIES WHAT NEBRASKA'S RESPONSIBILITY TO INDIAN CHILDREN IN CHILD CUSTODY PROCEEDINGS ARE. THIS DEFINITION IS THE SAME ONE USED BY THE BUREAU OF INDIAN AFFAIRS AND ENSURES THAT NEBRASKA IS CULTURALLY

Floor Debate
April 23, 2015

APPROPRIATE IN UNIFORM STANDARDS TO APPLY IN PREVENTING THE BREAKUP OF INDIAN FAMILIES. THERE IS A DEFINITION OF QUALIFIED EXPERT WITNESS THAT WAS ADDED TO CLEARLY IDENTIFY INDIVIDUALS WHO ARE ABLE TO TESTIFY AS QUALIFIED EXPERT WITNESSES IN ICWA CASES. THE LIST OF QUALIFIED INDIVIDUALS MIRRORS THAT OF THE BUREAU OF INDIAN AFFAIRS' GUIDELINES THAT OUR COURTS HAVE ROUTINELY FOLLOWED AND ALSO PLACES PRIORITIZED INDIVIDUALS THAT ARE FAMILIAR WITH THE TRIBAL CUSTOMS. HOWEVER, THIS PRIORITIZATION DOES NOT PRECLUDE A JUVENILE COURT FROM ASSESSING THE CREDIBILITY OF ANY JUVENILE PERSON THAT MAY BE DETERMINED TO BE A QUALIFIED WITNESS. LB566 ALSO ENSURES THAT TRIBES HAVE A VOICE IN THE PROCESS. TRIBES IN NEBRASKA HAVE EXPRESSED CONCERN THAT THERE IS A MISUNDERSTANDING OF THE HISTORY AND PURPOSE OF ICWA. AS NEBRASKA CONTINUES TO MOVE FORWARD IN REFORMING OUR CHILD WELFARE SYSTEM, IT IS IMPERATIVE THAT TRIBES HAVE A CENTRAL ROLE IN CREATING THE POLICIES THAT WILL APPLY TO INDIAN CHILDREN. FIRST, LB566 SIMPLIFIES AND STREAMLINES THE PROCESS FOR TRIBES IN OTHER STATES TO PARTICIPATE IN THE JUVENILE COURT PROCEEDINGS. SECOND, IT CREATES AN OFFICIAL MECHANISM DESIGNED TO FOSTER COOPERATION BETWEEN TRIBES IN THE STATE TO CREATE AND INVESTIGATE POLICES THAT AFFECT INDIAN CHILDREN. IN REGARDS TO THE HIGH FISCAL NOTE, COLLEAGUES, THE AMENDMENT ADOPTED BY THE JUDICIARY COMMITTEE WILL DROP THE FISCAL NOTE TO APPROXIMATELY \$65,000 IN 2016 AND A LITTLE MORE THAN THAT IN 2017, WHICH REPRESENTS THE HIRING OF A FULL-TIME ICWA SPECIALIST. AS DISCUSSED DURING THE JUDICIARY COMMITTEE HEARING, A FULL-TIME ICWA SPECIALIST IS A POSITION THAT HHS IS IN DIRE NEED OF REGARDLESS OF THE PASSING OF THIS BILL. THIS AMENDMENT ALSO MAKES SOME TECHNICAL CHANGES AND MAKES THE DEFINITION OF QUALIFIED EXPERT WITNESS MORE IN LINE WITH FEDERAL GUIDELINES. I WANT TO THANK THE JUDICIARY COMMITTEE FOR SUPPORTING THIS BILL AND FOR THE STATE TRIBAL RELATIONS COMMITTEE FOR PRIORITIZING IT. AND I URGE YOUR SUPPORT OF LB566 AND THE FORTHCOMING COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB566]

SENATOR GLOOR: THANK YOU, SENATOR COASH. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THAT COMMITTEE YOU ARE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB566]

SENATOR SEILER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE UNICAMERAL. AM1021 TO LB566 WAS PASSED FROM JUDICIARY COMMITTEE ON AN 8-0 VOTE.

