

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

Floor Debate
May 19, 2015

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SENATOR GLOOR PRESIDING

SENATOR GLOOR: GOOD MORNING, LADIES AND GENTLEMEN, AND WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE EIGHTY-THIRD DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR KOLOWSKI. PLEASE RISE.

SENATOR KOLOWSKI: (PRAYER OFFERED.)

SENATOR GLOOR: THANK YOU, SENATOR KOLOWSKI. I CALL TO ORDER THE EIGHTY-THIRD DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

SENATOR GLOOR: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

SENATOR GLOOR: ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

ASSISTANT CLERK: MR. PRESIDENT, ONE ITEM. NEW RESOLUTION, LR346 BY SENATOR WILLIAMS. THAT WILL BE LAID OVER. THAT'S ALL I HAVE. (LEGISLATIVE JOURNAL PAGES 1715-1716.) [LR346]

SENATOR GLOOR: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, SELECT FILE.

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ASSISTANT CLERK: MR. PRESIDENT, ON SELECT FILE, LB598A. THERE ARE NO E&R AMENDMENTS. I DO HAVE AN AMENDMENT FROM SENATOR BOLZ, AM1676. (LEGISLATIVE JOURNAL PAGE 1693.) [LB598A]

SENATOR GLOOR: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB598A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THIS IS A CLEANUP APPROPRIATIONS BILL FOR LB598 THAT ADDRESSES THE FUNDING FOR THE MAJOR COMPONENTS OF THE BILL, INCLUDING THE OFFICE OF THE INSPECTOR GENERAL, THE PAROLE BOARD, AND SOME BEHAVIORAL HEALTH PURPOSES IN CORRECTIONS. I APPRECIATE YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB598A LB598]

SENATOR GLOOR: THANK YOU, SENATOR BOLZ. MEMBERS, YOU'VE HEARD THE AMENDMENT. ARE THERE SENATORS WISHING TO BE RECOGNIZED? SEEING NONE, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE. SENATOR BOLZ WAIVES. THE QUESTION IS, SHALL THE AMENDMENT TO LB598A BE ADOPTED? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB598A]

ASSISTANT CLERK: 27 AYES, 0 NAYS ON THE ADOPTION OF SENATOR BOLZ'S AMENDMENT. [LB598A]

SENATOR GLOOR: THE AMENDMENT IS ADOPTED. [LB598A]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE NOTHING FURTHER ON THE BILL. [LB598A]

SENATOR GLOOR: SENATOR BOLZ, WOULD YOU LIKE TO ADVANCE TO E&R FOR ENGROSSING? [LB598A]

SENATOR BOLZ: I'D LIKE TO MAKE A MOTION TO ADVANCE THE BILL TO E&R FOR ENGROSSING. [LB598A]

SENATOR GLOOR: MEMBERS, YOU'VE HEARD THE MOTION. ALL IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. THE BILL IS ADVANCED. MR. CLERK. [LB598A]

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ASSISTANT CLERK: MR. PRESIDENT, LB605A, THERE ARE NO E&R AMENDMENTS. I DO HAVE AN AMENDMENT FROM SENATOR MELLO, AM1675. (LEGISLATIVE JOURNAL PAGE 1685.) [LB605A]

SENATOR GLOOR: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO LB605A. [LB605A]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AM1675 MAKES CHANGES TO THE A BILL WITH LB605, THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER, JUSTICE REINVESTMENT PROPOSAL. IT REDUCES THE FISCAL NOTE BY A LITTLE MORE...A LITTLE LESS THAN \$2 MILLION OVER THE BIENNIUM, AS WELL AS REDUCING THE OUT YEAR FISCAL IMPACTS AS WELL. IT'S BASED OFF A NEW FISCAL NOTE THAT WAS DONE BY THE FISCAL OFFICE, SO I'D URGE THE BODY TO ADOPT AM1675. THANK YOU, MR. PRESIDENT. [LB605A LB605]

SENATOR GLOOR: MEMBERS, YOU'VE HEARD THE OPENING ON THE AMENDMENT TO LB605A. ARE THERE SENATORS WISHING TO SPEAK? SEEING NONE, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE. SENATOR MELLO WAIVES. THE QUESTION IS, SHALL THE AMENDMENT TO LB605A BE ADOPTED? THOSE IN FAVOR SAY AYE... VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB605A]

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB605A]

SENATOR GLOOR: THE AMENDMENT IS ADOPTED. WE NOW RETURN TO LB605A. SENATOR MELLO, WOULD YOU LIKE TO MAKE A MOTION TO ADVANCE TO E&R FOR ENGROSSING? [LB605A]

SENATOR MELLO: MR. PRESIDENT, I MOVE LB605A TO E&R FOR ENGROSSING. [LB605A]

SENATOR GLOOR: MEMBERS, YOU'VE HEARD THE MOTION. THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB605A IS ADVANCED. MR. CLERK. [LB605A]

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ASSISTANT CLERK: MR. PRESIDENT, NEXT BILL, LB243. SENATOR BOLZ HAD MOVED TO RETURN THE BILL TO SELECT FILE FOR A SPECIFIC AMENDMENT, THAT AMENDMENT, AM1622. (LEGISLATIVE JOURNAL PAGE 1599.) [LB243]

SENATOR GLOOR: MEMBERS, YOU SHOULD RETURN TO YOUR SEATS IN PREPARATION FOR FINAL READING. MEMBERS, WE ARE RETURNING THE BILL TO SELECT FILE FOR AN AMENDMENT. CANCEL THAT PREVIOUS RECOMMENDATION. SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB243]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THE AMENDMENT AND THE UNDERLYING BILL AND THE A BILL REFLECT CONVERSATIONS BETWEEN STAKEHOLDERS IN AND OUT OF THE BODY. I THINK WE RECOGNIZE THAT WE MAY HAVE A SLOWER START-UP PERIOD THAN ORIGINALLY THOUGHT AND THAT WE COULD CREATE SOME COST SAVINGS AND START A LITTLE BIT MORE SLOWLY WITH THIS PIECE OF LEGISLATION. SO, THE UNDERLYING BILL AND THE CHANGE IN THE AMENDMENT REFLECT A COST SAVINGS FOR THE FIRST TWO YEARS OF THE PILOT PROJECT. AND I APPRECIATE YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR BOLZ. MEMBERS, YOU'VE HEARD THE OPENING ON THE AMENDMENT. ARE THERE SENATORS WISHING TO BE RECOGNIZED? SEEING NONE, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE. SENATOR BOLZ WAIVES. THE QUESTION IS THE ADOPTION OF THE AMENDMENT TO LB243. MEMBERS, THE MOTION IS TO RETURN TO SELECT FILE FOR AMENDMENT. THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB243]

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE MOTION TO RETURN THE BILL. [LB243]

SENATOR GLOOR: THE BILL RETURNED. SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB243]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AGAIN, COLLEAGUES, A GREEN LIGHT IS A COST SAVINGS. I APPRECIATE YOUR VOTE IN SUPPORT OF THE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB243]

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SENATOR GLOOR: THANK YOU, SENATOR BOLZ. WE NOW MOVE TO FLOOR DEBATE. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB243]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. WOULD SENATOR BOLZ YIELD TO A QUESTION, IF SHE MIGHT, PLEASE? [LB243]

SENATOR GLOOR: SENATOR BOLZ, WOULD YOU YIELD? [LB243]

SENATOR BOLZ: SURE. [LB243]

SENATOR SCHEER: SENATOR BOLZ, YOU TALK ABOUT A COST SAVINGS. LOOKING AT THE FISCAL NOTE, IT STARTED AT \$3 MILLION. THE ONE PREVIOUS TO THIS WAS AT \$1.5 MILLION, BUT THIS ONE IS BACK UP TO \$1.7 MILLION. CAN YOU EXPLAIN THE DEVIATION BECAUSE TECHNICALLY WHAT WE WOULD BE DOING IS INCREASING IT \$200,000, NOT REDUCING IT. AT LEAST FROM WHAT I'M LOOKING AT IT WENT FROM \$3 MILLION TO \$1.5 (MILLION) AND NOW TO \$1.7 (MILLION). [LB243]

SENATOR BOLZ: THANK YOU FOR THE QUESTION, SENATOR SCHEER. I'D BE HAPPY TO COMPARE NOTES WITH YOU. THE AMENDMENT THAT I BELIEVE I HAVE FILED ACTUALLY TAKES THE FIRST TWO YEARS OF THE PILOT PROJECT FUNDING DOWN TO \$750,000 EACH YEAR, WHICH REFLECTS THE SAME NUMBER OF PILOT PROJECTS BUT A SMALLER NUMBER OF CHILDREN. SO, IF THERE IS A TECHNICAL DIFFICULTY, WE'LL CERTAINLY CLEAN THAT UP, BUT MY INTENTION WAS TO GO DOWN TO THE LEVEL OF \$750,000 PER YEAR. [LB243]

SENATOR SCHEER: OKAY. SO THAT'S NOT SHOWING UP YET BECAUSE THE THREE THAT ARE SHOWING ON THE BILL GO FROM \$3 (MILLION) TO \$1.5 (MILLION) TO \$1.7 (MILLION). SO, OBVIOUSLY THIS AMENDMENT DOES NOT SHOW UP AND YOU'RE GOING FROM THE \$1.5 (MILLION) NOW TO \$750,000, WOULD THAT BE CORRECT? [LB243]

SENATOR BOLZ: SENATOR, IT SOUNDS TO ME AS THOUGH PERHAPS YOU'RE LOOKING AT THE FISCAL NOTE. [LB243]

SENATOR SCHEER: YES. [LB243]

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SENATOR BOLZ: AND THE ACTUAL TEXT OF THE AMENDMENT REFLECTS THE NUMBERS THAT I JUST REPORTED TO YOU. I BELIEVE THAT ONCE ALL THE PROCESSES GO THROUGH ON THIS ROUND OF DEBATE, THE FISCAL NOTE WILL THEN REFLECT THE AMENDMENT THAT WE ADOPT THIS MORNING. [LB243]

SENATOR SCHEER: CORRECT. AND THAT'S WHAT I'M JUST...I'M TRYING TO CLARIFY IT. SO, THEN IS IT CORRECT THAT IT STARTED AT \$3 MILLION, WENT TO \$1.5 MILLION, TO \$1.7 MILLION, AND NOW THIS AMENDMENT WILL BRING IT DOWN TO \$750,000 FOR THE TWO YEARS OF THE BIENNIUM? [LB243]

SENATOR BOLZ: THAT'S ALMOST CORRECT. [LB243]

SENATOR SCHEER: OKAY. [LB243]

SENATOR BOLZ: WE STARTED AT \$3 MILLION WITH A STATEWIDE PILOT PROJECT, "SKINNIED" IT DOWN TO \$1.5 MILLION WITH THREE INITIATIVES, AND THEN REALIZED THAT WITH START-UP COSTS AND OTHER COST SAVINGS WE COULD PUT IT AT \$750,000 FOR THE FIRST TWO YEARS. [LB243]

SENATOR SCHEER: BUT THE NUMBERS WERE CORRECT? I'M NOT TALKING ABOUT...MY QUESTION WAS MORE OF THE FINANCIAL IMPACT RATHER THAN THE OVERALL IMPACT OF THE PROJECT, BUT THE FISCAL NOTE IS NOW DOWN TO \$750,000 FROM THE MILLION AND A HALF? WELL, WE STARTED AT \$3 (MILLION), WENT TO A \$1.5 (MILLION), WENT TO \$1.7 (MILLION), AND NOW WE ARE AT \$750,000 FOR THE TWO YEARS. [LB243]

SENATOR BOLZ: THAT IS CORRECT. [LB243]

SENATOR SCHEER: THANK YOU VERY MUCH. THANK YOU, MR. PRESIDENT. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR SCHEER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB243]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. SENATOR BOLZ, WOULD YOU ANSWER A FEW QUESTIONS? [LB243]

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SENATOR GLOOR: SENATOR BOLZ. [LB243]

SENATOR BOLZ: SURE. [LB243]

SENATOR GROENE: THIS PILOT PROJECT, IT ALREADY EXISTS. THESE ORGANIZATIONS HAVE BEEN DOING THIS, RIGHT, AND THEY'VE BEEN GETTING FUNDING ELSEWHERE, IS THAT CORRECT? [LB243]

SENATOR BOLZ: THERE ARE TWO EXISTING PROJECTS. ONE IS STATE FUNDED. ONE IS FEDERAL FUNDED. BOTH OF THOSE PROJECTS WILL END BY THE FALL OF THIS YEAR WITHOUT THIS FUNDING. [LB243]

SENATOR GROENE: HOW MUCH DID WE...WAS BUDGETED IN THE PAST FOR THE ONE THAT WAS STATE FUNDED? [LB243]

SENATOR BOLZ: THAT IS AN EXCELLENT QUESTION. I'LL LOOK IN MY NOTES AND I'LL PULL IT OUT FOR YOU. THE PROJECT WAS A SMALL PROJECT WITH CHRISTIAN HERITAGE THAT DID NOT FUND THE FULL COSTS OF THE PROJECT AND SERVED ABOUT 40 CHILDREN. [LB243]

SENATOR GROENE: AND, SO, WHEN YOU SAY COST SAVINGS, WE NEVER SPENT \$3 MILLION IN THE PAST. [LB243]

SENATOR BOLZ: THIS IS A COST SAVINGS FROM THE VERSION OF THE BILL THAT WAS PASSED ON SELECT FILE. [LB243]

SENATOR GROENE: ALL RIGHT. THANK YOU. I GUESS MY POINT IS, YOU CAN'T SAVE MONEY FROM WHAT YOU ALREADY HADN'T SPENT. YOU CAN'T GO BUY A CAR AND LOOK AT THE LEXUS AND SAY YOU'RE GOING TO SPEND \$70,000 AND THEN GO BUY A CHEVY FOR \$30,000 AND CLAIM YOU SAVED \$40,000. YOU NEVER SPENT THE \$70,000. SO, WE HAVEN'T SAVED ANYTHING. WHAT WE ARE GOING TO SPEND IS \$750,000 ON A NEW PROJECT, ON A NEW PROGRAM. GIVE IT TO AN ORGANIZATION THAT'S ALREADY OVERWHELMED WITH TRYING TO DO THE PROGRAMS WE ALREADY ASK THEM TO DO. WHERE DO WE STOP? I KNOW IT TUGS AT YOUR HEART, YOU'RE GOING TO HELP PEOPLE. OVER AND OVER AGAIN, IT'S ALWAYS GOING TO...YOU KNOW, I'M OLD ENOUGH TO BEEN A LITTLE KID WHEN LYNDON JOHNSON TOLD US ALL THESE PROGRAMS WERE GOING TO SAVE US MONEY. YESTERDAY, WE HEARD POVERTY IS WORSE THAN EVER. THE MORE

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GOVERNMENT STICKS THEIR FINGERS INTO IT, THE MORE THINGS GET WORSE. I GOT PEOPLE SCREAMING AT ME, AND I'VE ONLY BEEN IN OFFICE LESS THAN SIX MONTHS, THAT THEIR PROPERTY TAXES ARE OUT OF CONTROL. WE HAVE A TOTAL DISCONNECT DOWN HERE THAT WHEN WE SPEND INCOME AND SALES TAX MONEY IN FEES, THAT IT DOESN'T AFFECT ALL TAXES IN THIS STATE. THESE NEW PROGRAMS HAVE TO STOP NO MATTER HOW GOOD THEY SOUND. THE STATE GOT BY WITHOUT THIS PROGRAM FOR 200 YEARS, IT CAN GET BY WITHOUT IT IN THE FUTURE. WE PAY HHS. WE HAVE CHILD PLACEMENT. WE HAVE FOSTER CARE. THEY DON'T NEED ANOTHER PROGRAM. SORRY, BUT I CAN'T VOTE FOR THIS STUFF ANYMORE. I GOT MIDDLE-CLASS PEOPLE THAT DON'T TAKE ADVANTAGE OF THESE PROGRAMS. THEY PAY THEIR OWN WAY. THEIR PROPERTY TAXES ARE OUT OF CONTROL. THEIR INCOME TAXES IS HIGH. THEY DON'T ASK GOVERNMENT FOR ANYTHING, BUT WE CONTINUE TO DO OUR GOOD WORKS WITH THEIR TAX DOLLARS DOWN HERE. WE GOT A NEW DIRECTOR OF HHS. LET THAT PERSON DECIDE IF WE HAVE A FOSTER CARE PROBLEM. I SEEN AN ARTICLE IN THE PAPER, WE GOT TOO MANY OF THEM IN FOSTER CARE AGAIN. AND I UNDERSTAND THIS PROGRAM IS SUPPOSED TO FIX SOME OF THAT, BUT I JUST CAN'T SWALLOW THAT ANYMORE, THAT WE SPEND THIS MONEY, IT WILL SAVE US MONEY. IT'S NEVER WORKED BEFORE AND IT WON'T WORK IN THE FUTURE. GOVERNMENT IS TOO BIG. STATE GOVERNMENT IS TOO BIG. I APPRECIATE SENATOR BOLZ'S CONCERNS FOR THESE CHILDREN, BUT I ALSO TRUST HHS, AS IS, TO DO THEIR JOB CORRECTLY. WE DON'T NEED ANOTHER PROGRAM. WE'RE NOT SAVING ANY MONEY. WE'RE GOING TO SPEND \$750,000 A YEAR AND THEN UP TO \$150,000...\$1.5 MILLION PERPETUALLY FROM NOW ON UNTIL APPROPRIATIONS COMMITTEE DECIDES TO THROW MORE AT IT DOWN THE ROAD, NOT THIS ONE, WHEN WE FORGOT ABOUT THIS DEBATE. [LB243]

SENATOR GLOOR: ONE MINUTE. [LB243]

SENATOR GROENE: WE'VE GOT TO SAY NO, 3.1 PERCENT IS WHAT WE TOLD THE PEOPLE WE'RE GOING TO SPEND. THIS WILL ADD TO IT. NOW WE'RE 3.15 IF WE PASS THIS THING, 3.2, BECAUSE THIS IS APPROPRIATIONS MONEY. WE JUST CAN'T DO IT. IT WASN'T A CRISIS TEN YEARS AGO, NOW ALL OF A SUDDEN THERE'S A CRISIS, WE GOT TO START ANOTHER PROGRAM. ANYWAY, THANK YOU. I'LL VOTE NO ON THIS AND I WILL CONTINUE TO VOTE NO ON A BILLS THAT CREATE NEW PROGRAMS THAT ALL OF A SUDDEN THEN WE HAVE A CRISIS. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR GROENE. (DOCTOR OF THE DAY INTRODUCED.) SENATOR McCOY, YOU'RE RECOGNIZED. [LB243]

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SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. WOULD SENATOR BOLZ YIELD, PLEASE? [LB243]

SENATOR GLOOR: SENATOR BOLZ, WOULD YOU YIELD? [LB243]

SENATOR BOLZ: SURE. [LB243]

SENATOR McCOY: THANK YOU, SENATOR. I'M LOOKING AT THE FINAL READING COPY OF THE BILL AND HOW YOUR AMENDMENT, AM1622, FITS INTO THAT. AND MY QUESTION I GUESS WOULD BE, AS I READ IT, I THINK WHAT WAS ADVANCED ON SELECT FILE WAS A MILLION AND A HALF DOLLARS EACH FISCAL YEAR OUT THROUGH 2018-2019. IS THAT CORRECT? [LB243]

SENATOR BOLZ: THAT'S CORRECT. [LB243]

SENATOR McCOY: OKAY. SO YOUR AMENDMENT REDUCES THAT FOR JUST THE FIRST TWO...ESSENTIALLY CUTS THAT IN HALF FOR JUST THE FIRST TWO FISCAL YEARS, CORRECT? [LB243]

SENATOR BOLZ: THAT'S CORRECT. [LB243]

SENATOR McCOY: SO, IT KEEPS IT AT THE ELEVATED MILLION AND A HALF PER FISCAL YEAR OUT INTO THE OUT YEARS, RIGHT? [LB243]

SENATOR BOLZ: IT ALLOWS US TO SERVE MORE CHILDREN IN THE OUT YEARS, THAT'S CORRECT. [LB243]

SENATOR McCOY: WHAT WOULD BE THE RATIONALE BEHIND THAT? WHAT WAS THE RATIONALE...I GUESS, LET ME REPHRASE THAT. WHAT WAS THE IDEA THERE? WHY NOT JUST HAVE THAT BE AT \$750,000 EACH FISCAL YEAR THROUGHOUT THE...OUT UNTIL 2018-2019? [LB243]

SENATOR BOLZ: YOU MAY HAVE SEEN IN THE NEWSPAPER THIS MORNING, SENATOR McCOY, AND WE'RE DISTRIBUTING COPIES THIS MORNING, NEBRASKA RANKS FIRST IN OUT-OF-HOME PLACEMENTS FOR CHILDREN AND IS EXTREMELY HIGH IN TERMS OF GROUP PLACEMENTS FOR KIDS. THOSE ARE PRETTY COSTLY. AND SO THE LONG-TERM VISION IS THAT WE'RE ABLE TO DIVERT KIDS INTO

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FAMILY PLACEMENTS WHICH ARE LESS EXPENSIVE. SO, THE IDEA OF GROWING THE FAMILY FINDING INITIATIVE IS TO SERVE MORE KIDS THROUGH THAT PROJECT AND, FRANKLY, GET THEM OUT OF THE SYSTEM. [LB243]

SENATOR McCOY: THEN WHY NOT JUST LEAVE THE BILL AS IT WAS WITHOUT THE AMENDMENT? [LB243]

SENATOR BOLZ: THERE WERE CONVERSATIONS IN AND OUT OF THE BODY ABOUT BOTH TRYING TO FIND COST SAVINGS AND WHETHER OR NOT WE COULD RAMP UP TO THE LEVEL OF SERVICE THAT WE'D LIKE TO SEE AS QUICKLY AS WE ORIGINALLY THOUGHT. AND I THINK IT'S FAIR TO SAY THAT A SLOWER START-UP COULD RESULT IN BETTER SUCCESS AND BEST PRACTICES, AND SO I WAS COMFORTABLE WITH "SKINNYING" DOWN THE BILL FOR THE FIRST TWO YEARS AND REACHING OUR GOALS AND VISIONS IN THE SECOND TWO YEARS. [LB243]