Floor Debate
April 23, 2015

THIS AMENDMENT WOULD REMOVE ONE SECTION FROM THE PROPOSED DEFINITION OF ACTIVE EFFORTS THAT WOULD HAVE REQUIRED FREQUENT FAMILY TIME IN THE INDIAN CHILD'S HOME AND THE HOME OF THE INDIAN CHILD'S EXTENDED FAMILY MEMBERS. THE SECOND THING IT DID WAS, THE AMENDMENT WOULD ALSO EXPAND THE DEFINITION OF QUALIFIED EXPERT WITNESS TO INCLUDE: A MEMBER OF ANOTHER TRIBE WHO IS RECOGNIZED BY THE INDIAN CHILD'S TRIBE AS A QUALIFIED EXPERT WITNESS AND A PROFESSIONAL PERSON WITH SUBSTANTIAL EDUCATION AND EXPERIENCE AND WITH DEMONSTRATED KNOWLEDGE OF SOCIAL, CULTURAL STANDARDS AND PRACTICES WITHIN THE INDIAN CHILD'S TRIBE. AGAIN, THIS AMENDMENT HAS AN EFFECT OF REDUCING THE FISCAL NOTE BY ONE FULL-TIME STAFF PERSON. THANK YOU, MR. PRESIDENT. [LB566]

SENATOR GLOOR: THANK YOU, SENATOR SEILER. MEMBERS, YOU'VE HEARD THE OPENING ON LB566 AND THE COMMITTEE AMENDMENT. THERE ARE SENATORS WISHING TO BE RECOGNIZED. SENATOR KRIST, YOU ARE RECOGNIZED. [LB566]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, AGAIN, COLLEAGUES. AND GOOD MORNING, NEBRASKA. I BECAME FIRST INVOLVED OR AWARE WHEN I WAS ON OUR INDIAN COMMITTEE, NATIVE AMERICAN COMMITTEE, AND HAD TALKED WITH OUR OWN FOLKS WITHIN THE STRUCTURE ABOUT WHAT IT TAKES TO HANDLE OR TO BE ABLE TO HANDLE ISSUES--TRIBAL RELATION ISSUES--ON THE RESERVATION. NOW, I WANT TO REMIND YOU OR TO RECOGNIZE THAT...FOR YOU TO RECOGNIZE, THIS IS NOT JUST NATIVE AMERICAN CHILDREN WE'RE TALKING ABOUT. IF THERE IS A SAFETY CONCERN ABOUT A PERSON WHO IS NOT NATIVE AMERICAN AND THEY, FOR WHATEVER REASON, ARE LIVING ON THE RESERVATION AND WE HAVE TO REMOVE THAT CHILD FOR SAFETY REASONS OR FOR MANY OTHER REASONS, THERE'S A RIGHT WAY AND A WRONG WAY TO DO THAT. AND THE COUNTY SHERIFFS AND THE COUNTY ATTORNEYS ARE FORCED TO A SITUATION WHERE THEY HAVE TO SEEK THE GUIDANCE OF AN ICWA OR UNDERSTAND WHAT THOSE LAWS ARE. WE CANNOT GO ON SOVEREIGN SOIL AND REMOVE A CHILD WITHOUT HAVING THAT UNDERSTANDING OF THE PROCESS. THE STATE OF NEBRASKA HAS HAD, THE ENTIRE TIME THAT I HAVE BEEN IN THE LEGISLATURE, ONE ICWA REPRESENTATIVE...ONE. AND SHE UNFORTUNATELY HAD SOME HEALTH ISSUES AND HAD TO TAKE AN EXTENDED LEAVE FOR MEDICAL REASONS. THAT LEFT ZERO. IN THE ONE CASE THAT WE WERE DEALING WITH, I EMPLOYED THE EFFORTS OF OUR OMBUDSMAN'S OFFICE AND THE IG TO TRY TO REMOVE A CHILD FOR SAFETY REASONS. AND IT TOOK AN INORDINATE AMOUNT OF TIME BECAUSE WE HAVE TO DO IT CORRECTLY. THAT'S HOW IMPORTANT THESE

Floor Debate
April 23, 2015

PEOPLE ARE, THAT'S HOW IMPORTANT THE ICWA IS. I WANT YOU TO LOOK AT THAT FISCAL NOTE AND REALIZE THAT WITH TWO POSITIONS NOW, AS WE LOOK AT GOING FORWARD, THERE WILL BE A REDUNDANCY; THERE WILL BE SOMEONE THERE FOR OUR CHILDREN...OUR CHILDREN, THE CHILDREN WHO LIVE HERE IN NEBRASKA, THE CHILDREN WHO ARE NATIVE AMERICAN AND LIVE HERE IN NEBRASKA. THIS IS ESSENTIAL TO THE SUCCESS OF OUR CHILDREN'S WELFARE, AND I BELIEVE THAT. I WANT TO THANK SENATOR COASH FOR BRINGING IT FORWARD. I THINK THE COMMITTEE AMENDMENT MAKES THIS WHOLE PROCESS MORE PALATABLE, ALTHOUGH I DO BELIEVE THAT EXTENDED TIME IN THE HOME, MAYBE WE CAN COME BACK AND REVISIT THAT IN THE NEXT FEW YEARS IN TERMS OF WHAT IT ACTUALLY TAKES FOR AN ICWA TO DO THEIR JOB. I ASK FOR YOUR GREEN LIGHT ON AM1021 AND THE UNDERLYING LB566 FOR OUR NATIVE AMERICAN AND OUR NEBRASKA KIDS. THANK YOU. [LB566]

SENATOR GLOOR: THANK YOU, SENATOR KRIST. SENATORS IN THE QUEUE: LINDSTROM, HOWARD, AND BLOOMFIELD. SENATOR LINDSTROM, YOU'RE RECOGNIZED. [LB566]

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. ON BEHALF OF THE STATE TRIBAL RELATIONS COMMITTEE, I STAND IN SUPPORT OF LB566 AND AM1021. THIS BILL IS A MOVE IN THE RIGHT DIRECTION TO ENSURE THE NEBRASKA COURT SYSTEM RESPECTS THE SOVEREIGNTY OF TRIBAL COURTS AND ASSISTS NATIVE AMERICAN FAMILIES IN ANY WAY POSSIBLE IN KEEPING THE FAMILY TOGETHER. IT WILL IMPROVE THE LIVES OF TRIBES ACROSS THE GREAT STATE OF NEBRASKA. YOU'LL ALSO SEE AM1021 WAS INTRODUCED BY JUDICIARY COMMITTEE TO LOWER THE EXPENDITURES THAT THIS BILL WOULD INCUR BY SIGNIFICANT AMOUNT WITH PLACEMENT REQUIREMENTS PUTTING INDIAN CHILDREN IN CLOSE PROXIMITY TO FAMILY. THIS AMENDMENT WILL SERVE TO LOWER THE COST AND KEEP INDIAN FAMILIES TOGETHER AS MUCH AS POSSIBLE. AND I'D LIKE TO THANK SENATOR COASH FOR ALL HIS WORK THAT HE'S DONE OVER THE LAST COUPLE OF YEARS ON THIS. SO I'D URGE THE GREEN VOTE ON THE UNDERLYING AMENDMENT, AM1021, AND ON LB566. THANK YOU, MR. PRESIDENT. [LB566]

SENATOR GLOOR: THANK YOU, SENATOR LINDSTROM. SENATOR HOWARD, YOU'RE RECOGNIZED. [LB566]

Floor Debate
April 23, 2015

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I ALSO RISE IN SUPPORT FOR LB566. FOR YEARS NEBRASKA HAS HAD A VERY DIFFICULT TIME WITH COMPLIANCE WITH ICWA. WHEN MY MOTHER WAS A CASEWORKER AND THEN AN ADOPTION SPECIALIST, WE HAD PROBLEMS WITH ICWA. WHEN I WAS A CLERK IN THE JUVENILE COURT SYSTEM IN DOUGLAS COUNTY, WE HAD PROBLEMS WITH ICWA. THIS BILL IS INTENDED TO ACT AS A STEP-BY-STEP MANUAL FOR ATTORNEYS AND PROFESSIONALS TO COMPLY WITH ICWA. I TRULY BELIEVE IT WILL HELP THESE INDIVIDUALS UNDERSTAND HOW ICWA FUNCTIONS AND THAT THE ICWA SPECIALIST IS CRITICAL TO MAKING SURE THAT WE IMPROVE OUR COMPLIANCE. IN THE PAST, NEBRASKA USED TO GET AN ADOPTION BONUS BECAUSE WE USED TO GET SO MANY CHILDREN ADOPTED DURING A CALENDAR YEAR THAT THE FEDERAL GOVERNMENT WOULD PAY US. AND WE'VE NOT GOTTEN THAT BONUS FOR YEARS. AND PART OF THE REASON FOR THAT IS BECAUSE WE DON'T HAVE ADOPTION WORKERS WHO SPECIALIZE. AND SO IT'S SO CRITICAL THAT LB566 BE PASSED SO THAT WE CAN REALLY LOOK AT GETTING CHILDREN TO PERMANENCY. WE ARE THE THIRD WORST STATE IN TERMS OF DISPROPORTIONALITY OF NATIVE CHILDREN IN FOSTER CARE AND I BELIEVE WE CAN DO BETTER. AND I WOULD URGE YOUR GREEN VOTE ON LB566. THANK YOU, MR. PRESIDENT. [LB566]