SENATOR McCOY: SO, WHAT WOULD BE THE PROCESS IN ORDER TO...SO, REALLY, THERE WOULDN'T BE ANY LOOKBACK THAT THE LEGISLATURE IS GOING TO HAVE TO DO ON THIS IN THE OUT YEARS. IT JUST WOULD ALREADY BE IN STATUTE. THIS WOULD AUTOMATICALLY BE ELEVATED BACK TO THE \$1.5 MILLION PER FISCAL YEAR. CLEARLY, OBVIOUSLY, THAT'S SOMETHING THE APPROPRIATIONS COMMITTEE LOOKS AT WHEN YOU PUT TOGETHER A BUDGET, BUT THIS WOULD AUTOMATICALLY HAPPEN THE LAST TWO YEARS RATHER THAN ANY SORT OF A LOOKBACK PROVISION ON, ARE WE ABLE TO MEASURE SUCCESS, ARE WE ABLE TO DETERMINE WHETHER OR NOT THIS IS A WORTHWHILE EXPENDITURE OF TAXPAYER DOLLARS TO GET ELEVATED BACK UP TWICE WHAT IT WOULD BE THE FIRST TWO YEARS, RIGHT? [LB243]

SENATOR BOLZ: YOU'RE PARTIALLY ON BASE. YOU'RE RIGHT IN THAT THERE WILL BE A DISCUSSION IN THE APPROPRIATIONS COMMITTEE AND I DON'T IMAGINE THAT MY COLLEAGUES ON THAT COMMITTEE WILL LET ME BY WITHOUT APPROPRIATE SCRUTINY. SO, THAT IS CORRECT. IN TERMS OF THE OUTCOMES, THERE'S A STRONG EVALUATION COMPONENT IN THE LEGISLATION, AND SO THERE WILL BE DATA AND REPORTING. [LB243]

SENATOR McCOY: AND IT'S ON AN ISSUE LIKE THIS, SENATOR, AND WE MAY RUN OUT OF TIME HERE, BUT WHY WOULDN'T IT BE...WAS THERE ANY DISCUSSION OR ANY THOUGHT ON YOUR PART TO, WELL, LET'S FUND IT PERHAPS WITH A FULL MILLION AND A HALF DOLLARS PER FISCAL YEAR FOR THE FIRST TWO YEARS, HAVE THAT BE THE ENDING POINT, DETERMINE WHETHER OR NOT WE'RE

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ACCOMPLISHING WHAT YOU WOULD LIKE TO ACCOMPLISH WITH THIS LEGISLATION, AND THEN SEE IN A FUTURE BIENNIUM IF THE FUNDING MAYBE NEEDS TO BE MORE THAN THIS? [LB243]

SENATOR GLOOR: ONE MINUTE. [LB243]

SENATOR McCOY: WHY WOULDN'T THAT BE A...WHY WOULDN'T THAT BE A...MAYBE A BETTER WAY TO LOOK AT THAT? WAS THERE ANY DISCUSSION GIVEN TO THAT? [LB243]

SENATOR BOLZ: IT'S A GOOD QUESTION. THE REASON IS THAT PARTICULARLY FOR HARD-TO-PLACE KIDS, TWO YEARS REALLY ISN'T THE RIGHT SNAPSHOT TO EVALUATE. WHEN WE'RE TALKING ABOUT KIDS WHO HAVE BEEN AFFECTED BY TRAUMA OR ABUSE, KIDS IN VERY COMPLEX AND LESS THAN FUNCTIONAL FAMILY SYSTEMS, IT MAY TAKE 18 MONTHS TO PLACE THE CHILD, AND THEN ONLY 6 MONTHS TO RECOGNIZE WHETHER OR NOT THEY'VE BEEN PLACED IN PERMANENCY. IN ADDITION, WE'LL NEED SOME TIME FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP THE REQUEST FOR PROPOSAL, LET THOSE OUT TO BID, ENSURE THAT THE APPLICANTS ARE MEETING THE CRITERIA. SO, IN TERMS OF TIME FRAME, TWO YEARS JUST ISN'T SUFFICIENT TO GET A TRUE, HONEST ASSESSMENT OF WHAT THIS CAN REALLY MEAN FOR OUR STATE. [LB243]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR McCOY AND SENATOR BOLZ. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB243]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT OF THIS BILL AND I HAVE FROM THE VERY BEGINNING. AS WE LISTENED TO TESTIMONY IN HHS, WE HEARD ABOUT THE MANY GOOD OUTCOMES THAT THEY HAD WITH CHRISTIAN HERITAGE IN THE PILOT PROGRAM. WHAT PEOPLE NEED TO UNDERSTAND IS FAMILY FINDING, IT'S AN EVIDENCE-BASED PROCESS OF ENGAGEMENT, SEARCHING, PREPARATION, PLANNING, DECISION MAKING, LIFETIME NETWORK CREATION, HEALING, AND PERMANENCY. AND WHAT THEY SET OUT TO DO IS THEY SET OUT TO SEARCH FOR FAMILY MEMBERS THAT CAN ENGAGE FOR THESE KIDS, THAT COULD TAKE OVER THESE KIDS' LIVES AND HELP RAISE THEM. THEY GAIN COMMITMENTS FROM FAMILY MEMBERS TO SUPPORT THE CHILD, AND THEY ACHIEVE A SAFE

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AND PERMANENT LEGAL HOME ON A LIFETIME BASIS. WHAT'S IMPORTANT ABOUT THAT IS, IF CHRISTIAN HERITAGE CAN DO THIS FOR THE STATE OF NEBRASKA THROUGH AN OUTSOURCE PROGRAM, IT SAVES US MILLIONS OF DOLLARS OF MONEY IN THE LONG RUN BECAUSE WE DON'T HAVE THESE CHILDREN ON THE DOCKET OF HHS. WE'RE NOT PAYING FOR THEIR LIFETIME CARE. WE'RE OUTSOURCING THAT TO THE FAMILY MEMBERS THAT WILL TAKE THEM OVER. IN 2013, THEY FOUND 48...48 RELATIVES OF EACH CHILD THAT THEY LOOKED FOR. AND OUT OF THOSE 48, THEY TRIED TO PLACE THE CHILD THAT WAS IN PROTECTIVE CUSTODY WITH 1 OF THOSE 48. IT TAKES THEM ABOUT THREE MONTHS TO DO THIS FOR EACH CHILD. IN 44 PERCENT OF THE CASES, FAMILY FINDING WAS ABLE TO IDENTIFY, LOCATE, AND ENGAGE FATHERS. SO, THEY BROUGHT THE FAMILY BACK TOGETHER. IN 44 PERCENT OF THE CASES, FAMILY FINDING HAS BEEN ABLE TO IDENTIFY, LOCATE, AND ENGAGE SIBLINGS. SO, RATHER THAN JUST THROW THEM INTO A HOME AS AN ADOPTIVE KID, WE'RE NOW LOOKING TO THE FAMILIES TO TAKE THESE KIDS ON AS...IS WHAT THEIR RESPONSIBILITY REALLY SHOULD BE. TWENTY PERCENT OF THE CHILDREN, OR 20 PERCENT OF THE CHILDREN YOUTH WHO HAVE COMPLETED THE FIRST FIVE STEPS OF FAMILY FINDING HAVE BEEN PLACED IN A PERMANENT OCCUPANCY. WHY WOULDN'T WE WANT TO DO THIS? AND WE'RE NOT TALKING ABOUT A LOT OF MONEY. I UNDERSTAND WHERE YOU'RE COMING FROM, SENATOR GROENE, BUT WE'RE TALKING ABOUT KIDS' LIVES. IF WE CAN KEEP THEM OUT OF THE SYSTEM FOR A MILLION FIVE OVER THE BIENNIUM, THINK ABOUT WHAT IT'S GOING TO BE IF WE KEEP THEM IN THE SYSTEM AT \$300,000, AVERAGE CHILD, FOR 18 YEARS. COME ON, LADIES AND GENTLEMEN. THIS IS A NO NONSENSE... YOU GOT TO HAVE NO BRAINS IF YOU VOTE AGAINST THIS. I CAN'T UNDERSTAND THAT. WE TALK ABOUT SPENDING MONEY. WE GOT TO SPEND A LITTLE UP-FRONT SO THAT THE LONG TERM WE CAN SAVE A LOT OF MONEY FOR THE STATE. AND THE MOST IMPORTANT ASPECT IS, WE'RE DOING WHAT'S RIGHT FOR KIDS. WE'RE PUTTING THEM IN THEIR FAMILIES AGAIN. WE WANTED TO TAKE THIS... WE WANTED TO REALLY TAKE THIS ACROSS THE STATE, BUT WE STAYED WITH THE PILOT PROJECT SO WE COULD SEE WHAT COULD HAPPEN. WE'VE ALSO TALKED TO HHS AND THEY'RE TRYING TO FIGURE OUT A WAY THAT THEY CAN IMPLEMENT THIS IN-HOUSE, BUT WE'VE GOT TO GIVE THEM A LITTLE TIME TO DO THAT. SO THIS PILOT PROJECT... [LB243]

SENATOR GLOOR: ONE MINUTE. [LB243]

SENATOR KOLTERMAN: ...FITS RIGHT INTO WHAT WE NEED TO DO IN HHS. AND I'D ASK THAT YOU SUPPORT AM1622 AND LB243. THANK YOU. [LB243]

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SENATOR GLOOR: THANK YOU, SENATOR KOLTERMAN. SENATORS IN THE QUEUE: KINTNER, BLOOMFIELD, McCOY, BRASCH, AND SCHEER. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB243]

SENATOR KINTNER: YOU KNOW, I'VE BEEN AT THIS MIKE SO MUCH TIME IN THE LAST TWO DAYS I THINK I SHOULD JUST GET A STOOL AND SIT IT RIGHT HERE AND BE READY TO GO. YOU KNOW, I GUESS IN TERMS OF THE BILLS, I'VE SEEN SOME CRAP, ABSOLUTE CRAP BROUGHT TO THIS FLOOR. THIS ISN'T THAT. THIS ISN'T A PARTICULARLY BAD BILL. IT MIGHT ACTUALLY WORK. BUT I ALWAYS TRY TO TELL PEOPLE, WE'VE GOT TO TAKE WHAT WE'RE DOING IN CONTEXT AND THE CONTEXT IS ALL THE MONEY WE'VE ALREADY SPENT. AND AT SOME POINT YOU'VE JUST GOT TO SAY, OKAY, WE'RE DONE SPENDING MONEY. TAXPAYERS HAVE GIVEN ENOUGH. WE'VE TAKEN ENOUGH FROM THESE PEOPLE OVER HERE AND GIVEN IT TO THESE PEOPLE OVER HERE. AND SO, THAT'S WHERE I AM NOW. I'M DONE VOTING FOR APPROPRIATIONS BILLS. WE'VE SPENT THE MONEY. NOT THAT THIS ISN'T GOOD, SO YOU'VE GOT TO TAKE IT IN CONTEXT OF EVERYTHING WE'VE DONE. I KNOW ALL THE PEOPLE THAT HAVE PROGRAMS WANT YOU TO JUST LOOK AT THE MERITS OF THEIR PROGRAM, AND THEIR PROGRAM ONLY, AND THAT'S ALL I WANT YOU TO LOOK AT. BUT YOU CAN'T DO THAT. WE HAVE A BUDGET. WE'VE GOT TO RESPECT THE TAXPAYERS. AND I DO AGREE ONE THING SENATOR KOLTERMAN SAID. I AGREE, I AIM TO GIVE HHS SOME TIME ON THIS. IF THEY CAN DO THIS PROGRAM ON THEIR OWN, FINE. IF THEY WANT TO COME BACK WITH A PROPOSAL TO SPEND SOME MONEY TO DO IT, I'M WILLING TO TALK ABOUT IT. LET'S GET IT IN THE FRONT OF THE LINE FOR NEXT BUDGET ADJUSTMENT, WHICH WILL BE NEXT YEAR, BUT I'M JUST DONE SPENDING MONEY. YOU KNOW, YOU'VE GOT TO HAVE SOME RESPECT FOR THE HARDWORKING PEOPLE OUT THERE THAT GO TO WORK EVERY DAY THAT WE TAX THE LIVING HECK OUT OF THEM. THEY EXPECT US TO COME DOWN HERE AND DO SOMETHING. WHAT DO WE DO? WE JUST KEEP SPENDING MONEY. AND THIS IS NOT A BAD BILL, BUT WE'VE ALREADY SPENT THE MONEY. YOU WANT TO CUT SOMETHING ELSE AND PUT THIS IN ITS PLACE? I'M ALL EARS AND WE'LL TALK ABOUT IT. BUT, YOU KNOW, I DIDN'T REALIZE WHEN I GOT DOWN HERE THAT IT'S TOUGH...SO TOUGH FOR EVERYONE TO SAY NO. I MEAN, IT'S THE TOUGHEST THING. I SAY NO MORE THAN ANYONE ELSE DOWN HERE, BUT IT'S TOUGH TO DO. I UNDERSTAND THAT. BUT IF WE WANT TO SLOW THE GROWTH OF GOVERNMENT DOWN AND SLOW THE GROWTH OF SPENDING, ULTIMATELY USE THAT MONEY TO REDUCE THE TAX BURDEN ON WORKING PEOPLE IN THIS STATE, WE'VE GOT TO LEARN THAT WORD, NO. WE GOT TO JUST STOP IT. STOP IT, FOLKS. STOP SPENDING. SO I'M WILLING TO LOOK AT THIS AT ANOTHER TIME AND ANOTHER PLACE. AND I DON'T FAULT SENATOR BOLZ FOR BRINGING IT UP, BUT

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WE'VE ALREADY DONE A HEAP OF SPENDING AND I THINK IT'S ABOUT TIME TO STOP. AND I WOULD ENCOURAGE MY FELLOW SENATORS TO DO WHAT YOU PROMISED WHEN YOU CAMPAIGNED AND DRAW A LINE IN THE SAND AND JUST SAY, NO, NO MORE SPENDING. THANK YOU, MR. PRESIDENT. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR KINTNER. SENATOR BLOOMFIELD. [LB243]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I THINK I NEED A ROLL OF DUCT TAPE TO WRAP AROUND MY HEAD SO IT DOESN'T EXPLODE THIS MORNING. WE ALREADY PASSED THIS BILL TO FINAL READING, WHETHER YOU LIKE THE BILL OR NOT. IT HAS COME BACK FROM FINAL READING WITH AN AMENDMENT THAT WOULD ACTUALLY REDUCE THE SPENDING ON IT. AND HERE WE ARE, ALL JUMPING UP SAYING, LET'S NOT SPEND THIS MONEY. WE ALREADY SENT THIS TO FINAL READING ONCE. THIS AMENDMENT NEEDS TO PASS. THEN IF YOU DON'T LIKE THE BILL, VOTE NOT TO PUT IT BACK ON FINAL READING. BUT FOR GOD'S SAKE, LET'S NOT STAND UP HERE AND HARP ABOUT HOW WE CAN'T SPEND THE MONEY IN THE STATE OF NEBRASKA, WHEN WHAT SENATOR BOLZ IS ATTEMPTING TO DO WITH THIS AMENDMENT IS TO ACTUALLY REDUCE THE SPENDING, NOT ENOUGH, BUT TO REDUCE THE SPENDING FROM WHAT WE HAD ALREADY PUT ON FINAL READING. WE'RE NOT SUPPOSED TO BE LOOKING AT SOUND BITES HERE. I WILL BE SUPPORTING AM1622. I WON'T VOTE TO PUT LB243 BACK ON FINAL READING. BUT BE THAT AS IT MAY, THIS AMENDMENT IS A GOOD IDEA. MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR McCOY. [LB243]

SENATOR GLOOR: SENATOR McCOY, 3:25. AND, SENATOR McCOY, YOU'RE NEXT IN THE QUEUE. I'LL TELL YOU WHEN YOU'RE ON YOUR TIME. [LB243]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. WOULD SENATOR BOLZ YIELD, PLEASE? [LB243]

SENATOR GLOOR: SENATOR BOLZ, WOULD YOU YIELD? [LB243]

SENATOR BOLZ: BE HAPPY TO. [LB243]

SENATOR McCOY: THANK YOU, SENATOR. I'D LIKE TO CONTINUE. I THINK WE RAN OUT OF TIME MY PREVIOUS TIME ON THE MICROPHONE. I THINK I UNDERSTAND

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OR I'M BEGINNING TO UNDERSTAND WHAT YOU'RE TALKING ABOUT WITH THE BILL, FIRST AND FOREMOST. BUT I'M STILL STRUGGLING TO UNDERSTAND, BASED ON THE NEED, WHY ARE WE SLIMMING THIS DOWN THE FIRST TWO YEARS? [LB243]

SENATOR BOLZ: WE RECOGNIZED AN OPPORTUNITY TO START OUT A LITTLE BIT MORE SLOWLY. IF YOU WOULD LIKE TO RETAIN THE \$1.5 MILLION OF FUNDING, I'D BE HAPPY TO SUPPORT THAT. WE'D BE ABLE TO SERVE MORE KIDS. BUT AT THE END OF THE DAY, WE THOUGHT IT MADE MORE SENSE TO START OUT SLOWLY WITH THE RFPs AND CREATE SOME COST SAVINGS IN THE FIRST TWO YEARS. I THINK WE'LL BE ABLE TO SCALE UP IN THE SECOND TWO YEARS. [LB243]

SENATOR McCOY: WHAT CHANGED, THOUGH, BETWEEN SELECT AND FINAL TO CAUSE YOU TO ARRIVE AT THAT CONCLUSION? [LB243]

SENATOR BOLZ: YOU KNOW, THERE ARE CONVERSATIONS IN THIS BODY ABOUT THE EXPENDITURES AND THERE ARE CONVERSATIONS OUTSIDE THIS BODY ABOUT THE CAPACITY OF DEPARTMENT OF HEALTH AND HUMAN SERVICES AND WHAT EVERYBODY WANTS AND NEEDS. I THINK WE'VE SEEN SOME GREAT SUCCESS WITH THE CHRISTIAN HERITAGE PROJECT AND AS I SAID BEFORE, IT WAS A PROJECT ABOUT THE SAME SIZE AS THE PROJECTS WE ARE FUNDING WITH THE DOLLARS IN THE AMENDMENT. SO USING THE SAME MODEL AND THE SAME SIZE AND SCOPE MAKES SENSE FOR THE FIRST TWO YEARS. [LB243]

SENATOR McCOY: I UNDERSTAND THAT. I JUST...I'M TRYING TO GRASP AND WRAP MY ARMS AROUND A SITUATION WHERE THERE IS QUITE A BIT OF NEED DISPLAYED, AND I THINK THAT'S BEEN TALKED ABOUT ON PREVIOUS ROUNDS OF DEBATE ON THIS LEGISLATION. BUT THEN WE'RE CALLING ATTENTION, WHICH I DON'T DISAGREE WITH, BUT THE HANDOUT YOU PUT OUT THIS MORNING SAYS WE'RE TOPS IN THE NATIONAL AVERAGE IN OUT-OF-PLACE FOSTER CARE. BUT YET, WE'RE SLIMMING THIS DOWN. WE'RE CUTTING IT IN HALF THE FIRST TWO YEARS, AND THEN WE'RE RAMPING IT BACK UP WITHOUT ANY REAL KNOWLEDGE OF WHETHER MAYBE IT NEEDS TO BE MORE IN TWO YEARS RATHER THAN LESS. MAYBE THIS ALL SHOULD HAVE BEEN TAKEN...MAYBE WE SHOULD HAVE TAKEN THIS ENTIRE SUM OF MONEY AND THROWN IT IN AND INVESTED, INFUSED THIS IN THE FIRST TWO YEARS AND SAID, THEN LET'S REASSESS AFTER TWO YEARS. AND, YES, IT MAY TAKE LONGER THEN, AS YOU SAID, WITH SOME CHILDREN IN SOME CASES, BUT I

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DON'T REALLY SEE THIS LEGISLATURE BEING ONE THAT WOULD EVER WALK OUT ON KIDS. AND I DON'T THINK YOU'RE MAKING THAT CHARACTERIZATION. I JUST...I'M TRYING TO UNDERSTAND HERE WHY. IS THIS PURELY A...WE'RE TRYING TO FIT THE GREEN SHEET AND, THEREFORE, WE'RE SLIMMING THIS DOWN, OR IS THERE...WAS THERE GENUINELY SOMETHING THAT HAPPENED ALONG THE WAY THAT CAUSED THIS TO DECIDE WE'RE GOING TO CUT THIS IN HALF BETWEEN SELECT AND FINAL READING? [LB243]

SENATOR BOLZ: WELL, SENATOR, I'M NOT TRYING TO BE CUTE. I'M SORRY IF IT COMES ACROSS AS A LITTLE CUTE, BUT... [LB243]

SENATOR McCOY: I DON'T THINK YOU ARE AT ALL. THAT'S NOT AT ALL WHAT I'M SAYING. [LB243]

SENATOR BOLZ: WELL, HERE IS WHAT I'M TRYING TO SAY IS, IF WE DON'T PASS THIS AMENDMENT, WE CAN RETAIN THE ORIGINAL FUNDING IN THE BILL. SO WE CAN KEEP THE \$1.5 MILLION AND SERVE MORE KIDS. SO, I ABSOLUTELY SUPPORT THAT. I THINK THE... [LB243]

SENATOR GLOOR: YOUR TIME. [LB243]

SENATOR BOLZ: ...STATISTICS YOU SAW THIS MORNING ILLUSTRATE THERE IS NEED AND DEMAND. I THINK THE QUESTION OR THE TURNING POINT THAT PERHAPS YOU'RE LOOKING FOR OR ASKING ABOUT WAS WHETHER OR NOT WE SHOULD START AT THE SCALE THAT WAS PROPOSED IN THE VERSION OF THE LEGISLATION THAT PASSED ON SELECT FILE. AND, YOU KNOW, AFTER TALKING WITH FOLKS WHO HAVE HELPED PUT TOGETHER THE BILL, WITH STAKEHOLDERS, IN THE BODY WITH STAKEHOLDERS, OUT OF THE BODY WITH PEOPLE WHO WORK AT DEPARTMENT OF HEALTH AND HUMAN SERVICES, THERE WAS JUST A RECOGNITION THAT WE COULD START OUT MORE SLOWLY, STILL BE SUCCESSFUL, STILL PROVE OUR SUCCESS. [LB243]