SENATOR GLOOR: THANK YOU, SENATOR HOWARD. SENATOR BLOOMFIELD, YOU'RE NEXT IN THE QUEUE. [LB566]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR KRIST HIT ON THE IMPORTANCE OF HAVING SOMEONE THERE THAT UNDERSTANDS ICWA. I'VE BEEN ON THE TRIBAL RELATIONS COMMITTEE EVER SINCE I GOT DOWN HERE. SOME OF THE SENATORS HAVE TRAVELED WITH ME OR JOINED ME IN MEETINGS UP ON THE RESERVATIONS TO LOOK AT THIS AND IT'S NOT BEEN A GOOD SITUATION. I THINK THIS IS A STEP IN THE RIGHT DIRECTION. AND THE ONLY REASON WE'RE TALKING ABOUT IT NOW IS BECAUSE OF SENATOR COASH'S WORK AND HIS INSISTENCE EARLIER AND THE BODY'S AGREEMENT TO GIVE THE TRIBAL RELATIONS COMMITTEE A PRIORITY BILL, FINALLY. A YEAR AGO WE PROBABLY WOULDN'T HAVE TALKED ABOUT THIS BECAUSE IT WOULDN'T HAVE GOTTEN THE PRIORITY. WITH THE COMMITTEE BEING ABLE TO HAVE A PRIORITY BILL, THIS IS NOW ON THE TABLE IN FRONT OF THE BODY AND I INTEND TO SUPPORT IT. THANK YOU, SENATOR COASH. [LB566]

SENATOR GLOOR: THANK YOU, SENATOR BLOOMFIELD. ARE THERE ANY OTHER SENATORS WISHING TO BE RECOGNIZED? SEEING NONE, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR

Floor Debate
April 23, 2015

SEILER WAIVES. MEMBERS, THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB566 BE ADOPTED? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB566]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE ADOPTION ON COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB566]

SENATOR GLOOR: THE AMENDMENT IS ADOPTED. WE RETURN TO DISCUSSION ON THE UNDERLYING BILL LB566. THERE'S NO ONE WISHING TO SPEAK. SENATOR COASH, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF YOUR BILL. [LB566]

SENATOR COASH: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR KRIST, SENATOR BLOOMFIELD, AND SENATOR HOWARD FOR YOUR COMMENTS ON THIS BILL. IN THIS BRIEF CLOSING, WHAT I WOULD LIKE TO DO IS JUST, FIRST OF ALL, ILLUSTRATE THAT WHAT WE ARE DOING WITH LB566 IS NO SMALL MEASURE. THIS DOES AFFECT CHILDREN'S LIVES AND THIS IS GOING TO BE A GOOD THING FOR NATIVE CHILDREN IN OUR STATE. THERE'S A COUPLE OF THINGS I WANT TO MAKE SURE I GET ON THE RECORD BECAUSE I'VE HAD QUESTIONS ABOUT THEM AND I WANT THE RECORD TO REFLECT WHAT THE INTENT OF LB566 DOES. THERE WAS A QUESTION OF WHETHER ICWA APPLIED IN DIVORCE PROCEEDINGS AND CUSTODY BATTLES BETWEEN TWO BIOLOGICAL PARENTS. THE ANSWER TO THAT IS, NO. IT ONLY APPLIES IN CHILD WELFARE PROCEEDINGS AND ADOPTION PROCEEDINGS. THERE WAS A QUESTION OF WHETHER OR NOT ICWA ONLY APPLIED TO INVOLUNTARY PROCEEDINGS AND THE ANSWER TO THAT IS ALSO, NO. ICWA WAS DESIGNED TO PROTECT INDIAN CHILDREN IN VOLUNTARY PROCEEDINGS. AND WHILE SOME OF THE PROVISIONS OF ICWA DO NOT APPLY IN VOLUNTARY PROCEEDINGS, MANY IMPORTANT PROVISIONS DO APPLY, INCLUDING THOSE THAT SPEAK SPECIFICALLY TO PROCEDURES FOR VOLUNTARY ADOPTIONS AND FOSTER CARE PLACEMENT. DOES ICWA IGNORE THE BEST INTERESTS OF THE CHILDREN? THE ANSWER TO THAT IS, NO. IT IS DESIGNED TO PROMOTE THE BEST INTEREST OF THE CHILDREN AND THE UNIQUE NEEDS OF INDIAN CHILDREN. ICWA IS NOT JUST CONSIDERED GOOD PRACTICE FOR NATIVE CHILDREN BY EXPERTS AND PRACTITIONERS, BUT THE PRINCIPLES AND PROCESSES OF ICWA EMBODIES...THE ICWA EMBODIES WERE RECENTLY DESCRIBED BY 18 NATIONAL CHILD WELFARE AGENCIES AS THE GOLD STANDARD FOR CHILD WELFARE PRACTICE FOR ALL CHILDREN. ICWA DOES NOT FAVOR INDIAN FAMILY MEMBERS OVER NON-INDIAN FAMILY MEMBERS AND NOWHERE IN THIS BILL DOES IT INDICATE A PLACEMENT

Floor Debate
April 23, 2015

PREFERENCE THAT FAVORS PLACEMENT WITH A NATIVE RELATIVE OVER PLACEMENT WITH A NON-NATIVE RELATIVE. IT DOES NOT ONLY PROTECT INDIAN CHILDREN...OR THE QUESTION IS, DOES ICWA ONLY PROTECT INDIAN CHILDREN AFTER THEY ARE MOVED FROM THEIR HOME? NO. ICWA REQUIRES SOMETHING CALLED ACTIVE EFFORTS WHICH I DISCUSSED IN MY OPENING. SO WITH THAT, COLLEAGUES, I HAVE TO TELL YOU THIS IS AN IMPORTANT BILL AND THIS MEANS A LOT TO NATIVE CHILDREN IN OUR STATE. AND THERE WAS A LOT OF WORK THAT WENT INTO THIS BILL, NOT JUST BY MY OFFICE BUT A LOT OF STAKEHOLDERS, TRIBAL MEMBERS, CHILD WELFARE ADVOCATES ALL CAME TO THE TABLE AND LB566 IS THE CULMINATION OF THAT EFFORT. AND I WOULD APPRECIATE YOUR SUPPORT. THANK YOU, MR. PRESIDENT. [LB566]

SENATOR GLOOR: THANK YOU, SENATOR COASH. MEMBERS, THE QUESTION IS, SHALL LB566 BE ADVANCED TO E&R INITIAL? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB566]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB566. [LB566]

SENATOR GLOOR: THE BILL ADVANCES. CONTINUING WITH GENERAL FILE. MR. CLERK. [LB566]

CLERK: MR. PRESIDENT, LB575, INTRODUCED BY SENATOR MURANTE. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 21, REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM1276, LEGISLATIVE JOURNAL PAGE 1203.) [LB575]

SENATOR GLOOR: THANK YOU, MR. CLERK. SENATOR MURANTE, YOU'RE RECOGNIZED TO OPEN ON LB575. [LB575]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. LB575 WAS HEARD BY THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE ON THURSDAY, FEBRUARY 5, AND PROVIDES FOR A NUMBER OF TECHNICAL CHANGES TO NEBRASKA'S ELECTION LAW. WHEN ADDED WITH THE COMMITTEE AMENDMENT, WHAT THIS IS, IS THE SECRETARY OF STATE'S CLEANUP BILL IN CONJUNCTION WITH THE CLEANUP BILLS THAT WERE OFFERED BY THE ELECTION COMMISSIONERS AND COUNTY CLERKS FROM