SENATOR McCOY: WAS THIS, SENATOR, THOUGH, THE TYPE OF THING WHERE THOSE STAKEHOLDERS WERE APPROACHED AND SAID, WELL, WE JUST DON'T HAVE THE RESOURCES TO FUND IT THIS WAY BECAUSE WE HAVE OTHER PRIORITIES WE WANT TO FUND IN THE LEGISLATURE THIS YEAR, THEREFORE, WE'RE GOING TO REDUCE IT BY HALF FOR THE FIRST TWO YEARS AND THEN RAMP IT BACK UP? WHAT DETERMINATION THERE? I MEAN, THIS ALWAYS FASCINATES ME, THIS PROCESS, BECAUSE THERE'S ALWAYS FOUR OR FIVE BILLS,

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USUALLY, IN A SESSION IN MY EXPERIENCE SINCE I'VE BEEN HERE, THAT SOMETHING LIKE THIS HAPPENS. THIS JUST HAPPENS TO BE ONE THAT STUCK OUT TO ME AS FAIRLY A STARK REMINDER, JOGGED MY MEMORY ANYWAY OF THIS FACT, AND IT'S ALWAYS A LITTLE BIT MYSTERIOUS HOW THIS EXACTLY HAPPENS. AND BECAUSE YOU DID, AS SENATOR BLOOMFIELD JUST SAID, YOU HAD THE MAJORITY OF THE LEGISLATURE THAT...WITH PLENTY OF DISCUSSION AND WITH AN AMENDMENT THAT YOU KINDLY WORKED ON OF AN ISSUE THAT I HAD RAISED ON GENERAL FILE IN THIS LEGISLATION, BUT, BE THAT AS IT MAY, THE LEGISLATURE, THE MAJORITY OF THE LEGISLATURE FORWARDED THIS LEGISLATION ON FUNDING AT THE LEVELS THAT IT WAS FUNDED AT. AND NOW WE'RE AT THE...VIRTUALLY, LITERALLY, THE ELEVENTH HOUR CHANGING THAT. AND AGAIN, THAT TAKES A VOTE OF THE LEGISLATURE. BUT HELP ME UNDERSTAND, WAS THIS PURELY A...THE LEGISLATURE OR STAKEHOLDERS HERE IN THE BODY APPROACHED THE INDIVIDUALS AND SAID, THIS JUST...WE CAN'T FUND IT AT THIS LEVEL BECAUSE WE HAVE OTHER PRIORITIES, OR WAS THERE MORE TO IT? [LB243]

SENATOR BOLZ: SENATOR, WITH ALL RESPECT, THIS IS THE CHOICE FOR THE BODY. THIS AMENDMENT IS AN OPTION THAT WITH STAKEHOLDERS WE RECOGNIZED COULD STILL BE SUCCESSFUL. WE'RE PUTTING IT OUT THERE FOR THE LEGISLATURE TO VOTE ON. I SUPPORT BOTH VERSIONS OF THE BILL. I HOPE THAT YOU SUPPORT BOTH VERSIONS OF THE BILL. SO, REALLY IT'S A CHOICE FOR THE BODY AND I THINK AS SOMEONE WHO TRIES TO WORK IN A COLLEGIAL MANNER, I WAS HAPPY TO TRY TO BRING THIS AS AN OPTION AND AN OPPORTUNITY. IF OTHER FOLKS FEEL A SENSE OF URGENCY, IF THEY LOOK AT THE STATISTICS FROM THE REPORT THAT CAME OUT TODAY AND THEY JUST CANNOT ABIDE BY CUTTING THIS PROJECT, I UNDERSTAND THAT FULLY AND COMPLETELY. HOWEVER, I THINK THAT IT MAKES SENSE TO USE THE RESOURCES THAT WE HAVE IN A WAY THAT IS EFFECTIVE AND USEFUL. I THINK THAT WE CAN START THESE PROJECTS SLOWLY, LEARN FROM OUR EXPERIENCES. WE HAVE ANNUAL REPORTING IN THE LEGISLATION, SENATOR McCOY, THAT REQUIRES DATA BY REGION. IT REQUIRES DATA REGARDING OUTCOMES AND IT REQUIRES A DATA COMPARISON BY THE DIFFERENT CONTRACTORS. SO, WE'LL HAVE INFORMATION THAT WILL HELP US MOVE FORWARD AND HELP US MAKE THAT DECISION THAT IT IS APPROPRIATE TO MOVE UP TO THAT SECOND TIER OF FUNDING IN THE THIRD YEAR. [LB243]

SENATOR McCOY: HERE'S REALLY WHAT I'M DRIVING AT, THOUGH. IN ORDER TO MAKE THAT, IN MY OPINION, THAT FOR THE LEGISLATURE, FOR ME AS A LEGISLATOR--I'LL APPLY IT TO MYSELF, SO I DON'T WANT TO SPEAK FOR

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ANYBODY ELSE. BUT IN MY MIND, IN ORDER TO MAKE THAT DECISION THE MOST APPROPRIATE WAY POSSIBLE, WE WOULD NEED TO KNOW WHERE... WHAT IS THE OTHER PIECE OF LEGISLATION THAT THAT MILLION AND A HALF DOLLARS IS INTENDED TO GO TOWARDS? IN OTHER WORDS, YOU'RE AT A MILLION AND A HALF DOLLARS EACH FISCAL YEAR. NOW THE FIRST TWO YEARS ARE GOING DOWN TO \$750,000. SO, THAT FIRST TWO YEARS, MILLION AND A HALF DOLLARS, IS WHAT OTHER VALUED,... [LB243]

SENATOR GLOOR: ONE MINUTE. [LB243]

SENATOR McCOY: ...IMPORTANT PIECE OF LEGISLATION IS THERE THAT THAT MILLION AND A HALF DOLLARS IS SUPPOSED TO GO TO THAT'S MORE IMPORTANT THAN LB243? BECAUSE I DON'T FEEL AS A LEGISLATOR, I CAN MAKE THE DECISION ABOUT WHETHER OR NOT WE SHOULD REDUCE THIS TO \$750,000 UNLESS I KNOW TO WHAT OTHER PURPOSE, WELL-INTENTIONED OR NOT, AND I'M...OBVIOUSLY WOULD BELIEVE IT WOULD BE WELL-INTENTIONED, WHAT IS THAT MILLION AND A HALF DOLLARS GOING TOWARDS? YOU'RE A MEMBER OF APPROPRIATIONS, WHAT OTHER PIECE OF LEGISLATION, A BILL OUT THERE, IS THERE THAT THIS MILLION AND A HALF DOLLARS THE FIRST TWO YEARS IS SUPPOSED TO GO TOWARDS, INSTEAD OF LB243? [LB243]

SENATOR BOLZ: I'M NOT SURE I CAN ANSWER THE QUESTION IN THE WAY THAT YOU'RE ASKING. [LB243]

SENATOR McCOY: THEN WHO CAME UP WITH THE IDEA? WHY ARE WE...THEN WHY ARE WE DOING THIS? [LB243]

SENATOR BOLZ: I'M OFFERING THE BODY AN OPPORTUNITY TO START THIS PROJECT OUT MORE SLOWLY. IF YOU DECIDE TO VOTE AGAINST THE AMENDMENT, WE'LL RETAIN THE ORIGINAL FUNDING STREAM AND BE ABLE TO SERVE MORE KIDS. WE CAN START OUT SLOWLY, SERVE A FEW LESS KIDS IN THE FIRST FEW YEARS... [LB243]

SENATOR GLOOR: TIME, SENATORS. [LB243]

SENATOR BOLZ: ...AND THEN RAMP UP, OR... [LB243]

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SENATOR GLOOR: THANK YOU, SENATOR McCOY, SENATOR BOLZ. SENATORS IN THE QUEUE: BRASCH, SCHEER, MELLO, GROENE, AND BAKER. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB243]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I DO LIKE THE BILL. I THINK IT'S A GOOD CONCEPT. I DO HAVE A FEW QUESTIONS BASICALLY ON THIS BILL IF SENATOR BOLZ WILL RISE FOR...YIELD TO A QUESTION. [LB243]

SENATOR GLOOR: SENATOR BOLZ, WILL YOU YIELD? [LB243]

SENATOR BOLZ: SURE, I WILL. [LB243]

SENATOR BRASCH: AGAIN, I THINK IT'S A GOOD BILL. AS I WAS TRYING TO READ THROUGH THE BILL ONCE MORE, BECAUSE OF THE QUESTIONS THIS MORNING, I NOTICED THAT SOME OF THE SERVICES OF THE PILOT PROGRAM MAY POSSIBLY CROSS OVER TO THE JUVENILE PROBATION OFFICE, JUSTICE, BECAUSE WHEN I WAS WORKING WITH THEM ON LEGISLATION, THEY ALSO TRIED TO WORK WITH THE FAMILY IN MEDIATION. THEY SEARCH OUT WHEN IT COMES TO NEEDED ADDITIONAL ASSISTANCE, GUIDANCE, THEY LOOK FOR A COUSIN OR AN AUNT OR UNCLE OR THEY WORK WITH THE FAMILY CIRCLE. DOES THE JUSTICE DEPARTMENT, JUVENILE JUSTICE PROBATION MEDIATION, THEY WEREN'T ANY OF THE MEMBERS TESTIFYING, BUT HAS THAT COME UP ON THIS AT ALL? [LB243]

SENATOR BOLZ: THE OFFICE OF THE SUPREME COURT DID APPROACH ME AND HAD A CONVERSATION WITH ME ABOUT THEIR SKILLS AND THEIR EXPERTISE AND HOW THEY MAY PLAY A SUPPORTING ROLE IN THESE INITIATIVES AND EFFORTS. SO ONCE THE BILL IS PASSED, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WILL DEVELOP AN RFP. AND I THINK IN A BEST-CASE SCENARIO, WE'LL HAVE CHILD PLACING AGENCIES, WHICH ARE THE ONLY AGENCIES WHO ARE QUALIFIED TO APPLY FOR THESE DOLLARS. THOSE CHILD PLACING AGENCIES, WHEN, WHERE, AND HOW APPROPRIATE, WILL PARTNER WITH ORGANIZATIONS LIKE THE MEDIATION CENTER IF THAT'S USEFUL. HOWEVER, IF THE QUESTION IS WHETHER OR NOT THE FOLKS WHO WORK WITH THE MEDIATION CENTERS ON THE JUSTICE SIDE MAY APPLY FOR THESE DOLLARS, THE ANSWER IS NO. ONLY CHILD PLACING AGENCIES APPROVED THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES MAY APPLY. [LB243]

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SENATOR BRASCH: THAT DOES CLARIFY BECAUSE I COULD READ SOME POSSIBLE CROSSOVER. IS THAT CORRECT? IT MAY CROSS OVER BUT NOT FUNDING ONE...BECAUSE THEY WORK WITH PLACEMENT, A COOPERATION WITHIN A FAMILY AND YOUR... [LB243]

SENATOR BOLZ: I DON'T MEAN TO PARSE WORDS, BUT I GUESS I WOULDN'T SAY THE WORD "CROSSOVER." I WOULD SAY THERE'S AN OPPORTUNITY FOR PARTNERSHIP. [LB243]

SENATOR BRASCH: WITH A PARTNERSHIP BETWEEN THE TWO ENTITIES. I HAVE NO OTHER QUESTIONS. THANK YOU. AND I CONTINUE TO SUPPORT THIS BILL. I WILL YIELD THE REST OF MY TIME TO SENATOR McCOY, IF HE'D LIKE IT. [LB243]

SENATOR GLOOR: SENATOR McCOY, 2:05. [LB243]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BRASCH. WOULD SENATOR MELLO YIELD, PLEASE? [LB243]

SENATOR GLOOR: SENATOR MELLO, WOULD YOU YIELD? [LB243]

SENATOR MELLO: OF COURSE. [LB243]

SENATOR McCOY: THANK YOU, SENATOR. I'VE WAITED UNTIL THIS POINT TO ASK YOU A QUESTION THAT MAY REQUIRE ANOTHER TIME ON THE MICROPHONE, I DON'T KNOW. BUT HELP ME WALK THROUGH THIS. AND THE REASON I PURSUE THE LINE OF QUESTIONING THAT I DID WITH SENATOR BOLZ IS BECAUSE OBVIOUSLY SHE IS A MEMBER OF YOUR APPROPRIATIONS COMMITTEE. SO HELP ME UNDERSTAND. IT'S MY UNDERSTANDING, AND I THINK ANY OF US WOULD AS WE LOOK AT THE GREEN SHEET THAT WE ARE OVER, ON THE GREEN SHEET, BY SOME, A LITTLE LESS THAN \$4 MILLION BY MY CALCULATIONS. OBVIOUSLY, I THINK ALL OF US HAVE BEEN WATCHING. IS THAT A CORRECT CHARACTERIZATION OF WHERE WE'RE AT, THAT WE HAVE ABOUT \$4 MILLION WE NEED TO CUT OFF THE GREEN SHEET? WOULD THAT BE RIGHT? [LB243]

SENATOR MELLO: THAT IS CORRECT. IF YOU LOOK AT TODAY'S GREEN SHEET, I BELIEVE IT'S ABOUT \$3.8 MILLION WE ARE OVER BALANCED. AND, SENATOR McCOY, I HAVE MY LIGHT ON AND SENATOR SCHEER IS GOING TO GIVE ME SOME OF HIS TIME TO WALK THE BODY A LITTLE BIT THROUGH THIS PROCESS THAT

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YOU AND I BOTH KNOW EVERY APPROPRIATIONS CHAIR IN OUR TIME IN THIS BODY HAS GONE THROUGH EVERY SINGLE YEAR IN REGARDS TO IDENTIFYING FISCAL NOTES THAT SOMETIMES NEED SOME KIND OF MASSAGING AND/OR POLICY CHANGES TO REDUCE THAT FISCAL NOTE TO GIVE EVERY BILL POSSIBLE A CHANCE AT A STRAIGHT UP OR DOWN VOTE AND STILL FALL WITHIN A BALANCED BUDGET. [LB243]

SENATOR McCOY: SO THE IDEA HERE IS...AND THIS IS NOTHING TO YOU. IT USED TO BE WHAT WE WOULD REFER TO SENATOR HEIDEMANN, FORMER SENATOR LAVON HEIDEMANN, CHAIR OF APPROPRIATIONS COMMITTEE, IS...THIS IS WHERE YOU GET TO BE THE GRIM REAPER. WOULD THAT BE A LOOSE CHARACTERIZATION, SENATOR MELLO? (LAUGHTER) [LB243]

SENATOR MELLO: I WOULD SAY IT'S A LOOSE CHARACTERIZATION. I THINK THE APPROPRIATIONS CHAIR HAS THE RESPONSIBILITY TO TRY TO EVALUATE THAT GREEN SHEET AND ENSURE THAT THERE ARE ALWAYS A HANDFUL OF BILLS EVERY LEGISLATIVE SESSION THAT ARE FLEXIBLE IN NATURE... [LB243]

SENATOR GLOOR: TIME, SENATORS. [LB243]

SENATOR MELLO: ...IN THE LEGISLATURE... [LB243]

SENATOR GLOOR: THANK YOU, SENATOR McCOY AND SENATOR MELLO AND SENATOR BRASCH. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB243]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I WAS REMISS, WHEN I FIRST STOOD UP, I DIDN'T WANT TO GIVE ANYONE THE IMPRESSION...I DO SUPPORT LB243 AND I ESPECIALLY SUPPORT AM1622. I WILL SAY THAT WE ALL ASK INDIVIDUAL SENATORS WHEN THEY COME UP WITH DIFFERENT BILLS THAT IF THERE IS A WAY TO REDUCE THE COST FACTOR, AND I WORKED WITH SENATOR BOLZ ON SEVERAL DIFFERENT BILLS, ESPECIALLY THROUGH THE REVENUE COMMITTEE THAT THE COMMITTEE HAS ASKED HER TO TRY TO FIND SOME WAY TO MASSAGE THE BILL SO THAT IT WOULDN'T HAVE QUITE AS MUCH OF A FINANCIAL IMPACT. IN EVERY CASE, SHE'S DONE SO. SO I THINK SHE'S JUST DONE DUE DILIGENCE ON HER PART TO TRY TO MAKE SURE THAT THE FUNDS THAT ARE NEEDED ARE THERE AND THEY'LL BE EXPENDED, BUT WE AREN'T GOING TO GO ABOVE AND BEYOND AND HAVE FUNDS SITTING AROUND THAT AREN'T ABLE TO BE USED. SO I WANT TO PERSONALLY THANK SENATOR BOLZ FOR THE REDUCTION IN THAT. I WOULD ALSO NOTE THAT AS SENATOR McCOY AND

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MELLO WERE TALKING, WE'VE GOT A 3.8 DEFICIT RIGHT NOW. SENATOR BOLZ HAS JUST CUT THAT BY 40 PERCENT. SHE'S REDUCED THE IMPACT BY A MILLION AND A HALF OF HER BILL AND HAS REDUCED THE OUTSTANDING DEFICIT 40 PERCENT. SHE OUGHT TO BE CONGRATULATED AND NOT BROUGHT TO A POINT WHERE SHE'S HAVING TO DEFEND TRYING TO REDUCE EXPENDITURES. I THINK SHE'S DONE A GREAT THING FOR THIS BODY FOR THE BUDGET AND FOR THE STATE. WE'RE STILL WATCHING OUT FOR OUR ENDANGERED FOSTER CHILDREN. SO WITH THAT SAID, I DO SUPPORT IT. I WANT TO CONGRATULATE SENATOR BOLZ AND I THINK IT'S A GOOD BILL. AND WITH THAT, I WILL YIELD THE REMAINING OF MY TIME TO SENATOR MELLO. [LB243]

SENATOR GLOOR: SENATOR MELLO, 3:10. [LB243]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AND THANK YOU, SENATOR SCHEER. I'LL TRY TO, COLLEAGUES, TO WALK EVERYONE THROUGH THIS PROCESS THAT I'VE MENTIONED MULTIPLE TIMES ON THE FLOOR THROUGHOUT THIS LEGISLATIVE SESSION WHERE WE GET TO A POINT AT THE END OF THE SESSION WHERE YOU HAVE A NUMBER OF BILLS THAT START TO STACK UP ON SELECT AND FINAL READING. AND UNFORTUNATELY, I'M NOT ALWAYS ON THE FLOOR TO BE ABLE TO TALK ON EVERY SINGLE FISCAL NOTE AS IT MOVES FROM GENERAL, SELECT, TO FINAL READING. AND I'VE TALKED TO SENATOR BOLZ ABOUT THIS. I WAS NOT ON SELECT FILE WHEN LB243 MOVED ON FROM SELECT TO FINAL. BUT I KNOW OTHER MEMBERS OF THE LEGISLATURE TALKED TO SENATOR BOLZ ABOUT LOOKING FOR WAYS TO REDUCE THE INITIAL COST OF THIS FOUR-YEAR PILOT PROJECT. I HAD REVISITED WITH SENATOR BOLZ IN THE SENSE OF DETERMINING IF THERE IS A WAY TO EVALUATE HER PROPOSAL WITHOUT HARMING THE INTENT OF THE POLICY, IF THERE IS A WAY TO REDUCE THAT FISCAL IMPACT. SENATOR BOLZ CAME BACK AND SAID, I BELIEVE THERE'S A WAY TO DO THAT, AND SO I WILL BE BRINGING AN AMENDMENT ON FINAL READING TO DO EXACTLY THAT. I APPRECIATE SENATOR BOLZ'S WILLINGNESS TO HELP TRY TO PROVIDE EVERY MEMBER IN THIS BODY AN OPPORTUNITY TO TAKE AN UP OR DOWN VOTE ON AS MANY BILLS THAT WILL BE ON FINAL READING IN THE NEXT FEW DAYS. THAT'S BENEFICIAL TO EVERYONE AND THAT HAS BEEN A POLICY THAT I INHERITED AND THAT I'VE TAKEN OVER FROM MY PREDECESSOR, WHICH IS TO TRY TO WORK WITH SENATORS TO FIND WAYS TO REDUCE THEIR FISCAL NOTES TO GIVE EVERY SINGLE BILL THAT GETS TO FINAL READING AN ABILITY TO TAKE AN UP OR DOWN VOTE ON THE POLICY MORE SO THAN TRYING TO SAY YOU CAN'T VOTE AGAINST THIS BILL...OR YOU CAN'T VOTE FOR THIS BILL BECAUSE YOU'VE GOT TO PICK BETWEEN ONE BILL OR THE OTHER BECAUSE THE GREEN SHEET IS

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NOT BALANCED. IF YOU LOOK ON THE AGENDA TODAY, YOU HAVE LB243, LB265. LAST NIGHT WE HAD LB175 WITH SENATOR SCHILZ. LATER ON, WE ALSO HAVE SENATOR BOLZ'S BILL, LB591, WHERE THESE ARE ALL BILLS THAT THESE SENATORS ARE WILLING TO WORK TO REDUCE THEIR FISCAL IMPACT ON THEIR FISCAL NOTES... [LB243 LB265 LB175 LB591]

SENATOR GLOOR: ONE MINUTE. [LB243]

SENATOR MELLO: ...TO GIVE EVERY MEMBER OF THIS BODY AN ABILITY TO TAKE AN UP OR DOWN VOTE WHEN WE GET TO FINAL READING ON THE LIST OF BILLS, PRIMARILY MOST OF THEM GOING TO REVENUE BILLS, SO YOU DON'T HAVE TO MAKE A DECISION PURELY BASED ON THE GREEN SHEET. YOU CAN MAKE A DECISION ON WHATEVER RATIONALE OR PHILOSOPHY YOU WANT. AND THAT'S BEEN A POLICY, COLLEAGUES, I'VE TRIED TO ENACT THE LAST TWO YEARS AND I THINK WE'VE DONE A PRETTY GOOD JOB THIS YEAR OF BEING ABLE TO FOLLOW THAT SAME PHILOSOPHY. WITH THOSE FOUR BILLS, WE WILL HAVE A BALANCED BUDGET WITH THE REDUCTION OF THEIR FISCAL NOTES, AS WELL AS A REDUCTION TO THE FISCAL NOTES THIS MORNING ON LB598 AND LB605. SO, I THINK SENATOR McCOY'S QUESTION WAS STARTING TO GET TO THE POINT IS, WHY ARE WE DOING THIS? COLLEAGUES, WE DO THIS BECAUSE SENATORS ARE WILLING TO MAKE CHANGES TO THEIR PERSONAL PRIORITY BILLS, OR COMMITTEE PRIORITY BILLS, BECAUSE THEY STILL BELIEVE IN THE POLICY, BUT WE ALL KNOW YOU CAN CHANGE, MASSAGE, AND BE MORE FLEXIBLE IN CERTAIN COMPONENTS OF THOSE POLICIES THAT ULTIMATELY HAS AN IMPACT ON THE FISCAL NOTE AND THE FISCAL IMPACTS. [LB243 LB598 LB605]