Floor Debate
April 23, 2015

AROUND THE STATE OF NEBRASKA. THESE ARE LARGELY TECHNICAL IN NATURE AND RATHER THAN GO THROUGH EACH SECTION I'LL ADDRESS SOME OF THE QUESTIONS WHICH HAVE BEEN POSED TO ME, THE MOST FREQUENT OF WHICH BEING, WHAT IS A FUSION CANDIDATE? A FUSION CANDIDATE IS A CANDIDATE FOR A POLITICAL OFFICE WHO HOLDS THE NOMINATION FOR MORE THAN ONE POLITICAL PARTY. THAT IS AN ANOMALY IN THE STATE OF NEBRASKA. IT DOESN'T EXIST AND WE WANT TO MAKE CLEAR THAT IT DOES NOT EXIST. BUT THERE ARE SOME STATES IN THE NATION, NEW YORK BEING THE PRIME EXAMPLE, WHERE A PERSON CAN GET THE NOMINATION FOR ONE OFFICE FOR MULTIPLE POLITICAL PARTIES. AND WE ARE MAKING CLEAR THAT THAT IS NOT PERMISSIBLE. I'D LIKE TO THANK THE WORK OF NOT ONLY THE MEMBERS OF THE COMMITTEE AND THE SECRETARY OF STATE AND THE ELECTION COMMISSIONERS FROM ACROSS THE STATE OF NEBRASKA, BUT ALSO SENATOR MORFELD AND SENATOR MELLO, TWO PEOPLE WHO ARE EXPERIENCED AND VERY WELL-VERSED IN NEBRASKA'S ELECTION ACT. I'VE AGREED TO WORK WITH SENATOR MELLO ON A CONCERN OR TWO OF HIS WHICH WILL LEAD TO A SELECT FILE AMENDMENT WHICH ARE TECHNICAL IN NATURE AND I DON'T BELIEVE SUBSTANTIVE PUBLIC POLICY WILL BE CHANGED BY IT. IF YOU HAVE ANY QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR GLOOR: THANK YOU, SENATOR MURANTE. AND AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR MURANTE, AS THE CHAIR OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THOSE AMENDMENTS. [LB575]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. I RISE JUST BRIEFLY TO DISCUSS THE COMMITTEE AMENDMENTS WHICH ADD A FEW OF OTHER TECHNICAL BILLS WHICH WERE REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE AND VOTED OUT UNANIMOUSLY. ONE PERTAINS TO, ASIDE FROM ADDING IN THE ELECTION COMMISSIONER'S CLEANUP BILL IT ALSO ADDS IN A BILL BY SENATOR CRAIGHEAD WHICH PERTAINS TO EARLY VOTING AND VOTING ON THE SAME DAY AND PROVIDES FOR THE HELP AMERICA VOTE ACT, VOTER VERIFICATION, ADDRESS VERIFICATION GUIDELINES. IT STRIKES THE WORD "POSTPRIMARY" FROM THE CONVENTION STATUTES AND EXPANDS, BASED ON SENATOR SMITH'S BILL, VOTE BY MAIL CURRENTLY IS PERMISSIBLE IN SPECIAL ELECTIONS FOR ISSUES AND IT EXPANDS IT TO INCLUDE SPECIAL ELECTIONS FOR CANDIDATES AS WELL. SO THOSE WERE ALL ISSUES WHICH WERE SUPPORTED OVERWHELMINGLY BY THE

Floor Debate
April 23, 2015

COMMITTEE. AND I WOULD ENCOURAGE YOUR ADOPTION OF THE COMMITTEE AMENDMENTS AND LB575. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR GLOOR: AND THANK YOU, SENATOR MURANTE. WE NOW MOVE TO FLOOR DISCUSSION. SENATOR KRIST, YOU ARE IN THE QUEUE. [LB575]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND AGAIN, GOOD MORNING, COLLEAGUES. GOOD MORNING, NEBRASKA. I'M NOT GOING TO ASK SENATOR MURANTE ANY QUESTIONS AND I'M REALLY NOT GOING TO TALK ABOUT AM1276 OR LB575. I SUPPORT BOTH OF THEM, AND THE REASON I SUPPORT THEM IS EVEN THOUGH SOMEONE MAY STAND UP AND SAY THESE ARE TECHNICAL, THESE ARE CLEANUP ISSUES, THESE ARE...NO PROBLEM. LET'S JUST HIT THE GREEN BUTTON AND GO. I SPENT SOME TIME LOOKING AT THE THINGS THAT WERE REPORTED OUT OF THIS COMMITTEE BOTH IN THE COMMITTEE AMENDMENT AND THE BILL ITSELF. I THINK THAT'S MY RESPONSIBILITY. I TALKED TO THE SECRETARY OF STATE'S OFFICE AND ASKED TWO QUESTIONS PERTINENT TO ACTUALLY AN ANSWER THAT SENATOR MURANTE GAVE AND THEN A QUESTION OF MY OWN. THE REASON I STAND UP AND SUPPORT THIS BILL THOUGH, IS TO USE AN OPPORTUNITY TO SIMPLY SAY IF YOU HAVEN'T READ IT ALREADY--AND I'M NOT REFERRING TO THIS ARTICLE IN THE PAPER FOR ITS SUBSTANCE MATTER, BUT MORE FOR YOU TO READ SOME LEGISLATIVE ACTION THAT HAPPENED RELEVANT TO THE SUBJECT MATTER--IF YOU HAVEN'T READ THIS MORNING'S LINCOLN PAPER, THE TITLE OF THE ARTICLE IS "CONTROVERSIAL SENTENCING BILL STILL RAISING QUESTIONS." I DON'T WANT YOU TO PAY ATTENTION TO WHAT THE AUTHOR TALKS ABOUT IN THAT BILL EXCEPT TO LOOK AT WHAT HAPPENS IN A CONSENT CALENDAR BILL WHEN SOMEONE SAYS, DON'T WORRY ABOUT THIS, THIS IS TECHNICAL, THIS IS CLEANUP. IF YOU HAVEN'T READ THE BILL AND YOU DON'T UNDERSTAND WHAT'S ON THE FLOOR, IT'S NOT SIMPLE, IT'S NOT TECHNICAL, AND IT'S NOT SOMETHING THAT YOU SHOULD VOTE ONE WAY OR THE OTHER ON BEFORE YOU ACTUALLY UNDERSTAND THE SUBSTANCE OF THE BILL. I THANK SENATOR MURANTE FOR BRINGING THIS BILL. I THINK IT'S A GREAT BILL AND THERE ARE SOME CLEANUP ITEMS THAT NEEDED TO HAPPEN. I'M CONTENT HAVING DONE MY RESEARCH AND HAVING MY STAFF DO RESEARCH THAT IT IS CORRECT. BUT AGAIN, I WOULD TAKE A LOOK AT THAT ARTICLE IN TERMS OF WHAT HAPPENED IN THAT SESSION IN 1994 THAT CREATED A RIPPLE EFFECT DOWN THE ROAD THAT WE'RE DEALING WITH AS WAS INDICATED AND PREDICTED BY SENATOR HALL THAT DAY. PLEASE SUPPORT AM1276 AND LB575. AND I THINK I'M THE LAST GUY IN THE WAY OF YOU HAVING A LONG WEEKEND, SO I'LL JUST SHUT UP AND ASK FOR YOUR SUPPORT. THANK YOU. [LB575]

Floor Debate
April 23, 2015

SENATOR GLOOR: THANK YOU, SENATOR KRIST. ARE THERE OTHER SENATORS WISHING TO BE RECOGNIZED? SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB575]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. AND I DON'T WANT TO STAND IN THE WAY OF A WEEKEND VERY LONG EITHER. BUT THIS IS AN OPPORTUNITY TO POINT OUT SOMETHING THAT IS VERY IMPORTANT BECAUSE IT DEALS WITH MAIL-IN BALLOTS, THE BILL THAT'S STILL IN GOVERNMENT COMMITTEE BECAUSE WHEN YOU MAIL IN A BALLOT YOU DO NOT HAVE A SECRET BALLOT. WE DO NOT HAVE A REQUIREMENT RIGHT NOW THAT THE BALLOT BE INCLUDED IN A DOUBLE ENVELOPE SITUATION. YOUR BALLOT IS MAILED IN USUALLY IN AS CHEAP A ENVELOPE AS A COUNTY CAN FIND. IN OTHER WORDS, ANYBODY CAN HOLD IT UP TO THE LIGHT, AS HAS BEEN DEMONSTRATED, AND SEE HOW YOU VOTED. IT WOULD BE REASONABLY INEXPENSIVE AND CERTAINLY CONSISTENT WITH THE VALUE OF ELECTIONS FOR US TO REQUIRE A ENVELOPE ON THE INSIDE. THE ELECTION COMMISSIONERS DON'T LIKE THAT BECAUSE THEY COMPLAIN ABOUT WORK, BUT THAT'S THEIR JOB. THE IMPORTANT THING IS RIGHT NOW WHEN YOU MAIL IN A BALLOT, YOUR BALLOT GOES RIGHT TO SOMEBODY WHO OPENS IT AND SEES YOUR NAME ON THE OUTSIDE OF THE ENVELOPE THAT THEY PULL YOUR BALLOT OUT AND LOOK AT, AND THERE IS NO RESTRICTION ON THEM TAKING OUT THEIR IPHONE AND PHOTOGRAPHING IT AND E-MAILING IT TO THE WORLD AND THAT SHOULD BE STOPPED. WE KNOW WE'RE GOING TO HAVE MORE AND MORE OF THESE MAIL-IN SITUATIONS DEVELOP OVER TIME. AND WE NEED TO GET THE AMENDMENT OR THE BILL THAT I HAVE IN GOVERNMENT OR A VERY SIMILAR ONE OUT ON THE TABLE BECAUSE IT IS FLAT WRONG FOR US NOT TO GIVE PEOPLE A SECRET BALLOT TO MAKE THEM WORRY WHETHER OR NOT THEIR INFORMATION AND HOW THEY VOTE IS GOING TO BE LEAKED TO THE PUBLIC. AND THAT IS FUNDAMENTAL. AND OUR CONSTITUTION SAYS THAT THERE SHOULD BE NOTHING THAT WE DO THAT DEPRIVES SOMEBODY OF A SECRET BALLOT AND WE'VE DONE IT. AND WE REFUSE TO DEAL WITH THE SITUATION OVER SOME COMMENTS FROM COUNTY ELECTION COMMISSIONERS THAT, GEE, IT WOULD BE A LOT OF WORK. THE SECRECY OF THE BALLOT SHOULD BE PROTECTED UNDER ALL CIRCUMSTANCES. IT IS NOT BEING SO DONE IN NEBRASKA NOW AND IT IS FLAT WRONG. THANK YOU. [LB575]