SENATOR GLOOR: TIME, SENATOR, BUT YOU'RE NEXT IN THE QUEUE, SENATOR MELLO. [LB243]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. SO THIS PROCESS IS NOT NEW. THIS IS SOMETHING THAT NORMALLY WE START DOING THIS WHEN THE GREEN SHEET STARTS TO COME OUT AND WE START TO IDENTIFY BILLS ON SELECT FILE, FINAL READING, AS WELL AS GENERAL FILE BILLS THAT ARE YET TO COME UP. AND, COLLEAGUES, I DON'T KNOW WHAT WE'RE GOING TO DO IN REGARDS TO GETTING THROUGH A LOT OF THIS OTHER GENERAL FILE DEBATE, WHICH MAY HAVE AN IMPACT ON THE GREEN SHEET; IT MAY NOT, DEPENDING HOW FAR WE GET. BUT BASED ON THE DECISIONS THAT I HOPE THIS LEGISLATURE MAKES TODAY IN ADOPTING THESE AMENDMENTS TO BRING DOWN THE COST OF THESE BILLS, WE THEN WILL HAVE A BALANCED

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GREEN SHEET WHEN WE'RE ABLE TO START TAKING FINAL VOTES, FINAL READING VOTES ON THURSDAY. I GIVE CREDIT, COLLEAGUES...SENATOR KRIST MENTIONED THIS LAST WEEK WHEN HE STOOD UP ON THE FLOOR AND SAID, LOOK AT YOUR GREEN SHEET. AND SENATOR KRIST IS MAKING AN AMENDMENT TO SENATOR CAMPBELL'S BILL, LB265, THAT ESSENTIALLY STRIKES OUT A COMPONENT OF THE BILL THAT'S HIS BILL, LB25, THAT ALMOST COMPLETELY ELIMINATES THE FISCAL NOTE ON THAT BILL. AND HE'S WILLING TO HOLD LB25 TO NEXT YEAR BECAUSE IT WAS KICKED OUT OF COMMITTEE, IT'S ON GENERAL FILE. SO, YOU HAVE SENATORS WILLING TO SACRIFICE SOME OF THEIR OWN PRIORITIES IN THEIR OWN BILLS THAT CURRENTLY ARE SITTING WITH ANOTHER SENATOR'S BILLS TO TRY TO GIVE EVERYBODY THE OPPORTUNITY TO LET EVERYONE'S BILLS HAVE A FAIR UP OR DOWN VOTE. SOME MEMBERS MAY NOT APPRECIATE THAT PHILOSOPHY. SOME MEMBERS MAY VOTE AGAINST EVERY SINGLE BILL PURELY BECAUSE OF THAT PHILOSOPHY. BUT AS I MET WITH EVERY NEW MEMBER THIS SESSION, I EXPLAINED TO EVERY NEW SENATOR THAT THIS IS A PHILOSOPHY THAT I INHERITED, THAT I BELIEVE IN, BECAUSE I THINK IT'S THE DUE DILIGENCE OF SENATORS TRYING TO WORK OUT COMPROMISES, TRYING TO FIND WAYS TO NEGOTIATE ON THEIR PRIORITIES, REALIZING THAT THE APPROPRIATIONS COMMITTEE SAID WE WERE GOING TO LEAVE \$47 (MILLION), \$48 MILLION OUTSIDE OF OUR BUDGET RECOMMENDATIONS FOR EVERY OTHER BILL THAT WANTS TO GET PASSED THAT MAY HAVE A FISCAL IMPACT. SO, SENATORS WHO ARE WILLING TO MAKE THOSE COMPROMISES, I APPRECIATE AND I APPLAUD THEM BECAUSE THEY'RE GIVING UP A LITTLE BIT OF THEIR OWN PRIORITIES, A LITTLE BIT OF THEIR OWN DESIRES TO SEE A POLICY BECOME LAW, AN APPROPRIATION FOLLOW THAT POLICY IF NEED BE, A TAX POLICY OR A TAX CHANGE THAT ORIGINALLY WAS AT A HIGHER DOLLAR AMOUNT THAT MAY HAVE HAD A BIGGER IMPACT THAT'S NOW BEEN AMENDED TO BE REDUCED, BECAUSE I THINK MOST SENATORS REALIZE THAT A HALF LOAF IS BETTER THAN NO LOAF SOMETIMES. AND IF YOUR PHILOSOPHY IS YOU DON'T WANT TO GIVE ANYONE ANY LOAF, THAT'S A PHILOSOPHY YOU CAN HAVE. I MAY NOT AGREE WITH IT ALL THE TIME. SOMETIMES I DO AGREE WITH IT. BUT IN MOST CASES, I'VE TRIED TO MAKE SURE THAT EVERY SENATOR HAS THE ABILITY TO INTRODUCE AN AMENDMENT TO FIND A WAY TO REDUCE THAT FISCAL NOTE TO GET A HALF LOAF. AND I KNOW THERE'S A NUMBER OF OTHER SENATORS ON THE FLOOR. WE'VE TRIED TO WORK ON YOUR BILLS EITHER IN COMMITTEE, TRYING TO GET THEM OUT OF COMMITTEE IN REGARDS TO GETTING THAT HALF LOAF. WE JUST WEREN'T SUCCESSFUL THIS YEAR, BUT THAT DOESN'T MEAN WE CAN'T TRY NEXT YEAR. AND I'M JUST APPRECIATIVE RIGHT NOW OF THOSE SENATORS WHO ARE ON FINAL READING BRINGING THEIR BILLS BACK. THEY DIDN'T HAVE TO DO IT. THEY COULD HAVE LEFT THEIR BILLS

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THERE AND TAKEN AN UP OR DOWN VOTE AND MAKE THE DETERMINATION OF WHETHER OR NOT SENATORS WOULD GET ON THE MIKE AND START ASKING WHETHER OR NOT WE CAN AFFORD THIS. THEY WERE WILLING TO BRING THEIR BILLS BACK TO MAKE AMENDMENTS TO TRY TO MAKE IT FIT WITHIN THE BIGGER \$47 MILLION NUMBER THAT'S AVAILABLE FOR EVERY BILL, WHETHER IT'S AN APPROPRIATIONS BILL OR A REVENUE OR A TAX BILL. COLLEAGUES, I'M SUPPORTING AM1622, MOVING LB243 BACK TO FINAL READING. I'LL BE DOING THE SAME THING ON LB265, ON LB320, AND LB500 BECAUSE OF THE CHANGES THAT WERE BEING MADE FROM OTHER SENATORS TO TRY AND FIND WAYS TO MAKE COMPROMISES. I'VE ALWAYS BELIEVED THAT COMPROMISE IS NOT A DIRTY WORD. I'VE ALWAYS FOUND THAT COMPROMISE... [LB243 LB265 LB25 LB320 LB500]

SENATOR GLOOR: ONE MINUTE. [LB243]

SENATOR MELLO: ...IN REGARDS TO, PARTICULARLY WHEN IT COMES TO THE FISCAL IMPACTS OF YOUR BILL IN TRYING TO FIND WAYS TO FINE TUNE YOUR POLICY, TO REDUCE THAT FISCAL IMPACT, COLLEAGUES, THAT'S GOOD GOVERNING. WE SHOULD BE DOING THAT, FRANKLY, ON EVERY BILL, AND I KNOW MORE SENATORS THAN NOT, AS I'VE SPOKEN WITH, HAVE ALREADY BEEN DOING THAT. I'D URGE THE BODY TO ADOPT AM1622 AND I'M MORE THAN WILLING TO ANSWER ANY OTHER QUESTIONS. HOPEFULLY, THIS ANSWERS WHAT SENATOR McCOY AND I WERE STARTING TO TALK ABOUT, AND SENATOR McCOY'S QUESTIONS IN REGARDS TO THE PROCESS, THE ROLE OF THE PROCESS, AND A DECISION THAT THIS ULTIMATE BODY GETS TO MAKE ON THESE FINAL READING BILLS THAT WILL REDUCE THEIR FISCAL NOTES. THANK YOU, MR. PRESIDENT. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR MELLO. SENATOR GROENE, YOU'RE RECOGNIZED. [LB243]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. WOULD SENATOR CAMPBELL RISE FOR A QUESTION? [LB243]

SENATOR GLOOR: SENATOR CAMPBELL, WOULD YOU YIELD? [LB243]

SENATOR CAMPBELL: CERTAINLY. [LB243]

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SENATOR GROENE: SENATOR CAMPBELL, IF THE NEW HHS DIRECTOR, MRS. PHILLIPS OR MS. PHILLIPS, DECIDED TO MAKE A POLICY CHANGE WITHIN FOSTER CARE THAT WAS A DIRECTIVE FROM HER THAT THE SOCIAL SERVICE EMPLOYEES PUT A HIGH PRIORITY ON TO FINDING FAMILIES TO PLACE THE CHILDREN, COULD THAT BE DONE WITHOUT LEGISLATION? [LB243]

SENATOR CAMPBELL: SENATOR GROENE, YES, IT COULD, BUT WHAT WE'RE SEEING HERE WITH THE PROGRAM THAT SENATOR BOLZ PUT FORWARD IS A NATIONALLY RECOGNIZED PROGRAM THAT'S BEING USED AND... [LB243]

SENATOR GROENE: THANK YOU. THANK YOU FOR ANSWERING MY QUESTION. WE DON'T NEED LEGISLATION TO TAKE A DIFFERENT TACK IN POLICY. HERE'S WHERE I ALWAYS START. I WISH WE HAD ZERO-BASED BUDGETING. I LOOK AT CHILD WELFARE AID IN OUR STATE BUDGET ON PAGE 26. CHILD WELFARE AID IN THIS YEAR IT'S \$137,778,000. NEXT YEAR, IT WOULD BE BUDGETED FOR \$141,951,000. THE NEXT YEAR AFTER THAT, '16-17, \$144,680,000. IT'S A 3 PERCENT INCREASE IN A 2.5 AVERAGE. WHAT DID THEY DO WITH THE FIRST \$144 MILLION? THAT'S WHY WE GAVE THEM \$144 MILLION TO DO WHAT THIS BILL SAYS. THAT'S THROWN UNDER THE DESK AND WE NEED NEW FUNDING TO DO WHAT WE HIRED YOU IN THE FIRST PLACE TO DO, IS TO PLACE THESE KIDS IN ADEQUATE FOSTER CARE. A HUNDRED AND FORTY-FOUR MILLION, A HUNDRED AND FORTY-ONE MILLION, WHAT IS THAT MONEY BEING SPENT ON? HOW MANY SALARIES ARE BEING PAID IN SOCIAL SERVICES TO FIND GOOD HOMES FOR FOSTER KIDS? WHY DO WE NEED THIS? IT SOUNDS TO ME LIKE THESE KIDS ARE ALL JUST PICKED UP BY THE POLICE, HAULED INTO COURT. THERE ISN'T ANY SOCIAL SERVICE WORKERS. THEY DON'T DO A GOOD JOB. WELL, LET ME TELL YOU, I KNOW SOME OF THOSE SOCIAL WORKERS IN MY TOWN. THEY ARE GOOD PEOPLE. THEY TRY TO DO THEIR JOB. I ASKED SOME OF THE PEOPLE IN MANAGEMENT IN HHS, I SAID, CAN I ASK YOU A QUESTION? I SAID, HOW DO YOU GUYS EVER CATCH UP? I SAID YOU TAKE A LOT OF CRITICISM AND THE NEW LEGISLATURE COMES IN AND DOING THEIR GOOD WORKS, AND THEY CREATE TEN MORE PROGRAMS, AND YOU'RE RUNNING HARD TRYING TO DO THE PROGRAMS YOU ALREADY WERE IN CHARGE OF AND THEY KEEP THROWING MORE PROGRAMS AT YOU TO MANAGE AND HANDLE. CAN WE JUST LEAVE THEM ALONE? LET THE DIRECTOR...THE NEW DIRECTOR HANDLE IT. LET THE GOVERNOR AND THAT NEW DIRECTOR DECIDE IF THIS IS A GOOD POLICY AND I'M SURE THEY WILL. SHE PROBABLY FIGURES OUT WHY...FIGURES, WHERE SHE CAME FROM, WHY IT HASN'T BEEN PUSHED MORE. I WONDER IN, IS IT LOUISIANA, WHERE SHE...THAT THEY'VE BEEN DOING IT PROBABLY. AND ALL IT IS, IS A BOSS SAYING TO HER EMPLOYEES, THIS IS WHAT I WANT YOU TO DO.

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FIND THE PARENTS, FIND THE UNCLES, FIND THE STEPBROTHER, FIND THE COUSIN BEFORE YOU DUMP THIS CHILD INTO AN UNKNOWN SURROUNDING. DOESN'T TAKE MONEY TO DO THAT. DOESN'T TAKE LEGISLATION TO DO THAT. I WILL...SENATOR BLOOMFIELD IN HIS WISDOM, COMMON SENSE, I WILL VOTE FOR AM1622 TO JUST COVER MY BETS. IT'S LESS COST IF LB243 PASSES, BUT I WON'T SUPPORT LB243--\$144 MILLION TO TAXPAYERS THAT ARE STRUGGLING OUT THERE WITH ONE OF THE HIGHEST INCOME TAXES IN THE REGION... [LB243]

SENATOR GLOOR: ONE MINUTE. [LB243]

SENATOR GROENE: ...HUGE PROPERTY TAX INCREASES IN LINCOLN COUNTY, 30 PERCENT OVER THE LAST TWO YEARS AND THEN WE'RE GETTING A 17 PERCENT BECAUSE THE STATE BOARD OF EQUALIZATION SAID WE WERE UNDERFUNDED...UNDERVALUED. BUT WE'RE GOING TO DO OUR GOOD WORKS TODAY WITH \$1.5 MILLION. IT ALL ADDS UP, FOLKS. IT ADDS UP. IT'S MONEY THAT COULD BE SPENT FOR...TO FIX TEEOSA TO GIVE PROPERTY TAX RELIEF. IT'S MONEY THAT WE COULD CUT THEIR INCOME TAXES, SO THEY COULD PAY THEIR PROPERTY TAXES. IT ALL ADDS UP. AND I DON'T KNOW. FORTY-EIGHT KIDS WERE PLACED. WE DON'T KNOW IF THOSE 48 KIDS WOULDN'T HAVE EVENTUALLY FOUND THEIR FAMILIES. IT'S HEARSAY. I'VE NEVER SEEN A PROGRAM SAVE MONEY YET THAT GOVERNMENT GETS INVOLVED WITH. I'VE NEVER SEEN IT. [LB243]

SENATOR GLOOR: TIME, SENATOR. [LB243]

SENATOR GROENE: THANK YOU. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR GROENE. SENATOR BAKER, YOU'RE RECOGNIZED. [LB243]

SENATOR BAKER: QUESTION. [LB243]

SENATOR GLOOR: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION BEFORE US IS, SHALL DEBATE CEASE? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB243]

ASSISTANT CLERK: 34 AYES, 0 NAYS TO CEASE DEBATE. [LB243]

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SENATOR GLOOR: DEBATE DOES CEASE. SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE ON AM1622. SENATOR BOLZ, WHY DON'T YOU MOVE TO ANOTHER MICROPHONE, IF YOU WOULD, PLEASE? [LB243]

SENATOR BOLZ: NOW THAT I HAVE YOUR ATTENTION, I WANT TO CLEAR UP A FEW THINGS. IT IS ABSOLUTELY, POSITIVELY NOT HEARSAY THAT KIDS ARE UNABLE TO FIND THEIR FAMILIES. ONE IN FOUR CHILDREN HAVE SPENT MORE THAN HALF OF THEIR LIVES IN OUT-OF-HOME CARE. COLLEAGUES, THE LONG-TERM EFFECTS OF TRAUMATIZATION OF CHILDREN WHO ARE NOT PLACED IN A PERMANENT HOME ARE REAL. THERE ARE REAL IMPACTS AND WE LEAD THE NATION IN OUT-OF-HOME PLACEMENTS FOR KIDS. THAT'S NOT WHAT I WANT TO LEAD THIS NATION IN. COLLEAGUES, THE QUESTION CAME ON THE FLOOR, CAN THIS BE DONE WITHOUT SENATOR BOLZ AND HER LB243? ABSOLUTELY NOT. AND LET ME TELL YOU WHY. BECAUSE OUR CURRENT DEPARTMENT OF HEALTH AND HUMAN SERVICES IS BUSY PROTECTING THE HEALTH AND SAFETY OF KIDS WHO ARE THE VICTIMS OF ABUSE AND NEGLECT. SO, COLLEAGUES, IF YOU ARE CONCERNED ABOUT THE PEOPLE IN YOUR DISTRICTS AND THEIR WELL-BEING, AND YOU'RE CONCERNED ABOUT WHO'S UNDER PRESSURE AND WHO'S SUFFERING, LET ME TELL YOU WHO THOSE PEOPLE ARE. THOSE ARE THE KIDS IN OUR FOSTER CARE SYSTEM. THOSE ARE THE LITTLE GIRL THAT I VISITED AT MADONNA A COUPLE OF YEARS AGO WHO HAD BURNS ON 70 PERCENT OF HER BODY BECAUSE HER PARENTS DID NOT TAKE CARE OF HER AS THEY SHOULD. SO, COLLEAGUES, I URGE YOU TO MOVE FORWARD THIS PIECE OF LEGISLATION BECAUSE IT IS A SYSTEM'S CHANGE IN OUR CHILD WELFARE SERVICES. THIS IS A NEW VISION AND A NEW MODEL. AND THAT IS WHAT'S SO VALUABLE ABOUT THIS PIECE OF LEGISLATION. THAT IS WHY I'M WILLING TO CHANGE THE SCOPE AND THE SCALE BECAUSE, AT THE END OF THE DAY, THIS IS A BETTER WAY OF DOING BUSINESS FOR OUR KIDS. I URGE YOU TO ADOPT AM1622. I URGE YOU TO ADOPT LB243. I URGE YOU TO READ THE OFFICE OF THE INSPECTOR GENERAL'S REPORT ON CHILD WELFARE SERVICES AND SEE THAT SHE REPORTS THE CONNECTION TO FAMILY IS ONE OF THE THINGS THAT WILL BE A GAME CHANGER FOR THIS STATE. THANK YOU, MR. PRESIDENT. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR BOLZ. THE QUESTION BEFORE US, MEMBERS, IS, SHALL THE AMENDMENT TO LB243 BE ADOPTED? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB243]

ASSISTANT CLERK: 41 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT. [LB243]

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SENATOR GLOOR: THE AMENDMENT IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB243]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB243 TO E&R FOR ENGROSSING. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR HANSEN. SENATOR McCOY, YOU'RE RECOGNIZED. [LB243]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. MY LIGHT WAS ON BEFORE THE QUESTION WAS CALLED AND WE VOTED ON THE AMENDMENT, WHICH I, AS YOU CAN TELL, SUPPORTED. I DO WANT TO HAVE A...FINISH ASKING SENATOR MELLO A COUPLE OF QUESTIONS IF HE WOULD YIELD, PLEASE. [LB243]

SENATOR GLOOR: SENATOR, WOULD YOU YIELD? [LB243]

SENATOR MELLO: YES. [LB243]

SENATOR McCOY: THANK YOU, SENATOR, AND I AGAIN APPRECIATE THE GREAT WORK THAT YOU DO ALONG WITH YOUR COMMITTEE IN CARRYING A VERY HEAVY LOAD WHEN IT COMES TO OUR BIENNIAL BUDGET AND EVERYTHING THAT THAT ENTAILS. AND I THINK SOMETIMES FOR THOSE OF US THAT AREN'T ON THE APPROPRIATIONS COMMITTEE, IT'S OFTENTIMES HARD TO REALLY GAUGE WHAT EXACTLY ALL THAT ENTAILS. MY CONCERN, AND I APPRECIATE THE BACKGROUND INFORMATION THAT YOU GAVE, BUT THE REASON I WANTED YOU TO YIELD SO I COULD ASK A FEW MORE QUESTIONS IS, YOU'RE CORRECT. YOU HAVE ADOPTED THE SAME STYLE AS YOUR IMMEDIATE PREDECESSOR ON HOW YOU HANDLE BILLS AT THE END OF THE SESSION IN TRYING TO MAKE SURE THE VARIANCE GETS SQUARED AWAY AS WE, OBVIOUSLY, HAVE TO DO WITH THE GREEN SHEET AS WE WORK TOWARDS THE END OF THE BUDGET. BUT THE QUESTION I HAVE FOR YOU, SENATOR MELLO, IS THIS. HOW DO YOU...HOW DO YOU ASCERTAIN WHAT IS AN IMPORTANT ENOUGH PIECE OF LEGISLATION? YOU MENTIONED A FEW AND I JOTTED DOWN SOME OF THE NUMBERS. SOME OF THEM ARE FAIRLY...I WOULD CONSIDER FAIRLY IMPORTANT BILLS AND I WOULD PUT LB243 IN THAT CATEGORY. HOW DO YOU JUDGE, SENATOR MELLO, WHERE WE CUT TO A POINT THAT A BILL LOSES ITS EFFECTIVENESS AND SHOULD BE MORE APPROPRIATELY FUNDED IN ORDER FOR IT TO ACCOMPLISH WHAT THE ORIGINAL GOAL OF THE BILL WAS? BECAUSE WHAT I FIGURE HERE WITH LB243 IS, SENATOR BOLZ GAVE JUST NOW AN IMPASSIONED PLEA FOR SUPPORT FOR

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THIS PROGRAM AND I SUPPORT THAT, BUT WE'RE CUTTING IT IN HALF FROM WHAT WE ALL VOTED ON, ON SELECT FILE. SO, HELP ME UNDERSTAND WHAT OTHER PIECES OF LEGISLATION ARE OUT THERE THAT YOU'RE WORKING TO TRY TO SLIM DOWN SO THAT WE'RE ABLE TO MAKE THAT BEST DECISION WE CAN AS A LEGISLATURE OF WHAT IS THE PRIORITY AND WHAT ISN'T. BECAUSE THAT IS A FUNCTION FOR THE WHOLE LEGISLATURE, CORRECT? [LB243]

SENATOR MELLO: THAT IS CORRECT, SENATOR McCOY, AND I'LL TRY TO ANSWER YOUR QUESTION IN THE MOST DIRECT WAY POSSIBLE. THE REALITY IS, IS I'M SIMPLY ONE SENATOR TALKING TO ANOTHER SENATOR TRYING TO RELAY WHAT I'VE HEARD FROM OTHER COLLEAGUES IN RESPECTS TO...A NUMBER OF COLLEAGUES COME UP ON ANY GIVEN BILL AND SAY I'VE GOT CONCERNS ABOUT THIS FISCAL NOTE, IS THERE ANY WAY POSSIBLY WE CAN MAKE SOME CHANGES TO THE BILL TO REDUCE THAT? THAT'S HAPPENED THE LAST TWO YEARS I'VE BEEN CHAIR OF THE APPROPRIATIONS COMMITTEE. AND AS YOU SAID, IT WAS MY PREDECESSOR DID THE SAME THING. I DON'T BELIEVE THAT IT'S...I PURPOSELY GO OUT AND SINGLE OUT PROPOSALS ARGUABLY THAT EITHER I OPPOSE OR SUPPORT. I THINK IT'S MORE IN IDENTIFYING SOME OF THE BILLS THAT WE HEARD DURING FLOOR DEBATE AND I TRY TO BE VERY MINDFUL OF FLOOR DEBATE WHEN COLLEAGUES COME UP AND TALK TO ME ABOUT AN ISSUE, THAT OR THEY GET ON THE MIKE AND TALK ABOUT AN ISSUE. I'LL USE ONE EXAMPLE. SENATOR PANSING BROOKS, AT THE BEGINNING OF THE SESSION, SHE HAD LB...I'M LOOKING AT IT HERE. SHE HAD LB366 WHICH I HEARD A NUMBER OF MEMBERS ON THE FLOOR HAVE CONCERNS ABOUT. IT WAS ORIGINALLY A \$1.5 MILLION FISCAL NOTE IN REGARDS TO INCREASING THE ALLOWANCE FOR THOSE ON MEDICAID AND I THINK IN REGARDS... [LB243 LB366]

SENATOR GLOOR: ONE MINUTE. [LB243]

SENATOR MELLO: ...TO TALKING WITH SENATOR PANSING BROOKS, SENATOR HILKEMANN, KOLTERMAN, OTHERS, THEY WERE ABLE TO COME TO AN AGREEMENT WITHOUT ME, SO TO SPEAK, ISSUING ANY KIND OF EDICT, I WOULD SAY, OR ANY KIND OF THIS IS WHAT HAS TO BE DONE. IT'S MORE OF SIMPLY TRYING TO ENCOURAGE COLLEAGUES TO WORK TOGETHER OF TRYING TO FIND A SOLUTION TO HELP MOVE THEIR BILL ALONG, WHICH I KIND OF FIND THAT MORE OF AN ENCOURAGEMENT ROLE MORE THAN ANYTHING ELSE. WE HAVE LB243, THE OTHER FINAL READING BILL. SENATOR KRIST IS MAKING A SACRIFICE OF REMOVING HIS BILL FROM SENATOR CAMPBELL'S BILL, WHICH IS THE NEXT ON FINAL READING, BECAUSE IT'S GOING TO BE ON GENERAL FILE NEXT YEAR. AND HE MADE THE DECISION THAT THAT BILL CAN WAIT ANOTHER

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YEAR TO ALLOW MAYBE OTHER BILLS THAT HE SEES AS A PRIORITY TO HAVE THAT ABILITY FOR AN UP OR DOWN VOTE. SO, IT'S NOT PURELY, I THINK, A DECISION I JUST PULL BILLS OUT OF THE HAT AND SAY, LET'S GO TALK TO THIS SENATOR. SENATORS KNOW ABOUT THEIR BILLS BASED ON FLOOR DEBATE AND THAT'S BEEN PRETTY PREVALENT THROUGHOUT THE SESSION. I SIMPLY TRY TO COME IN AFTERWARDS AND TRY TO OFFER ANY HELP I CAN TO EITHER HELP FIND WAYS... [LB243]

SENATOR GLOOR: TIME, SENATORS. [LB243]

SENATOR MELLO: ...TO REDUCE THEIR NOTE OR REDUCE COMPONENTS OF THEIR BILL TO MAKE SURE THEIR POLICIES STAND. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR McCOY AND SENATOR MELLO. (VISITORS INTRODUCED.) SENATOR GROENE, YOU'RE RECOGNIZED. [LB243]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. LET ME MAKE IT CLEAR, I LOVE CHILDREN. I JUST HAVE A DIFFERENT VIEW OF HOW WE HANDLE THIS. WE HAVE AN HHS, HEALTH AND HUMAN SERVICES. WE HAVE A CHILD WELFARE DIVISION. I DON'T KNOW HOW LONG THIS PROGRAM WAS WITH THE FEDERAL FUNDING. SENATOR BOLZ, WOULD YOU ANSWER A QUESTION...STAND FOR A QUESTION? [LB243]

SENATOR GLOOR: SENATOR BOLZ, WOULD YOU YIELD? [LB243]

SENATOR BOLZ: SURE, I'LL YIELD. [LB243]

SENATOR GROENE: HOW LONG HAS THE PREVIOUS PROGRAM BEEN IN EFFECT, THE ONE WITH THE FEDERAL FUNDING AND THE STATE FUNDING? [LB243]

SENATOR BOLZ: THERE ARE TWO SEPARATE PROGRAMS. THE STATE-FUNDED PROGRAM HAS BEEN IN EFFECT FOR A BIT MORE THAN A YEAR. MY UNDERSTANDING IS THAT THE FEDERAL PROGRAM, FEDERALLY FUNDED PROGRAM IN THE OMAHA AREA, HAS BEEN IN EFFECT LESS THAN A YEAR. HOWEVER, NATIONALLY, THESE PROGRAMS HAVE BEEN IN EFFECT IN HAWAII, IN MICHIGAN, IN PENNSYLVANIA AND CALIFORNIA... [LB243]

SENATOR GROENE: THANK YOU. [LB243]

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SENATOR BOLZ: ...AND HAVE PROVEN OVER TIME TO BE SUCCESSFUL. [LB243]

SENATOR GROENE: THANK YOU. WELL, THEY DON'T MENTION THOSE PROGRAMS IN THIS OMAHA...IN THIS NEWSPAPER ARTICLE, SO I'LL HAVE TO TAKE YOUR WORD FOR IT THAT THEY'RE NOT IN THE TOP 10 PERCENT OR WHATEVER OF WHEREVER WE ARE. THE POINT IS THIS. WE HAVE A CHILD WELFARE, FOSTER CARE PROGRAM. LET THE NEW DIRECTOR CHANGE ATTITUDES. IF YOU'VE EVER BEEN IN MANAGEMENT, YOU CAN CHANGE THINGS QUICKLY WITH THE SAME PAYROLL WITH A DIFFERENT ATTITUDE. AND SOME OF THE PEOPLE, SOCIAL SERVICE WORKERS I KNOW, THEY WANT NEW LEADERSHIP AND THEY WOULD DO MORE AND TRY MORE IF THEY GOT THAT LEADERSHIP, AND GOVERNOR RICKETTS HAS GIVEN THEM THAT. A NEW PROGRAM IS NOT GOING CHANGE THAT. THE REALITY IS, THIS AMOUNT OF MONEY VERSUS THE \$144 MILLION AND WHAT WE SEND IN THE FOSTER CARE SYSTEM, WE HAVE TO MAKE SURE THAT IS DONE THROUGH THE SYSTEM, NOT A PROGRAM ADDED ON TOP. CHILD...I'VE SEEN CHILD ABUSE. IT BURNS ME UP. I WANT TO TAKE SOME GUY AND THROW HIM OUT THE WINDOW. BUT THAT HAPPENS. A CHILD GETTING BURNED HAPPENS. THIS WON'T CHANGE THIS. THIS WON'T CHANGE THE FACT THAT THE BROTHER, THE SISTER, THE AUNT, THE UNCLE, THE GRANDMOTHER WON'T ABUSE THE CHILD TOO. IT MIGHT RUN IN THE FAMILY. THERE'S NO MAGIC ANSWERS HERE. YES, THE STUDIES SHOW IF YOU CAN KEEP THEM WITH FAMILY, AND MOST OF THEM DO. THE ONES I KNOW IS GRANDMA RAISING THEM, GRANDPA, AUNTS, UNCLES. WE'RE TALKING ABOUT THE EXCEPTIONS HERE, THE EXCEPTIONS THAT COULD BE DONE THROUGH HHS. I WILL GUARANTEE YOU, MOST CHILDREN, GRANDMA IS CONTACTED; UNCLE, AUNT IS CONTACTED THAT LIVED IN THE SAME COMMUNITY OR SURROUNDING COMMUNITIES. I DON'T KNOW THOSE NUMBERS BUT, PERSONAL EXPERIENCE, IT'S A LOT OF THEM. WE'RE TALKING ABOUT A FEW, WITH A CHANGE OF MIND-SET IN HHS THROUGH THE MANAGEMENT, COULD HANDLE THIS WITHOUT...LESS THAN \$1.5 MILLION A YEAR. BECAUSE NOW WE'RE DOUBLING UP EMPLOYEES THAT WE HAVE TO HIRE WHEN WE ALREADY HAVE THEM HIRED AT HHS TO HANDLE THESE FOSTER KIDS. AND ALL WE'RE CHANGING IS THEIR MIND-SET, HOW THEY GO ABOUT PLACING CHILDREN. SAME HUMAN, SAME EMPLOYEE, DOES GO ABOUT IT THE OTHER WAY WITH THE SAME SALARY. DO I WANT TO HELP CHILDREN? YES. BUT A FEEL GOOD, I'VE NEVER WORKED THAT WAY IN MY LIFE. DOING SOMETHING TO FEEL GOOD, THROW MONEY AT IT, AND WALK AWAY, AND PAT MYSELF ON MY BACK, THROW MY NEIGHBOR'S TAX DOLLARS AT SOMETHING AND THEN PAT MYSELF ON THE BACK, THAT'S NOT MY RELIGIOUS BELIEFS, AND THEN CLAIM YOU DID SOMETHING AND YOU GO HOME TO YOUR COZY HOMES. NO. LET HHS HANDLE THIS. [LB243]

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SENATOR GLOOR: ONE MINUTE. [LB243]

SENATOR GROENE: LET THE NEW MANAGER HANDLE IT. LET'S WORK IN-HOUSE AND DO IT. A MILLION AND A HALF ON TOP OF MORE KEEPS PILING UP, AND THE HARD WORKING MIDDLE CLASS DON'T GET A PROPERTY TAX BREAK BECAUSE WE DID OUR GOOD WORKS IN LINCOLN. IT'S ALL ABOUT US. THANK YOU. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR GROENE. SENATOR BAKER, YOU'RE RECOGNIZED. [LB243]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. I YIELD MY TIME TO SENATOR HADLEY. [LB243]

SENATOR GLOOR: SENATOR HADLEY, 4:50. [LB243]

SPEAKER HADLEY: THANK YOU, MR. PRESIDENT. WOULD SENATOR MELLO YIELD TO A QUESTION? [LB243]

SENATOR GLOOR: SENATOR MELLO, WOULD YOU YIELD? [LB243]

SENATOR MELLO: YES. [LB243]

SPEAKER HADLEY: SENATOR MELLO, ARE WE REQUIRED TO HAVE A BALANCED BUDGET? [LB243]

SENATOR MELLO: THE STATE IS REQUIRED TO HAVE A BALANCED BUDGET BUT, ARGUABLY, OUR LEGISLATIVE PROCESS IS NOT REQUIRED TO HAVE A BALANCED BUDGET THAT WE SEND TO THE GOVERNOR. [LB243]

SPEAKER HADLEY: IS THERE A REQUIRED RESERVE, LIKE A 3 PERCENT THAT WE HAVE TO WORK WITH? [LB243]

SENATOR MELLO: THERE IS A STATUTORILY REQUIRED 3 PERCENT MINIMAL RESERVE THAT, AS YOU LOOK AT YOUR GREEN SHEET ON THE FRONT PAGE, YOU'LL SEE THAT'S ROUGHLY ABOUT \$260 MILLION THAT WE HAVE TO HAVE IN CASE OF EMERGENCY THROUGH CASH FLOW PURPOSES. [LB243]

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SPEAKER HADLEY: THANK YOU, SENATOR MELLO. YOU KNOW, ONE OF THE CONCERNS WE HAVE WITH TERM LIMITS IS THAT WE DON'T HAVE MUCH IN THE WAY OF INSTITUTIONAL KNOWLEDGE. I HAVE A COUPLE OF PEOPLE IN MY OFFICE THAT HAVE BEEN AROUND 20, 25 YEARS AND IT WAS EXPLAINED TO ME THAT AT ONE TIME THE LEGISLATURE JUST PASSED BILLS, SENT THEM TO THE GOVERNOR, AND THEN ALLOWED THE GOVERNOR TO DECIDE WHAT THE FUNDING WAS AND WHERE CUTS WERE GOING TO BE TO MAKE THE BUDGET BALANCE. SO, FOLKS, WE COULD HAVE A CHOICE. WE COULD GO BACK TO THAT. WE'LL JUST PASS EVERY BILL WITH AN A BILL OR EVERY BILL WITH AN EXPENDITURE OR REVENUE LOSS AND JUST SEND IT OVER. HE'S GOT VERY SMART PEOPLE OVER THERE THAT WILL TELL HIM EXACTLY WHAT HE NEEDS TO DO TO MAKE THE WHOLE THING BALANCE. I DON'T THINK THAT SOUNDS LIKE A VERY GOOD IDEA. I THINK IT'S A LOT BETTER WHEN WE SIT DOWN HERE COLLEGIALLY AND TRY TO FIGURE OUT WHAT WE'RE GOING TO DO TO MAKE IT BALANCE, SO THAT WE SEND HIM A BALANCED BUDGET. MY TWO YEARS AS REVENUE CHAIR, I WORKED VERY CLOSELY WITH SENATOR MELLO IN MAKING THINGS BALANCE. WE CUT THINGS FROM THE REVENUE SIDE TO MAKE IT BALANCE. I APPLAUD THE PEOPLE THAT ARE WILLING TO LOOK AT THEIR BILLS AND HELP THIS BODY MAKE THOSE DECISIONS SO WE SEND THE GOVERNOR A BALANCED BUDGET SO THAT HE CAN CUT...HE CAN VETO IT IF HE DOESN'T LIKE WHAT WE'RE SPENDING OR WHAT THE PROGRAM IS, BUT HE DOESN'T CUT IT JUST TO MAKE IT BALANCE. THANK YOU, MR. PRESIDENT. [LB243]

SENATOR GLOOR: THANK YOU, MR. SPEAKER. (VISITORS INTRODUCED.)
SENATORS IN THE QUEUE: KOLTERMAN AND BAKER. SENATOR KOLTERMAN,
YOU'RE RECOGNIZED. [LB243]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I JUST WANT TO RESPOND A LITTLE BIT TO SENATOR GROENE'S CONCERNS. I HAVE TALKED AS I'VE DONE MY DUE DILIGENCE ON THIS BILL, I TALKED TO TONY GREEN WHO IS THE ACTING DIRECTOR OF CHILD WELFARE. HE WAS IN MY OFFICE AND WE TALKED ABOUT THIS BILL AT SOME LENGTH. AND I HAVE A LETTER THAT CAME THROUGH OUR COMMITTEE THAT THEY WERE IN SUPPORT OF EXPANDING THIS PROCESS. WHEN YOU TALK ABOUT UTILIZING IN-HOUSE DOLLARS, WHICH IS WHAT YOU'RE TALKING ABOUT IN THE BUDGET, I COULDN'T AGREE WITH YOU MORE. BUT IF WE'RE GOING TO DO THAT, THIS PROGRAM IS A PROVEN PROGRAM AND IT'S WORKING. IT COSTS MONEY TO TRAIN THESE PEOPLE. AND WHEN I WAS TALKING TO TONY GREEN, HE INDICATED THAT THEY LIKE THIS CONCEPT. THEY'RE NOT YET READY...THEY DON'T HAVE THE PEOPLE IN PLACE TO IMPLEMENT IT. SO, WHAT WE'RE DOING HERE IS WE'RE OUTSOURCING, NOT JUST

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TO CHRISTIAN HERITAGE, BUT THERE'S TWO OR THREE OTHER ORGANIZATIONS THAT ARE WILLING TO HELP US WITH THIS PROGRAM. BUT HERE'S THE REAL QUESTION. THE SOONER WE CAN GET TO WORK ON THIS BY OUTSOURCING IT FOR A COUPLE OF YEARS AND GIVING TONY GREEN, OR WHOEVER THE NEW DIRECTOR WILL BE OF THAT DEPARTMENT, THE OPPORTUNITY TO TRAIN PEOPLE, WE CAN START CUTTING DOLLARS. YOU TALK ABOUT THE DOLLARS THAT ARE BEING SPENT IN CHILD WELFARE AND HOW THEY'RE GROWING. LET ME ASK YOU THIS. IT COSTS US ABOUT \$6,800 PER CHILD TO IMPLEMENT THIS PROGRAM, VERSUS IF THEY'RE IN THE SYSTEM ON A LONG-TERM BASIS IT'S \$300,000. WHICH WOULD YOU RATHER SPEND? WOULD YOU RATHER SPEND A LITTLE BIT UP-FRONT, DO WHAT'S BEST FOR THE KID, OR WOULD YOU RATHER SPEND THE \$300,000 AND KEEP THE SYSTEM JUST THE WAY IT IS? THAT'S A NO-BRAINER. I MEAN, I UNDERSTAND WHERE YOU'RE COMING FROM, SENATOR GROENE, BUT AT THE SAME TIME, IF WE CAN SPEND MONEY UP-FRONT AND SAVE IN THE LONG RUN AND CUT THAT BUDGET, WHICH IS MY GOAL, THEN WE OUGHT TO BE DOING THAT. WE OUGHT TO BE LOOKING AT PROGRAMS LIKE THIS THAT CAN LONG TERM HAVE A LASTING EFFECT ON THE CHILDREN AND THIS STATE. SO, I JUST THINK THAT THOSE STATISTICS NEED TO BE LISTENED TO, AND THE FACT THAT WE HAVE SUPPORT FROM HHS TO DO THIS PROGRAM BECAUSE THEY'RE NOT YET TRAINED TO DO IT. THEY WANT TO DO IT, AND I THINK THEY WILL GET TRAINED, BUT IT'S NOT YET IN PLACE. THIS IS TESTED. LET'S KEEP MOVING IT FORWARD. THANK YOU. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR KOLTERMAN. SENATOR BAKER, YOU'RE RECOGNIZED. [LB243]

SENATOR BAKER: QUESTION. [LB243]

SENATOR GLOOR: SENATOR, IT'S THE CHAIR'S RULING THAT THERE HAS NOT BEEN FULL AND FAIR DEBATE ON THE UNDERLYING AMENDMENT. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB243]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, NOW WE'RE DOWN TO WHERE, IF YOU DON'T LIKE TO SPEND THE MONEY, YOU CAN VOTE TO STOP THIS BILL. THAT'S A DECISION YOU HAVE TO MAKE. BUT THE IDEA OF VOTING AGAINST THAT LAST AMENDMENT WAS JUST INANE. AND I CAUTION, SENATORS, AGAINST FALLING FOR THE LINE THAT IF WE JUST SPEND A LITTLE MONEY NOW, IT WILL SAVE US A LOT OF MONEY LATER. I HEARD THAT THE FIRST YEAR I WAS HERE AND I'VE HEARD IT EVERY YEAR SINCE AND WE'VE

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DONE IT EVERY YEAR SINCE, BUT IT SEEMS LIKE OUR BUDGET KEEPS GROWING. THERE COMES A TIME TO STOP SPENDING THE PEOPLE'S MONEY. THIS IS NOT A BAD BILL. THIS MAY NOT BE THE PLACE TO PUT THE BRAKES ON. BUT THE IDEA THAT IF WE THROW MONEY AT SOMETHING TODAY IT'S GOING TO SAVE US MONEY TOMORROW ISN'T ALWAYS LOGICAL. AND EVEN WHEN IT IS, IF YOU DON'T HAVE THE MONEY TODAY TO THROW AT IT, OR TO PUT TOWARD IT, YOU DON'T WANT TO GO INTO DEFICIT SPENDING TO TRY TO SAVE A DOLLAR TEN YEARS FROM NOW. IT WILL EAT US UP ALIVE. MR. PRESIDENT, WHEN THIS COMES TO A VOTE, I'D LIKE A RECORD VOTE ON IT. THANK YOU. [LB243]