SENATOR GLOOR: THANK YOU, SENATOR SCHUMACHER. ARE THERE OTHER SENATORS WISHING TO BE HEARD? SEEING NONE, SENATOR MURANTE, YOU ARE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SENATOR MURANTE WAIVES. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB575 BE

Floor Debate
April 23, 2015

ADOPTED? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB575]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE COMMITTEE AMENDMENTS. [LB575]

SENATOR GLOOR: THE AMENDMENT IS ADOPTED. DISCUSSION ON THE ADVANCEMENT OF LB575 TO E&R INITIAL. THERE'S NO ONE IN THE QUEUE. SENATOR MURANTE, YOU ARE RECOGNIZED TO CLOSE. [LB575]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, AGAIN, GOOD MORNING. AS SENATOR KRIST SAID, I WOULD CERTAINLY ENCOURAGE ANYONE TO TAKE A HARD LOOK AT THIS BILL AND TO SCRUTINIZE IT. IT IS THE COMPILATION OF A LOT OF HARD WORK FROM A LOT OF PEOPLE. AND IF YOU HAVE ANY CONCERNS BETWEEN NOW AND SELECT FILE, I WOULD ENCOURAGE YOU TO BRING THAT TO MY ATTENTION AND WE WILL WORK THROUGH THOSE WITH THE SECRETARY OF STATE AND THE ELECTION OFFICIALS FROM ACROSS THE STATE OF NEBRASKA. THANK YOU, MR. PRESIDENT. [LB575]

SENATOR GLOOR: AND THANK YOU, SENATOR MURANTE. THE QUESTION IS THE ADVANCEMENT OF LB575 TO E&R INITIAL. THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB575]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB575. [LB575]

SENATOR GLOOR: THE BILL ADVANCES. MR. CLERK. [LB575]

CLERK: MR. PRESIDENT, SOME ITEMS. NEW A BILL: LB330A BY SENATOR LARSON (READ LB330A BY TITLE FOR THE FIRST TIME.) BILLS READ ON FINAL READING THIS MORNING WERE PRESENTED TO THE GOVERNOR AT 10:15 A.M. (RE LB56E, LB89, LB89A, LB152, LB245, LB324, LB413, LB413A, LB415E, LB482, LB15E, AND LB641.) AMENDMENTS: SENATOR EBKE TO LB132; SENATOR GLOOR TO LB259; SENATOR MELLO TO LB629. I HAVE A HEARING NOTICE FROM THE EXECUTIVE BOARD REGARDING PUBLIC HEARING ON FRIDAY, MAY 1. NEW RESOLUTIONS: SENATOR KINTNER, LR204; SENATOR CRAIGHEAD, LR205 AND LR206. THOSE WILL BE LAID OVER. NAME ADDS: SENATOR NORDQUIST AND SENATOR MELLO TO LB268. (LEGISLATIVE JOURNAL PAGES 1266-1269.) [LB330A LB56 LB89 LB89A LB152

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

Floor Debate
April 23, 2015

LB245 LB324 LB413 LB413A LB415 LB482 LB15 LB641 LB132 LB259 LB629 LR204
LR205 LR206 LB268]

AND, MR. PRESIDENT, SENATOR McCOY WOULD MOVE TO ADJOURN THE BODY
UNTIL TUESDAY, APRIL 28, AT 10:00 A.M.

SENATOR GLOOR: THANK YOU, MR. CLERK. MEMBERS, YOU'VE HEARD THE
MOTION TO ADJOURN UNTIL NEXT TUESDAY, APRIL 28. THOSE IN FAVOR SAY AYE.
THOSE OPPOSED SAY NAY. WE STAND ADJOURNED.