SENATOR GLOOR: THANK YOU, SENATOR BLOOMFIELD. SENATOR GROENE, YOU'RE RECOGNIZED. [LB243]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. AGAIN, I LOVE CHILDREN. I WOULD LIKE TO COMMENT...I WANT THAT QUOTE IN THE PAPER, PLEASE. (LAUGHTER) I WANT TO THANK SENATOR MELLO ON HIS COMMENTS ABOUT EXPLAINING WHAT COMPROMISE IS, AND I AGREE WITH HIM. COMPROMISES WITHIN A BILL, YOU STICK TO THE ISSUE OF THAT BILL. THAT ISN'T VOTE TRADING. BIG DIFFERENCE. I DO HAVE A PROBLEM, THOUGH. MAYBE IT WOULD BE BETTER JUST IF YOU REALLY BELIEVE IN YOUR BILL AND IT WENT THROUGH COMMITTEE WITH A FISCAL NOTE, THAT IT SHOULD BE THAT WAY ON THE FLOOR, AND THEN WE DECIDE IF THERE'S \$200 MILLION. THAT'S ANOTHER WAY TO RUN IT THROUGH THE SHEATHE. IT'S \$200 MILLION ASKING AND WE'VE GOT \$50 (MILLION). THEN, FOR SURE, WE WILL DECIDE THE BEST ONES INSTEAD OF TAKING THE \$200 MILLION REALITY IN FISCAL NOTES AND TRIMMING THEM DOWN TO \$50 (MILLION) AND THEN WE GOT A WHOLE BUNCH MORE PROGRAMS. MAYBE SENDING THEM ALL TO THE GOVERNOR AND LETTING HIM VETO WOULD BE ANOTHER CHECKS AND BALANCES OF THIS BODY AND OF OUR GOVERNMENT. PROBABLY A GOOD REASON WHY THEY DID THAT IN THE PAST. BECAUSE NOW WE'VE GOT PROGRAMS THAT WE'RE PUTTING IN THE HANDS OF NINE INDIVIDUALS ON THE APPROPRIATIONS COMMITTEE DOWN THE ROAD, BECAUSE WE GOT THEM STARTED. WE PUT THEM A LITTLE SEED MONEY, THEN THEY DON'T GO AWAY. SENATOR BLOOMFIELD MADE SOME GOOD COMMENTS. IT KEEPS GROWING. GOVERNMENT KEEPS GROWING FASTER THAN INFLATION AND POPULATION GROWTH. IT KEEPS GROWING. AND THE TAXPAYERS ARE MORE AND MORE STRAPPED. FAMILIES ARE STRESSED, THEY BREAK UP, CREATE FOSTER KIDS BECAUSE WE STRESS THEM WITH THE PRESSURES OF GOVERNMENT ON THEM. I CAN MAKE CLAIMS TOO. I'VE HEARD WILD ONES BEFORE ON THE OTHER SIDE, BUT I THINK THERE'S A LITTLE TRUTH TO THAT TOO. WE DON'T KNOW, SENATOR KOLTERMAN, IF \$300,000, WHERE HE GOT THAT

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NUMBER, I'M SURE THERE'S A NUMBER OUT THERE, BUT WHEN SOME...IF SOMEBODY COMES FROM A BROKEN FAMILY AND EVERYBODY IN THAT FAMILY IS LOW INCOME AND YOU FIND A PLACE IN THAT OTHER FAMILY'S...A BROTHER OR SISTER, OR AN AUNT OR AN UNCLE, AND THEY'RE ON WELFARE, YOU DIDN'T SAVE \$300,000. YOU JUST ADDED KIDS TO THEIR BILL, OPERATING BILL. SO WE DON'T KNOW AND I KNOW FOR SURE...I TALKED TO A FEW PEOPLE EVEN WHEN THESE OTHER FAMILIES TAKE THEM ON, THEY GET PAYMENTS FOR A WHILE, IT'S MORE THAN \$6,000, BECAUSE THEY'RE TREATED LIKE FOSTER CHILDREN AT FIRST UNTIL THINGS ARE...SOCIAL SERVICES RELEASES THE...EACH INDIVIDUAL CHILD. AND WE DON'T KNOW THAT THOSE 48 CHILDREN THAT GOT PLACED COULDN'T BE PLACED IF WE JUST HAVE A POLICY CHANGE WITHIN THE DIVISION OF HHS AND CHILD WELFARE. WE DON'T KNOW. WE GOT A NEW GOVERNOR. WE'VE GOT A NEW DIRECTOR OF HHS. SURE, ANY GOVERNMENT BUREAUCRAT IN HIS RIGHT MIND, YOU TELL ME, I'M GOING TO GIVE YOU MORE MONEY AND TAKE THE LOAD OFF YOUR BACK AND PUT THE RESPONSIBILITY ON A PRIVATE ENTITY, HE'S GOING TO TELL YOU, YES, I'LL DO THAT, IF THEY'RE GOOD MANAGERS THEY WILL. BUT THAT AIN'T WHAT WE HIRED THEM FOR AS GOVERNMENT EMPLOYEES. WE HIRED THEM TO DO THE JOB, NOT TO MARKET IT OUT TO SOME OTHER ENTITY. DO YOUR JOB. WE DO IT IN FREE ENTERPRISE. WE EXPECT IT IN GOVERNMENT. AND THERE'S A LOT OF GOOD PUBLIC SERVANTS THAT DO THEIR JOB. WE DON'T HEAR MUCH OUT OF THEM. THEY JUST DO IT. THEY DO IT BETTER THAN THE NEXT ONE BESIDE HIM AND THEN THEY GO HOME. THIS ISN'T NECESSARY. THIS IS FEEL-GOOD LEGISLATION. PEOPLE NEED TAX RELIEF. THE PEOPLE WHO TAKE CARE OF THEIR CHILDREN... [LB243]

SENATOR GLOOR: ONE MINUTE. [LB243]

SENATOR GROENE: ...WHO AREN'T A BURDEN TO THE GOVERNMENT, THEY'VE GOT ENOUGH BURDEN ON THEIR BACK AND WE KEEP THROWING MORE. THEY DON'T RUN TO GOVERNMENT FOR EVERYTHING. THEY LIVE THEIR LIVES IN A FREE COUNTRY. THEY WILLINGLY PAY THEIR TAXES. YOU KNOW, SOME OF US DIDN'T...PAID OUR KIDS' EDUCATION THROUGH COLLEGE EVEN. WE DIDN'T GET HELP THERE EITHER. WE DIDN'T WANT IT. WE DO A LOT OF THINGS AND WE PAY OUR TAXES, BUT WE'RE TIRED OF IT. YOU WANT TO DO YOUR GOOD WORKS, DO IT WITH YOUR MONEY. OTHERWISE, WE'VE GOT A GOVERNMENT ENTITY THAT WE'VE EMBEDDED WITH THE ABILITY TO DO THIS. LET THEM DO IT, OR FIRE THEM AND FIND SOMEBODY ELSE THAT WILL DO IT. BUT I'VE GOT A GOOD INDICATION THAT THE NEW MANAGER OF HHS WILL DO HER JOB. WE DON'T NEED THIS. THANK YOU. [LB243]

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SENATOR GLOOR: THANK YOU, SENATOR GROENE. SENATOR BLOOMFIELD, YOU'VE ASKED FOR A RECORD DEBATE...OR RECORD VOTE. WOULD YOU...MACHINE VOTE? MEMBERS, THE QUESTION IS, SHALL LB243 BE ADVANCED TO E&R FOR ENGROSSING? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB243]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1716-1717.) VOTE IS 32 AYES, 2 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB243]

SENATOR GLOOR: THE BILL ADVANCES. MR. CLERK. [LB243]

ASSISTANT CLERK: MR. PRESIDENT, NEXT BILL, LB243A, SENATOR BOLZ WOULD MOVE TO RETURN THE BILL TO SELECT FILE FOR SPECIFIC AMENDMENT. (AM1657, LEGISLATIVE JOURNAL PAGE 1692.) [LB243A]

SENATOR COASH PRESIDING

SENATOR COASH: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION TO RETURN. [LB243A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I THINK THE DEBATE THUS FAR HAS CLEARLY ARTICULATED THE PURPOSE OF THIS AMENDMENT AND WHAT THE TRAILING A BILL WILL DO FOR THE UNDERLYING PIECE OF LEGISLATION. I JUST ASK FOR YOUR SUPPORT FOR THE AMENDMENT AND FOR LB243A. THANK YOU, MR. PRESIDENT. [LB243A]

SENATOR COASH: THANK YOU, SENATOR BOLZ. MEMBERS, YOU'VE HEARD THE MOTION TO RETURN LB243A FOR A SPECIFIC AMENDMENT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION. SHE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL LB243A BE RETURNED FOR A SPECIFIC AMENDMENT? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB243A]

ASSISTANT CLERK: 38 AYES, 0 NAYS ON THE MOTION TO RETURN THE BILL. [LB243A]

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SENATOR COASH: (VISITORS INTRODUCED.) SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON AM1657. [LB243A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. COLLEAGUES, PLEASE VOTE GREEN ON AM1657. THANK YOU, MR. PRESIDENT. [LB243A]

SENATOR COASH: THANK YOU, SENATOR BOLZ. MEMBERS, YOU'VE HEARD THE OPENING TO AM1657. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE. SENATOR BOLZ WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL AM1657 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB243A]

ASSISTANT CLERK: 37 AYES, 2 NAYS ON THE ADOPTION OF THE AMENDMENT. [LB243A]

SENATOR COASH: AM1657 IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB243A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB243A TO E&R FOR ENGROSSING. [LB243A]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB243A IS ADVANCED. NEXT ITEM, MR. CLERK. [LB243A]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL IS LB265. SENATOR KRIST WOULD MOVE TO RETURN THE BILL TO SELECT FILE FOR SPECIFIC AMENDMENT, THAT AMENDMENT BEING AM1629. (LEGISLATIVE JOURNAL PAGE 1667.) [LB265]

SENATOR COASH: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB265]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. LET'S BRING THIS BACK SO WE CAN MAKE IT RIGHT AND SEND IT FORWARD. THANK YOU. [LB265]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING TO THE MOTION TO RETURN TO SELECT FILE. SENATOR CAMPBELL, YOU ARE RECOGNIZED. SENATOR

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CAMPBELL WAIVES. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR KRIST IS RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL LB265 BE RETURNED TO SELECT FILE FOR SPECIFIC AMENDMENT? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB265]

ASSISTANT CLERK: 39 AYES, 0 NAYS TO RETURN THE BILL. [LB265]

SENATOR COASH: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON AM1629. [LB265]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AGAIN, GOOD MORNING, COLLEAGUES; AND GOOD MORNING, NEBRASKA. PROBABLY THE MOST IMPORTANT THING THAT I DO IN THE PAST FEW WEEKS OR A MONTH OF A SESSION IS PAY VERY CLOSE ATTENTION TO THE GREEN SHEET. I UNDERSTAND THE PROCESS OF APPROPRIATIONS. AND I UNDERSTAND THAT IF I COME DOWN TO THE BOTTOM OF THAT SHEET AND I'M LOOKING AT A BOGEY IN THE VARIANCE FOR MINIMUM RESERVE ON THE COVER SHEET, WHICH I INVITE YOU ALL TO LOOK AT, THERE'S A DELTA THERE, AND THAT IN PARENS TELLS ME THAT THERE IS, INDEED, A NEED TO BALANCE THE BUDGET. I DO NOT AGREE THAT THE GOVERNOR OF THE STATE OF NEBRASKA NEEDS TO BALANCE OUR BUDGET. THAT IS OUR RESPONSIBILITY. AND I TAKE IT VERY SERIOUSLY. WHICH IS WHY I AM ASKING YOU TO ADOPT AM1629. WHEN LB265 CAME OUT OF THE JUDICIARY COMMITTEE, AND IT CAME OUT CLEAN, I'M A MEMBER OF THAT COMMITTEE, WE ATTACHED LB13 AND LB25. LB25 IS REALLY THE CULPRIT HERE. IT HAS A \$1 MILLION FISCAL NOTE THROUGHOUT THE BIENNIUM. LB25 ASKS THE CHIEF MEDICAL OFFICER OF THE STATE OF NEBRASKA, WHO HAS THE RESPONSIBILITY TO LOOK OUT FOR THE HEALTH AND WELFARE OF THIS GREAT STATE, TO PUT TOGETHER A COMMISSION...COMMITTEE, STUDY COMMITTEE, TO LOOK AT THE EFFECTS OF RADON. I DON'T THINK I HAVE TO GET UP AND TELL YOU HOW BAD RADON IS. IT CAUSES LUNG CANCER. WE'RE VERY, VERY, VERY BLESSED, IF YOU WILL, WITH RADON IN THIS STATE AND WE'RE NOT TAKING MITIGATING ACTIONS TO GET...I'M SORRY, BOY, I'M ON THE WRONG BILL, AREN'T I? TWENTY-FIVE...(LAUGHTER)...ALL WRAPPED UP WITH THE PROCESS TODAY, AREN'T WE? LB25 NEEDS TO COME OUT OF THE BILL. IT HAS A \$1 MILLION FISCAL NOTE. AND I'LL STAND FOR ANY QUESTIONS. [LB265 LB13 LB25]

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SENATOR COASH: (MICROPHONE MALFUNCTION)...SENATOR KRIST. MEMBERS, YOU'VE HEARD THE OPENING OF AM1629. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB265]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I REALLY THOUGHT I'D GONE TO ANOTHER WORLD THERE FOR A MINUTE. (LAUGHTER) WHEN HE STARTED TALKING ABOUT RADON, I THOUGHT, HOLY TOLEDO, I GOT THE WRONG FILES HERE. COLLEAGUES, I WANT TO STAND IN SUPPORT OF SENATOR KRIST'S AMENDMENT TO LB265. AND I WANT TO MAKE A COUPLE OF GENERAL COMMENTS. AND FIRST OF ALL, I WANT TO COMMEND SENATOR MELLO. YOU KNOW, THE APPROPRIATIONS CHAIR, THE JOB OF THAT PERSON ISN'T JUST TO WORK WITH THE APPROPRIATIONS COMMITTEE. SENATOR MELLO SPENDS MUCH OF THE SESSION CHECKING IN WITH CHAIRMEN OF COMMITTEES WHERE WE USUALLY HAVE A NUMBER OF BILLS THAT HAVE AN A BILL WITH THEM, OR WILL HAVE. AND SENATOR MELLO AND I HAVE KEPT IN CONVERSATION THROUGHOUT THE ENTIRE SESSION. AND WE GET TO A POINT IN WHICH WE LOOK AT THE GREEN SHEET, AND YOU SHOULD GET INTO THE HABIT, AS I DO EVERY DAY, YOU TAKE...SIT DOWN AT YOUR DESK AND YOU SHOULD LOOK AT THE GREEN SHEET BECAUSE THAT'S WHAT IT'S THERE, IT'S TO KEEP A TAB; WHERE ARE WE GOING? IT'S COMING TO AN END. DO WE KNOW WHAT WE'RE SPENDING? AND SENATOR MELLO AND I HAD A CONVERSATION A COUPLE OF WEEKS AGO ABOUT WHAT ARE SOME BILLS THAT ARE COMING OUT OF THE HEALTH AND HUMAN SERVICES COMMITTEE? SHOULD WE BE LOOKING AT THEM DIFFERENTLY? BECAUSE IT'S EVERY SENATOR'S JOB TO MAKE SURE THAT WE HAVE A BALANCED BUDGET. IT'S EVERY CHAIRMAN'S JOB TO PAY ATTENTION TO THE BILLS IN THEIR COMMITTEE. IT'S EVERY CHAIRMAN'S JOB TO TALK TO THE PEOPLE WHO HAVE BILLS IN THAT COMMITTEE. AND SENATOR MELLO KEPT IN CONVERSATION WITH ALL OF US. AND SENATOR KRIST WAS ONE OF THOSE GOOD FRIENDS, PARTNERS THAT I HAVE WORKED WITH IN THE YEARS I'VE BEEN HERE, WHO STOOD UP TO ME AND SAID--HEY, LET'S TAKE LB25 OUT; WE CAN COME BACK TO IT NEXT YEAR. IT IS THE RIGHT MOVE TO MAKE TO ENSURE A BALANCED BUDGET WHEN WE GO HOME AT THE END OF THE SESSION. THAT IS WHAT HAPPENS. THAT'S WHAT SHOULD HAPPEN IN THIS BODY--CONSTANT COMMUNICATION BETWEEN PEOPLE. I CERTAINLY APPRECIATE AND WANT TO THANK SENATOR KRIST FOR PUTTING THE AMENDMENT FORWARD AND WOULD ASK FOR YOUR GREEN VOTE ON THAT AMENDMENT. THANK YOU, MR. PRESIDENT. [LB265 LB25]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. SENATOR McCOY, YOU'RE RECOGNIZED. [LB265]

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SENATOR McCOY: THANK YOU, MR. PRESIDENT, MEMBERS. WOULD SENATOR KRIST YIELD, PLEASE? [LB265]

SENATOR COASH: SENATOR KRIST, WILL YOU YIELD? [LB265]

SENATOR KRIST: ABSOLUTELY. [LB265]

SENATOR McCOY: THANK YOU, SENATOR. I WANT TO JUST MAKE SURE I'M UNDERSTANDING WHAT WE'RE DOING HERE, AND I UNDERSTAND...I THINK YOU'RE TALKING ABOUT A DIFFERENT BILL. BUT DID YOU MENTION LB...THAT SECTIONS 4 AND 7, THAT YOU'RE SEEKING TO REMOVE THROUGH AM1629 OR ORIGINALLY LB13 AND LB25? DID I UNDERSTAND THAT CORRECTLY? [LB265 LB13 LB25]

SENATOR KRIST: NO, SIR. I MISSPOKE. [LB265]

SENATOR McCOY: OKAY. [LB265]

SENATOR KRIST: LB13 AND LB25 WERE BOTH AMENDED ON TO LB265. THIS ACTION ONLY SEEKS TO REMOVE A MAJOR PORTION OF LB25, WHICH RESULTS IN THE FISCAL NOTE. [LB265 LB13 LB25]

SENATOR McCOY: AND WHAT...AND I WAS QUICKLY TRYING TO...I WASN'T AWARE OF THAT, SO I WAS QUICKLY TRYING...OR WHAT COMPONENT WAS IN THIS BILL. SO I WAS TRYING TO QUICKLY UNDERSTAND WHAT LB25 IS, WHAT THAT BILL DOES. AND I DON'T THINK I HEARD ANYBODY REALLY SAY THAT. WOULD YOU MIND TELLING ME WHAT THAT BILL DOES? [LB265 LB25]

SENATOR KRIST: SURE. AND I DO APOLOGIZE FOR THE CONFUSION. BUT I HAVE ANOTHER ONE COMING UP WHICH DEALS WITH THE RADON SUBJECT MATTER. SO LET ME GET BACK TO THE PERTINENT...I APPRECIATE YOU ASKING ME THE QUESTION FOR LEGISLATIVE INTENT. WHAT LB25 WOULD SEEK TO DO, IN ITS FORM, IT'S STILL NOW ON GENERAL FILE, BY THE WAY, AND IT WILL BE HEARD NEXT YEAR. BUT WHAT LB25...THE PORTION OF LB25 THAT'S BEING REMOVED WOULD SEEK TO EXTEND SERVICES FOR A JUVENILE WHO IS IN THE JUVENILE SYSTEM ABOVE THE AGE OF CONSENT TO THE AGE OF 21, WHERE APPROPRIATE, WHEN THERE'S A JUDGE AND A LAWYER AND AN INDIVIDUAL WHO SEEKS TO HAVE THOSE SERVICES EXTENDED. AND THAT, INDEED, IS WHAT WOULD HAVE

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COST THE ADDITIONAL MONEY AND THAT'S WHAT'S BEING REMOVED. [LB265 LB25]

SENATOR McCOY: SO HELP ME UNDERSTAND, SO THAT WAS...SO EVEN THOUGH THAT BILL HAS BEEN VOTED OUT AND IS ON GENERAL FILE ALREADY, IF I'M UNDERSTANDING YOU CORRECTLY, IT WAS...WASN'T PRIORITIZED, CLEARLY, AND WASN'T A CANDIDATE FOR CONSENT CALENDAR. SO THE THOUGHT WAS, WOULD AMEND IT ON TO...NOT MY THOUGHT, BUT I TRIED...THE THOUGHT OF JUDICIARY COMMITTEE WAS AMENDING IT ON TO LB265 WOULD GIVE IT AN OPPORTUNITY TO ADVANCE THIS YEAR. IS THAT A CORRECT UNDERSTANDING OF THE SITUATION PRIOR TO TODAY? [LB265]

SENATOR KRIST: YES. LB265 AND LB25 HAD SIMILAR SUBJECT MATTER. SENATOR CAMPBELL CHOSE TO ATTACK THE PROBLEM IN LB265 A DIFFERENT WAY. LB25 WAS LIKE SUBJECT MATTER, SO THE JUDICIARY COMMITTEE ATTACHED IT AS IT CAME OUT OF COMMITTEE. [LB265 LB25]

SENATOR McCOY: SO THIS WOULD HELP REDUCE OUR VARIANCE BY HOW MUCH AGAIN? [LB265]

SENATOR KRIST: ONE MILLION DOLLARS. [LB265]

SENATOR McCOY: ONE MILLION DOLLARS. WHAT WILL THAT DO...SO YOUR BILL WOULD STILL GO INTO EFFECT AND HOW IS THAT GOING TO...WHAT'S THE INTERPLAY GOING TO BE, SENATOR KRIST, WITH THIS AS...SO THIS AMENDMENT STRIPS IT OUT COMPLETELY OR JUST STRIPS THE FUNDING OUT? [LB265]

SENATOR KRIST: WELL, LET ME BE PERFECTLY CLEAR. I HAD AN EXTENDED CONVERSATION WITH NEW CEO COURTNEY PHILLIPS, WHO BELIEVES THAT THE FISCAL NOTE OF \$1 MILLION IS NOT CORRECT AND SHE WANTED SOME TIME TO TAKE A LOOK AT IT. SO THIS BECAME, IN MY MIND, A LIKELY CANDIDATE TO BE REMOVED. IF WE CAN REMOVE THAT FISCAL NOTE, AND LET ME GIVE YOU AN EXAMPLE, SENATOR, WHEN THE FISCAL NOTE CAME OUT OF DHHS, THEY WERE LOOKING AT A BROAD BASE, SOME 28 FORMER OJS CHILDREN. AND THAT NUMBER IS GOING DOWN ON A DAILY BASIS. SO IT WAS DETERMINED THAT WITHOUT FIGHTING THE FISCAL NOTE BATTLE, IT WAS EASIER TO REMOVE THIS AND BRING IT BACK AND PUT AN E CLAUSE ON IT, IF NEED BE, NEXT YEAR, OR MISS PHILLIPS SAID SHE MAY BE ABLE TO CHANGE THIS INTERNALLY. SO WE'RE STILL IN COMMUNICATION. [LB265]

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SENATOR McCOY: SO I'M JUST TRYING TO MAKE SURE I UNDERSTANDING THIS CORRECTLY. SO THE BILL, IN ITS ENTIRETY, IS NOW UNDER AM1629 GOING TO BE STRIPPED OUT OF THE UNDERLYING BILL LB265 OR JUST THE FUNDING? [LB265]

SENATOR COASH: ONE MINUTE. [LB265]

SENATOR KRIST: THE SUBJECT MATTER THAT CAUSES THE FISCAL NOTE, THAT IS THE EXTENSION OF SERVICES ABOVE THE AGE OF 18 UP TO 21, IS REMOVED FROM LB265. [LB265]

SENATOR McCOY: THEN IS LB25 STILL THEN A VIABLE BILL ON GENERAL FILE THAT WOULD BE TAKEN UP NEXT YEAR? [LB265 LB25]

SENATOR KRIST: THAT WOULD BE A SUBJECT MATTER THAT I'M STILL GOING TO TALK WITH MISS PHILLIPS TO SEE IF IT'S EVEN NECESSARY, BECAUSE SHE'S LOOKING AT THE SUBJECT MATTER AS WE SPEAK. [LB265]

SENATOR McCOY: I'M JUST TRYING TO MAKE SURE I UNDERSTAND THAT. BECAUSE I'M TRYING TO RECALL A TIME WE MIGHT HAVE HAD A SIMILAR SITUATION WHERE YOU HAD A...AND I KNOW IT'S PROBABLY HAPPENED BEFORE, WHERE YOU HAVE, ESSENTIALLY, A BILL THAT'S ALREADY ON GENERAL FILE; IT'S ALSO AMENDED IN, BUT NOW WE'RE STRIPPING IT OUT. SO ARE WE...BUT WE'RE ONLY REALLY STRIPPING OUT THE FUNDING MECHANISM. SO THEN THAT WOULD BEG THE QUESTION, THEN DO WE ESSENTIALLY HAVE TWO BILLS UNDER THE SAME SUBJECT MATTER, ONE IN THE PROCESS OF LB265... [LB265]

SENATOR COASH: TIME, SENATORS. SENATOR KRIST, YOU'RE RECOGNIZED. [LB265]

SENATOR KRIST: I'LL CONTINUE THIS CONVERSATION WITH SENATOR McCOY IF HE WISHES TO. DID YOU WANT TO ASK THE QUESTION A DIFFERENT WAY OR DO YOU WANT ME TO JUST COMMENT? [LB265]

SENATOR COASH: SENATOR McCOY. [LB265]

SENATOR McCOY: THANK YOU, MR. SPEAKER. THANK YOU, SENATOR KRIST. I JUST WANT TO MAKE SURE I'M...WE'RE CLEAR HERE ABOUT WHAT'S...WHERE LB25 EXISTS FOR PURPOSES OF THE RECORD AND FOR PURPOSES OF MY

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UNDERSTANDING. I MAY BE THE ONLY ONE, BUT I DOUBT IT. I'M JUST TRYING TO MAKE SURE I UNDERSTAND CORRECTLY, SENATOR KRIST, WHAT IS HAPPENING TO LB25 GOING FORWARD. BECAUSE IT WOULD SEEM TO ME IF THE HHS CEO, AS YOU SAID, EXPRESSED RESERVATIONS ABOUT THE FISCAL NOTE OF LB25 AND WE'RE NOW STRIPPING THAT \$1 MILLION FISCAL NOTE OUT, IS THE CORE PRINCIPLES OF THE LEGISLATION...I'M TRYING TO UNDERSTAND, AS I SCAN THROUGH YOUR AMENDMENT, DO THE CORE TENETS, OTHER THAN THE FISCAL NOTE, REMAIN IN LB265 AND ARE ADVANCED FORWARD? IS THERE THEN A NEED FOR LB25 OR WILL THAT JUST BUY...FOR ALL PRACTICAL PURPOSES THAT PIECE OF LEGISLATION BE DEAD WHETHER IT SITS ON GENERAL FILE OR NOT WHEN IT COMES TO THE NEXT SESSION? [LB265 LB25]

SENATOR KRIST: THE JUDICIARY COMMITTEE VOTED OUT LB265, LB13, AND LB25. AND THEN WHEN THERE WAS NOT A PRIORITY SPEAKER OR INDIVIDUAL TO MOVE LB13 AND LB25, WE ELECTED TO AMEND IT OUT OF COMMITTEE. THE SUBJECT MATTER OF LB25 THAT CAUSES THE FISCAL NOTE, WHICH IS THE A BILL TO FOLLOW, IS COMPLETELY REMOVED FROM LB265. THERE'S NO SLEIGHT OF HAND. THERE IS NO TRYING TO PUT IT IN TWO PLACES. LB25 DISAPPEARS FROM LB265; THAT'S WHAT THE AMENDMENT DOES. SO THE A BILL THAT FOLLOWS WILL REFLECT A REDUCTION OF \$1 MILLION ON THE BIENNIUM. THE SUBJECT MATTER OF LB25 STILL RESTS, AS IT DOES IN MANY OTHER CASES IN THIS BODY, ON GENERAL FILE AND COULD COME UP NEXT YEAR. IT IS NOT MY INTENTION TO BRING IT UP NEXT YEAR IF CEO PHILLIPS ENDS UP DOING WHAT WE THINK WE NEED TO DO WITH THOSE 21...TAKING IT TO 21 YEARS OLD. I HOPE THAT CLEARS UP THE CONVERSATION. [LB265 LB13 LB25]

SENATOR McCOY: I THINK SO. SO WHAT YOU'RE TELLING ME IS THAT THERE IS A NEED FOR LB25 TO STILL MOVE FORWARD, POTENTIALLY, NEXT YEAR. DEPENDING ON WHAT THE CONVERSATIONS ARE IN THE INTERIM, THERE WOULD BE POTENTIALLY A NEED FOR IT TO MOVE FORWARD ON GENERAL FILE. IT'S NOT THE CASE IN WHICH THE JUDICIARY COMMITTEE, AND CERTAINLY I COULD ASK CHAIRMAN SEILER, BUT YOU'RE A MEMBER OF THE COMMITTEE, IT'S NOT A SITUATION IN WHICH IF THIS WOULD MOVE FORWARD THAT YOU WOULD BE, AT SOME POINT, HAVING EXEC SESSION TO IPP LB25. [LB265 LB25]

SENATOR KRIST: I DON'T KNOW THAT THERE WOULD BE A REASON TO IPP LB25. I THINK BEING, AS SENATOR GROENE POINTED OUT EARLIER AND I POINTED OUT MANY TIMES, IF WE DON'T HAVE TO TELL THE DEPARTMENT OF HEALTH AND HUMAN SERVICES DO THE RIGHT THING, IF SHE'S GOING TO DO IT ANYWAY, THEN I'LL PULL LB25 OFF OF GENERAL FILE NEXT YEAR AND JUST ASK THE

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SPEAKER TO PASS OVER IT. BUT THE PROCESS IS--IT WAS VOTED OUT, HOPING THAT WE WOULD GET A SPEAKER PRIORITY OR PRIORITIZED. IT DIDN'T HAPPEN, SO IT WAS AMENDED IN. LB25, IN SUBJECT MATTER, DOES NOT EXIST IN LB265. THE FISCAL NOTE DISAPPEARS ON IT. AND IN MY OPINION, THERE MIGHT BE A BETTER WAY TO DO WHAT I TRIED TO DO, AND THAT AGAIN IS CEO PHILLIPS AND I ARE TALKING ABOUT HOW TO MAKE THIS HAPPEN. SO WE'RE STILL IN DISCUSSION. [LB265 LB25]

SENATOR McCOY: OKAY. THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KRIST. [LB265]

SENATOR COASH: SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR KRIST, YOU'RE RECOGNIZED TO CLOSE ON AM1629. SENATOR KRIST WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL AM1629 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB265]

ASSISTANT CLERK: 37 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT. [LB265]

SENATOR COASH: AM1629 IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB265]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB265 TO E&R FOR ENGROSSING. [LB265]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB265 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB265]

ASSISTANT CLERK: MR. PRESIDENT, LB265A. SENATOR CAMPBELL WOULD MOVE TO RETURN THE BILL. (AM1678, LEGISLATIVE JOURNAL PAGE 1693.) [LB265A]

SENATOR COASH: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION TO RETURN. [LB265A]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, WHAT WE'RE DOING HERE IS CORRECTING THE A BILL TO REFLECT THAT WE HAVE TAKEN

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LB25 OUT. AND SO WE NEED TO RETURN TO HAVE A CORRECTED A BILL. THANK YOU, MR. PRESIDENT. [LB265A LB25]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE MOTION ON THE...HEARD THE OPENING ON THE MOTION TO RETURN TO SELECT FILE. SEEING NO ONE WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION. SHE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL LB265A BE RETURNED TO SELECT FILE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB265A]

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE MOTION TO RETURN. [LB265A]

SENATOR COASH: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON AM1678. [LB265A]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. WHAT WE ARE DOING WITH THIS AMENDMENT IS TAKING THE ACTION OF REMOVING LB25 OUT OF LB265. NOW WHAT WE ARE GOING TO DO IN THIS AMENDMENT IS TO TAKE THE FISCAL NOTE TO THAT OUT SO THAT WE HAVE A CORRECTED FISCAL NOTE THAT WOULD GO FORWARD WITH LB265. THANK YOU, MR. PRESIDENT. [LB265A LB265 LB25]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU HEARD THE OPENING, AM1678. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL IS RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL AM1678 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB265A]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT. [LB265A]

SENATOR COASH: AM1678 IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB265A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB265A TO E&R FOR ENGROSSING. [LB265A]

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SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB265A DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB265A]

ASSISTANT CLERK: MR. PRESIDENT, LB320A. SENATOR BOLZ WOULD MOVE TO RETURN THE BILL FOR SPECIFIC AMENDMENT. (AM1683, LEGISLATIVE JOURNAL PAGE 1692.) [LB320A]

SENATOR COASH: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB320A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. IT IS A BUSY, BUSY TIME OF YEAR IN THE NEBRASKA UNICAMERAL. I'D LIKE TO THANK ALL OF THE STAFF MEMBERS WHO HELP ALL OF OUR MACHINERY KEEP RUNNING IN THIS BODY. THIS AMENDMENT IS A SMALL MISTAKE THAT NEEDS TO BE FIXED; JUST A COUPLE OF NUMBERS TRANSPOSED. I APPRECIATE YOUR GREEN VOTE ON THE AMENDMENT AND ON THE UNDERLYING A BILL. THANK YOU, MR. PRESIDENT. [LB320A]

SENATOR COASH: THANK YOU, SENATOR BOLZ. MEMBERS, YOU'VE HEARD THE OPENING TO THE MOTION. SEEING NO ONE WISHING TO SPEAK, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION. SHE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL LB320A BE RETURNED TO SELECT FILE FOR SPECIFIC AMENDMENT? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB320A]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE MOTION TO RETURN THE BILL. [LB320A]

SENATOR COASH: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON AM1683. [LB320A]

SENATOR BOLZ: AGAIN, COLLEAGUES, I APPRECIATE YOUR GREEN VOTE ON LB320A. THANK YOU, MR. PRESIDENT. [LB320A]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING TO AM1683. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL

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AM1683 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB320A]

ASSISTANT CLERK: 37 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT. [LB320A]

SENATOR COASH: AM1683 IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB320A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB320A TO E&R FOR ENGROSSING. [LB320A]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB320A DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB320A]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL IS LB500. FIRST OF ALL, SENATOR HOWARD, I HAVE A NOTE THAT YOU WISH TO WITHDRAW AM1668. [LB500]

SENATOR HOWARD: THAT IS CORRECT. [LB500]

ASSISTANT CLERK: IN THAT CASE, SENATOR HOWARD WOULD MOVE TO RETURN THE BILL TO SELECT FILE FOR AM1694. (LEGISLATIVE JOURNAL PAGE 1708.) [LB500]

SENATOR COASH: SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB500]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I HAVE REQUESTED TO BRING THIS LEGISLATION BACK FROM FINAL READING IN ORDER TO AMEND THE BILL. AM1694 WOULD REMOVE FULL FUNCTIONAL FAMILY THERAPY AND THE IN-HOME FAMILY SERVICES MODEL FROM THE BILL. MULTISYSTEMIC THERAPY WILL REMAIN AS THE TREATMENT THAT WE WILL PURSUE IN LB500. I AM VERY PASSIONATE ABOUT THESE TREATMENTS, AND I BELIEVE THEY ARE GAME CHANGERS FOR THE WAY THAT WE TREAT YOUTH AND FAMILIES IN OUR STATE. THAT BEING SAID, I FEEL A FIDUCIARY RESPONSIBILITY TO BE CONSCIOUS OF THE CHALLENGES THAT WE

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HAVE FACED IN OUR BUDGET-SETTING PROCESS AND TO BE RESPECTFUL WHEN INTRODUCING ANYTHING WITH A POSSIBILITY OF HAVING A FISCAL IMPACT. IN TAKING A STEP-BY-STEP APPROACH, WE CAN REALIZE THE FULL IMPACT OF WHAT THESE PROGRAMS ARE ABLE TO DO, HOW MUCH THEY'RE ABLE TO SAVE, AND THEN COME BACK AND REVISIT WHEN WE CAN START BRINGING THE OTHER OPTIONS TO THE TABLE. IN ORDER TO GET THIS BILL ACROSS THE FINISH LINE, WE'VE WORKED EXTENSIVELY WITH ALL OF THE STAKEHOLDERS, INCLUDING THE OFFICE OF PROBATION AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. COLLECTIVELY, WE FEEL THAT TO HAVE THE MOST ADEQUATE SERVICE NETWORK AVAILABLE WHEN THE PROGRAM IS ABLE TO BE FULLY UTILIZED BY YOUTH IN THE CARE OF PROBATION, A STEP-BY-STEP APPROACH TO IMPLEMENTATION WAS THE MOST LOGICAL AND REALISTIC PLAN. I WOULD ASK FOR YOUR SUPPORT ON AM1694 AND AN OVERALL GREEN VOTE FOR LB500. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU, SENATOR HOWARD. MEMBERS, YOU'VE HEARD THE OPENING ON THE MOTION TO RETURN TO SPECIAL FILE. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR HOWARD, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION. SHE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL LB500 BE RETURNED TO SELECT FILE FOR SPECIFIC AMENDMENT? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB500]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE MOTION TO RETURN THE BILL, MR. PRESIDENT. [LB500]

SENATOR COASH: SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN ON AM1694. [LB500]

SENATOR HOWARD: AS I MENTIONED BEFORE, THIS AMENDMENT LIMITS THE BILL DOWN TO ONE TYPE OF THERAPY, MULTISYSTEMIC THERAPY, OR MST. AND I WOULD ASK FOR YOUR GREEN VOTE ON THIS AMENDMENT. [LB500]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING TO AM1694. SENATOR McCOY, YOU'RE RECOGNIZED. [LB500]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR MELLO YIELD, PLEASE? [LB500]

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SENATOR COASH: SENATOR MELLO, WILL YOU YIELD? [LB500]

SENATOR MELLO: OF COURSE. [LB500]

SENATOR McCOY: THANK YOU, SENATOR. I'M TRYING TO FOLLOW WHAT WE'VE DONE NOW WITH LB243, LB265, AND JUST NOW WITH LB320, AND NOW THE LAST ONE IN THIS SECTION WOULD BE THE BILL WE'RE ON RIGHT NOW, LB500. CAN YOU HELP ME TRACK? I JUST WANT TO MAKE SURE, AS WE LOOK AT THE \$3.8 MILLION VARIANCE ON THE GREEN SHEET, AND I'M TRYING TO FOLLOW WHAT WE'RE DOING HERE WITH THE AMENDMENTS UP TO THIS POINT, ARE WE ACHIEVING...OR I SHOULD...LET ME REPHRASE THIS, SENATOR MELLO. ARE WE BRIDGING THAT GAP, THAT VARIANCE GAP THROUGH...ALL THROUGH THESE BILLS? IT WOULD APPEAR TO ME WE ARE. BUT I'M TRYING TO GET A SENSE OF CLARIFICATION ON THAT FACT. [LB500 LB243 LB265 LB320]

SENATOR MELLO: SENATOR McCOY, IN NO UNCERTAIN TERMS, YES, I WOULD SAY WE ARE. IT'S A GOOD WAY TO SAY IT. WE'RE BRIDGING THAT \$3.8 MILLION GAP WITH THE ACTIONS WE'VE TAKEN SO FAR THIS MORNING, AS WELL AS ACTION WE TOOK LAST NIGHT ON SENATOR SCHILZ'S LB175, AS WELL AS AN ACTION WE'LL LIKELY TAKE ON SENATOR GARRET'S LB643 WHICH IS ON SELECT FILE, AS WELL AS SENATOR BOLZ'S LB591 WHICH IS ON SELECT FILE TO BRIDGE THAT GAP. [LB500 LB175 LB643 LB591]

SENATOR McCOY: I'LL RESERVE MY QUESTIONS ON LB591 AND LB643 WHEN WE GET TO THOSE PIECES OF LEGISLATION, SENATOR. BUT I APPRECIATE...AND YOU'RE CORRECT, I SHOULD HAVE MENTIONED LB175 FROM LAST NIGHT, WHICH WOULD HAVE BEEN SENATOR SCHILZ'S AGRITOURISM BILL, THAT I BELIEVE THAT WE AMENDED RIGHT BEFORE WE ENDED THE EVENING. MY QUESTION WOULD BE...WOULD APPEAR, AND I JUST WANT TO MAKE SURE AS OVERARCHING, SO I UNDERSTAND FULLY WHAT WE DID HERE. THE ONLY ONE OF THESE BILLS FOR...BECAUSE OF TRYING TO MAKE SURE THAT WE'RE BRIDGING THIS VARIANCE GAP THAT WE, IN EFFECT, ELIMINATED, AT LEAST FOR PURPOSES OF THIS SESSION, WOULD BE THE ONE...WOULD BE LB25 THAT WAS TAKEN OUT OF LB265. AND THAT WOULD BE PROBABLY ONLY BECAUSE THAT BILL CURRENTLY SITS ON GENERAL FILE IN ITS OWN RIGHT. THE REST OF THESE WE, TO USE SENATOR BOLZ'S WORDS FROM EARLY THIS MORNING, SLIMMED DOWN THESE BILLS OR AT LEAST THE FISCAL IMPACT IN ORDER TO GET TO THAT UP OR DOWN VOTE YOU DESCRIBED EARLIER. IS THAT CORRECT? [LB500 LB591 LB643 LB175 LB25 LB265]

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SENATOR MELLO: I WOULDN'T SAY THAT'S CORRECT. WE HAVE...IN DISCUSSIONS WITH...NOT JUST THE SENATORS WHO HAVE THE BILLS BUT A NUMBER OF SENATORS WHO HAVE INTEREST IN THEIR BILLS, GOOD AND BAD. THESE SENATORS, IN COLLABORATION, HAS TIGHTENED UP, I WOULD SAY, THEIR POLICIES, AND TIGHTENED UP THEIR APPROPRIATION THAT IS CONNECTED TO THEIR POLICY. [LB500]

SENATOR McCOY: HERE'S MY QUESTION, SENATOR MELLO, AND I GUESS I'M PARTICULARLY COGNIZANT OF THIS FACT BECAUSE OF HOW MUCH DISCUSSION WE'VE HAD THIS YEAR, AND IN THE LAST COUPLE OF YEARS ON OUR CHILD WELFARE SYSTEM; THIS YEAR ON CORRECTIONS, PROGRAMMING, YOU NAME IT. YOU'VE, OBVIOUSLY, BEEN DEEPLY ENMESHED IN THAT ISSUE, SENATOR. WHAT MY QUESTION IS TO YOU IS HOW DO...HOW DO YOU...AND HOW DO YOU THINK IS THE BEST WAY FOR US AS A LEGISLATURE AND HOW DO YOU GO ABOUT, BECAUSE IT'S SOMETHING THAT I ADMIRE, CERTAINLY, THAT YOU HAVE TO WORK ON, HOW DO YOU GO ABOUT TRYING TO FIND OUT...AT WHAT POINT DO WE SLIM A BILL DOWN TO THE DEGREE THAT IT'S WATERED DOWN, I SHOULD SAY, TO WHERE IT LOSES ITS EFFECTIVENESS WHERE PERHAPS THE LEGISLATURE WOULD BE BETTER OFF SAYING THIS YEAR WE'RE GOING TO FULLY FUND X, Y, Z PROGRAMS; WE'RE NOT GOING TO INITIATE THESE OTHER PROGRAMS AT ALL UNTIL WE CAN FULLY FUND THEM? AT WHAT POINT DO WE, ESSENTIALLY, ROLL OUT PROGRAMS THAT THEN WE THE DEFUND AT THE END OR SLIM DOWN TOWARDS THE END OF A SESSION THAT THEY THEN LOSE OR THEIR EFFECTIVENESS IS GREATLY REDUCED. I FEAR, AND I THINK THAT'S A LEGITIMATE WORRY THAT WE SHOULD HAVE, IS THAT...IS THAT FAIR IN YOUR MIND OR NOT SOMETHING YOU'RE CONCERNED ABOUT? [LB500]

SENATOR MELLO: WELL, SENATOR McCOY, I...IN NO WAY, SHAPE, OR FORM... [LB500]

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR MELLO: ...DO I EVER TRY TO RELAY TO COLLEAGUES THAT I KNOW MORE ABOUT THEIR LEGISLATION THAN THEY DO. AND I THINK IN THAT RESPECT, I RELY ON INDIVIDUAL SENATORS IN REGARDS TRYING TO PUSH THEM TO REEVALUATE THEIR LEGISLATION, THE POLICIES THEY WANT TO ENACT, AND THE FISCAL IMPACT THAT COMES WITH THOSE POLICIES. I THINK IF YOU TALK WITH ALL THE SENATORS WHO HAVE BEEN MAKING CHANGES TO THEIR BILLS, I'VE BEEN POLITELY PUSHING THEM TO REEVALUATE WHAT THEY WANT TO DO

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TO ENSURE THAT THERE ARE OTHER WAYS TO THINK THROUGH A POLICY THAT MAY BE ABLE TO REDUCE THE FISCAL IMPACT. AND WHEN A SENATOR COMES BACK AND SAYS, IF THIS IS WHAT YOU WANT TO DO, IT HAS NO REAL MEANING IN MY BILL, WHY WOULD WE DO THAT, I REALLY LEAD...I REALLY... [LB500]

SENATOR COASH: TIME, SENATOR. [LB500]

SENATOR MELLO: I REALLY GIVE MY MIND TO THOSE SENATORS TO GIVE ME THAT INPUT. [LB500]

SENATOR COASH: SENATOR MELLO, YOU'RE RECOGNIZED. [LB500]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AND I'LL YIELD SOME TIME BACK TO SENATOR McCOY IF HE'D LIKE IT WHEN IT'S ALL SAID AND DONE. I THINK TO CONTINUE MY TRAIN OF THOUGHT THE REALITY IS, IS EACH OF US HAVE OUR OWN LEGISLATION WE'VE INTRODUCED WHERE WE KNOW THERE IS A TIPPING POINT IN REGARDS TO WHETHER OR NOT THE INTENDED OUTCOME OF THIS LEGISLATIVE BILL WILL BE MET BY MAKING CHANGES WITHIN THAT BILL. AS I SAID EARLIER, I MAKE NO...MAKE NO ARGUMENT OR MAKE NO STATEMENT THAT I KNOW BETTER THAN ANYONE ELSE IN REGARDS TO WHAT YOUR SPECIFIC POLICY GOAL OR OBJECTIVE IS WITH YOUR BILL. BUT IT IS, I THINK, TO SOME EXTENT GOOD DEBATE. IT'S GOOD CANDOR TO BE ABLE TO HAVE A DISCUSSION IN REGARDS TO WHETHER OR NOT YOU CAN MAKE CHANGES TO YOUR BILL IN POLICY AND STILL GET THE INTENDED OUTCOME THAT YOU WANT. WHAT WE HAVE WITH US IN LB500 IS EXACTLY THAT PROCESS. AND I WOULD SAY IT'S BEEN A VERY LENGTHY PROCESS WITH THE LEGISLATIVE BRANCH, THE EXECUTIVE BRANCH, AND THE JUDICIAL BRANCH TO GET US TO SENATOR HOWARD'S AM1694. WE ESSENTIALLY HAD DISCUSSED THIS THROUGH SELECT FILE TO FINAL READING, IN PART, BECAUSE THERE HAS BEEN SOME DISAGREEMENT IN RESPECTS TO THE JUDICIAL BRANCH SAYING WHAT THEY INITIALLY THOUGHT WAS GOING TO BE COST SAVINGS WITH THE BILL IN COMPARISON TO WHAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SAID WAS GOING TO BE AN INCREASED COST IN REGARDS TO HAVING YOUTH WHO ARE MEDICAID ELIGIBLE QUALIFYING FOR SOME SERVICES. SENATOR HOWARD, SENATOR KRIST, THE FISCAL OFFICE, SENATOR CAMPBELL, IT'S BEEN A LONG, LONG CONVERSATION WITH HHS AND OFFICE OF PROBATION, AND OF LATE CEO PHILLIPS AND THE GOVERNOR'S OFFICE, TO GET US TO THE POINT WHERE THE BRANCHES OF GOVERNMENT ALL SUPPORT THIS POLICY. AND THEY UNDERSTAND THAT THESE SERVICES WILL

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HAVE SOME LONG-TERM IMPACTS AND LIKELY LONG-TERM COST SAVINGS, PARTICULARLY IN RESPECT TO THE OFFICE OF PROBATION WITH JUVENILE YOUTH WHO WOULD QUALIFY FOR MST UNDER LB500. THE CHALLENGE WE'VE BEEN WRESTLING WITH THOUGH IS, ONE, HOW IS...WHAT IS THE REAL FISCAL IMPACT AS THIS IS A...THIS IS A VERY SLOW RAMP UP TO BE ABLE TO TRAIN PROVIDERS TO PROVIDE THIS SERVICE? AND SENATOR SCHILZ WAS, I THINK, GRATEFUL ENOUGH TO...HE INCORPORATED A CHANGE TO THE IN-HOME PROVIDERS, IN-HOME SERVICE EARLIER IN THIS DEBATE AND REALIZED THAT THE BOYS TOWN MODEL IS GOING TO BE IMPLEMENTED THROUGH OFFICE OF PROBATION WITHOUT BEING INCORPORATED IN THE BILL. AND IT'S LIKELY SOMETHING THAT WE WILL CONTINUE TO LOOK AT TO INCORPORATE INTO THE FUTURE. BUT EVEN SENATOR SCHILZ, WHO WAS ADVOCATING THAT COMPONENT, WAS WILLING TO MAKE SOME COMPROMISE IN REGARDS TO WHAT SENATOR HOWARD BROUGHT TO US IN AM1694. WITH THE CHANGES THAT KIND OF EVERYONE HAS GENERALLY KIND OF AGREED TO AND THE COMPROMISES THAT HAVE BEEN MADE BETWEEN THE EXECUTIVE BRANCH, THE JUDICIAL BRANCH, AND SENATOR HOWARD, SENATOR KRIST, CAMPBELL, AND OTHERS, WE NOW WILL HAVE...THERE WILL BE A FISCAL NOTE THAT SHOWS UP. AND PART OF THE REASON IS THE DEPARTMENT OF HEALTH AND HUMAN SERVICES CAME BACK WITH KIND OF A LATE UPDATE TO THEIR FISCAL NOTE THAT WAS RELATIVELY HIGHER ANTICIPATED COSTS THAN WE ALL THOUGHT, AS WELL AS THE OFFICE OF PROBATION POLITELY HAS BEEN DISAGREEING, I THINK, WITH WHAT THEIR INITIAL ASSESSMENT WAS THAT THERE WAS GOING TO BE A SIGNIFICANT SAVINGS AFTER THE PROGRAM WAS RAMPED UP WITHIN THE FIRST YEAR. ESSENTIALLY, WHAT WE WILL SEE, GIVE OR TAKE, IS A FISCAL NOTE NOW THAT SHOWS ABOUT A \$250,000 GENERAL FUND IMPACT THE SECOND YEAR OF THE BIENNIUM. THAT WILL GO UP TO A LITTLE MORE THAN ABOUT \$850,000 THE FIRST YEAR OF THE NEXT BIENNIUM, AND ROUGHLY A LITTLE MORE THAN \$1 MILLION THE SECOND YEAR OF THE NEXT BIENNIUM. SO IT RAMPS UP BASED ON, ONE, WHAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES HAVE BEEN ABLE TO DO TO REEVALUATE THEIR FISCAL NOTE, REEVALUATE THE LIKELIHOOD THAT THIS IS PROGRAM AND THIS WAIVER PROCESS IS GOING TO TAKE MORE TIME BECAUSE WE'VE GOT TO GO THROUGH A TRAINING PROCESS. AND THE TRAINING PROCESS, AND SENATOR KRIST AND HOWARD AND CAMPBELL CAN SPEAK MORE ABOUT THAT, TAKES ABOUT THREE MONTHS TO GET SOMEONE TRAINED, A PROVIDER TO BE TRAINED. [LB500]

SENATOR COASH: ONE MINUTE. [LB500]

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SENATOR MELLO: AND THEY'RE ONLY BEING ABLE TO BE TRAINED ROUGHLY TO PROVIDE SERVICES TO ABOUT EIGHT YOUTH, AT A MAXIMUM. SO I THINK THE INITIAL THOUGHTS WE HAD IS THAT THIS WAS GOING TO BE KIND OF A...IT WAS GOING TO BE A COST-NEUTRAL CHANGE ORIGINALLY IS WHAT WE HAD THOUGHT BASED ON WHAT HHS'S ORIGINAL ESTIMATES WERE, WHAT PROBATION'S ORIGINALLY ESTIMATES WERE. BOTH ENTITIES WENT BACK TO THE TABLE AND KIND OF RETRACTED THOSE ESTIMATES AND WHAT WE'VE BEEN ABLE DO IS, I THINK, SENATOR HOWARD HAS BEEN WILLING TO MAKE SOME COMPROMISES OF ENSURING THAT THE MAIN COMPONENTS AND THE MAIN POLICY OF HER BILL IS INTACT IN LB500. AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND PROBATION HAVE BOTH COME TO THE TABLE AND ACKNOWLEDGED THAT THERE IS SOME COST SAVINGS ATTACHED WITH MST AS ADOPTED UNDER THIS AMENDMENT. SO I'M MORE THAN WILLING TO TALK MORE ABOUT THE CHANGES THAT SENATOR HOWARD'S AMENDMENT WILL DO TO THE FISCAL NOTE. BUT, COLLEAGUES, I THINK THIS HAS BEEN A GOOD EXERCISE OF ALL THREE BRANCHES SITTING AT A TABLE TRYING TO GET TO YES. AND WHAT I BELIEVE THEY'VE GOTTEN TO YES ON IS AM1694. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: TIME, SENATOR. (VISITORS INTRODUCED.) RETURNING TO DISCUSSION ON AM1694, SENATOR KRIST, YOU'RE RECOGNIZED. [LB500]

SENATOR KRIST: THANK YOU, MR. PRESIDENT; GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I AM ON THE RIGHT BILL THIS TIME, I CAN ASSURE YOU. I WANT TO TALK ABOUT LB500 FOR JUST A MINUTE, GIVE YOU SOME BACKGROUND. LB500 AND LB499 STARTED OUT AS COMPANION BILLS. SENATOR HOWARD AND I, THE SHERWOOD FOUNDATION, UNMC, AND A CAST OF OTHERS LOOKED AT MST, FFT, AND THE BOYS TOWN MODELS IN TERMS OF TAKING THEM FORWARD. THE SHERWOOD FOUNDATION HAS BEEN VERY GRACIOUS IN TERMS OF SUPPORTING THIS EFFORT AND FRONT-END MONEY. THAT'S HOW WE'RE DOING IT--A LITTLE BIT LESS EXPENSIVE TO THE STATE WITH A PUBLIC-PRIVATE PARTNERSHIP. I ONLY WANT TO TALK ABOUT THE LAST FEW WEEKS OF NEGOTIATION AND WHERE WE ARE, BECAUSE I THINK IT'S VERY IMPORTANT FOR YOU TO UNDERSTAND. SENATOR GROENE SAID EARLIER TODAY, AND I WILL USE HIS MANTRA AS A BEGINNING POINT, AND I HAVE BEEN SAYING FOR THE LAST SIX OR SEVEN MONTHS, WE HAVE A NEW ADMINISTRATION. WE HAVE A NEW CEO IN HEALTH AND HUMAN SERVICES. AND WE NEED TO STOP TELLING THEM WHAT TO DO AND INCORPORATING THEIR IDEAS AND HELPING THEM DO THAT WITH LEGISLATION, APPROPRIATION, AND THEN, OF COURSE, TO APPLY THE OVERSIGHT. IT IS CEO PHILLIPS WHO LOOKED AT THIS PROGRAM

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AND SAID, WE IMPLEMENTED IT IN THE STATE OF LOUISIANA. AND THE RAMP-UP PROGRAM, THE RAMP-UP PROCESS CAN GO A LITTLE BIT SLOWER AND NEEDS TO BE METHODICALLY WALKED THROUGH. SO WE'VE GOT A PROFESSIONAL WHO'S DONE THIS IN ANOTHER STATE WHO IS NOW THE CEO OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WHO'S WEIGHING IN ON THESE ISSUES AND SAYING THIS IS THE RIGHT APPROACH. I COMMEND SENATOR HOWARD FOR ALL THE NEGOTIATIONS SHE'S DONE. IT'S NOT EASY TO NEGOTIATE WITH THE CHIEF JUSTICE, AS WE HAVE FOUND OUT IN A COUPLE OF WAYS. BUT HE'S VERY SYSTEMATIC IN TERMS OF MAKING THIS WORK FOR THE PEOPLE AND THE FOLKS THAT THEY SERVICE. THIS IS THE RIGHT THING TO DO. LET'S AMEND WITH AM1694 AND MOVE ON WITH LB500, KNOWING THAT WE'VE BEEN PROFESSIONALLY COUNSELED ABOUT THE WAY TO MAKE THIS PROGRAM A SUCCESS. AND THANK YOU TO THE SHERWOOD FOUNDATION FOR ALL OF THEIR SUPPORT. THANK YOU, COLLEAGUES. [LB500 LB499]

SENATOR COASH: THANK YOU, SENATOR KRIST. SENATOR McCOY, YOU'RE RECOGNIZED. [LB500]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I'LL ASK SENATOR MELLO TO YIELD IN A MOMENT SO THAT I CAN FINISH THE LINE OF QUESTIONING I WAS ON. BUT HERE'S MY CONCERNS, ALWAYS BEEN MY CONCERN ON THIS, MY ENTIRE TIME IN THE LEGISLATURE. AND IT'S NOT JUST A CONCERN I'VE SHARED WHILE SENATOR MELLO HAS DONE A FANTASTIC JOB, IN MY OPINION, AS CHAIR OF APPROPRIATIONS, BUT EVEN WITH HIS PREDECESSOR, IS WE GET TO THIS LATE HOUR IN A SESSION, IT HAPPENS EVERY BIENNIUM, AT LEAST IT HAS IN MY TIME HERE, WHEN THERE IS ANY MONEY TO SPEND. BECAUSE THE ONE BIENNIUM THAT, ARGUABLY, WE HAD A VERY DIRE SITUATION, IT WAS REALLY SIMPLE WHEN WE GOT TO THIS STAGE OF THE SESSION. NOTHING PASSED BECAUSE THERE WAS NO MONEY TO SPEND. IT WAS PRETTY SIMPLE. IT DIDN'T MEAN THAT THAT WAS GOOD. IT JUST MEANT THAT THAT WAS A FACT IN WHICH WE FOUND OURSELVES. HERE'S MY CONCERN IS WE GET TO THIS STAGE IN A SESSION...AND I TRUST SENATOR MELLO A LOT, AS WE ALL DO. WE PUT HIM IN THE POSITION OF AUTHORITY THAT HE IS IN. BUT HERE'S MY DILEMMA. WHEN WE GO THROUGH THE PROCESS THE WAY WE DO, WE'RE REALLY NOT ABLE TO SEE THE FULL PICTURE OF, YES, WE CAN SEE THE GREEN SHEET AND, YES, WE HAVE THE OPPORTUNITY TO VOTE AYE OR NAY ON A BILLS. WE GET TO THIS STAGE OF A SESSION AND YOU HAVE A VARIANCE AND YOU'RE TRYING TO BRIDGE THAT GAP AND TRIM A BILLS OR ELIMINATE OR WHATEVER THE CASE MAY BE TO GET TO THAT, MY OVERARCHING QUESTION IS THIS: SHOULD EVERY BILL HAVE A SEAT AT THE TABLE OR SHOULD THE BODY

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COLLECTIVELY MAKE A CHOICE ON WHAT ARE THE PRIORITIES AS WE SEE THEM AND SAY, WELL, HERE ARE A FEW BILLS THAT ARE VERY WORTHWHILE, BUT WE THINK THESE ONES ARE MORE IMPORTANT? WE'RE GOING TO FULLY FUND THESE BILLS AND LET THESE ONES SIT UNTIL EITHER THE NEXT YEAR OR FUTURE BIENNIUM. WE REALLY DON'T HAVE THAT OPPORTUNITY. YES, WE GET THE OPPORTUNITY TO HAVE AN UP OR DOWN VOTE. BUT WE DON'T HAVE A PICTURE OF THE FULL SCOPE OF WHAT WE'RE DEALING WITH. I'VE ALWAYS SAID THAT. I FIND THAT ONE OF THE FEW, IN MY OPINION, FLAWS, IF WE HAVE THEM, OF OUR UNICAMERAL SYSTEM. BECAUSE IF WE HAD A SECOND HOUSE AND A CONFERENCE COMMITTEE THAT HAMMERED OUT A BUDGET, YOU WOULDN'T NECESSARILY SEE THESE LITTLE QUIRKS THAT WE HAVE. SO IF SENATOR MELLO WOULD YIELD, I HAVE A QUESTION FOR HIM IF I COULD. [LB500]

SENATOR COASH: SENATOR MELLO, WILL YOU YIELD? [LB500]

SENATOR MELLO: YES. [LB500]

SENATOR McCOY: THANK YOU, SENATOR. THIS IS A DISCUSSION YOU AND I HAVE HAD IN THE PAST, A NUMBER OF TIMES, A DISCUSSION I USED TO HAVE WITH SENATOR HEIDEMANN FREQUENTLY WHEN HE WAS CHAIR. BECAUSE IT WAS MY UNDERSTANDING, AND MAYBE I WAS NAIVE WHEN WE CAME DOWN HERE, THAT'S WHAT HAPPENED AT THE END OF A SESSION. THAT WE ALL SAID, OKAY, WELL, HERE'S THE MONEY WE HAVE TO SPEND AND HERE'S THE WORTHWHILE BILLS AND WHICH ONES ARE GOING TO GO HERE AND WHICH ONES ARE GOING TO WAIT. BUT THAT'S NOT REALLY THE PROCESS, AS YOU'VE OUTLINED THAT WE HAVE, IS IT? [LB500]

SENATOR MELLO: SENATOR McCOY, I WOULD NOT SAY THAT'S THE CASE. I THINK EVERY GIVEN YEAR THE PROCESS PLAYS OUT DEPENDING UPON, ONE, THE PRIORITIES OF THE LEGISLATURE; TWO, HOW THE SECOND COMPONENT IS...ONE, WHAT'S THE FINAL BUDGET RECOMMENDATION THAT COMES FROM THE APPROPRIATIONS COMMITTEE THAT GETS PASSED OR ADOPTED OR AMENDED BY THE BODY; AND THE THIRD IS REVENUE CHANGES THAT WE KNOW OCCUR THROUGHOUT SESSION, BOTH GOOD AND BAD. AND YOU ARE ABSOLUTELY RIGHT. OUR FIRST YEAR DOWN, I BELIEVE THERE WAS ONLY, GIVE OR TAKE, ABOUT \$10 (MILLION) OR \$11 MILLION THE APPROPRIATIONS COMMITTEE LEFT FOR THE FLOOR FOR ANY A BILL OUTSIDE, SO TO SPEAK, OF THE APPROPRIATIONS BUDGET. SO ANY GIVEN YEAR THERE'S THAT CHANGE THAT CAN OCCUR, DEPENDING UPON, ARGUABLY, THE STATE'S FISCAL STATUS. [LB500]

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SENATOR McCOY: MY RESERVATION WITH THIS PROCESS... [LB500]

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR McCOY: ...AND WHY I THINK IT'S AN IMPORTANT POINT, NOT JUST ON LB500 BUT THE PREVIOUS THREE OR FOUR BILLS WE'VE DISCUSSED THIS MORNING, AND WHY I'VE TAKEN A NUMBER OF OPPORTUNITIES TO TALK ABOUT THIS IS BECAUSE, YES, EVERYONE WANTS A SEAT AT THE TABLE BECAUSE EVERYBODY HAS AN IMPORTANT PIECE OF LEGISLATION. AND I'M NOT MITIGATING AT ALL THE IMPORTANCE OF THAT. BUT IT GOES AGAINST HUMAN NATURE TO GO ASK SOMEBODY TO...WELL, LET'S TAKE YOUR BILL COMPLETELY OUT OF THE RUNNING TO GET PASSED THIS YEAR. WELL, OF COURSE EVERYONE IS GOING TO SAY, WELL, YEAH, I'LL TAKE HALF A LOAF BECAUSE IT'S BETTER THAN NO LOAF AT ALL. BUT DOES HALF A LOAF ACCOMPLISH A WORTHWHILE END? THAT'S MY CONCERN WITH THIS PROCESS. OR SHOULD SENATOR BOLZ HAVE GOTTEN A FULL LOAF ON LB243 RATHER THAN HALF A LOAF? THANK YOU, MR. PRESIDENT. [LB500 LB243]

SENATOR COASH: THANK YOU, SENATOR McCOY. SENATOR MELLO, YOU'RE RECOGNIZED. [LB500]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AND I COMPLETELY CAN RESPECT AND UNDERSTAND WHERE SENATOR McCOY IS COMING FROM IN THIS PERSPECTIVE. I MAY NOT COMPLETELY AGREE WITH HIS ANALYSIS THAT I THINK OUR PROCESS IS FLAWED. I THINK THE REALITY IS YOU'VE HEARD ME ON THE FLOOR EARLIER IN THE SESSION GET UP AND STAND AND TALK ABOUT FISCAL NOTES WHEN BILLS ARE ON GENERAL FILE. THAT'S PART OF MY JOB EVERY YEAR IS TO WALK THE BODY THROUGH WHEN A BILL HAS A SIZABLE FISCAL NOTE. AND NINE TIMES OUT OF TEN, SENATORS, ON GENERAL FILE, ACKNOWLEDGE THAT THEY'RE GOING TO HAVE TO MAKE CHANGES TO THEIR BILL ALONG THE WAY TO BE ABLE TO MAKE IT WORK FISCALLY. THIS BODY DID NOT ADVANCE A COUPLE BILLS THAT HAD FISCAL IMPACTS. SENATOR NORDQUIST HAD A BILL THAT WOULD HAVE GENERATED ROUGHLY \$11 MILLION IN REVENUE BASED ON A MEDICAID FAMILY PLANNING WAIVER THAT THE BODY CHOSE NOT TO ADVANCE. THAT WOULD HAVE SAVED US \$11 MILLION. SENATOR KOLOWSKI HAD A BILL THAT WOULD HAVE APPROPRIATED \$2 MILLION FOR CAREER AND COLLEGE READINESS REIMBURSEMENT TO K-12 SCHOOL DISTRICTS THAT THE BODY CHOSE NOT TO ADVANCE. SO TO SOME EXTENT, I DON'T THINK THE PROCESS, COLLEAGUES, IS

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FLAWED AS MUCH THAT TO SOME EXTENT WE, OBVIOUSLY, ALWAYS HAVE COMPETING PRIORITIES AS LAWMAKERS, THAT SOME PRIORITIES WEIGH HEAVIER ON US THAN OTHERS. AND TO SOME EXTENT, WHEN IT'S YOUR BILL, AND IT'S YOUR PRIORITY BILL, YOU WANT TO SEE ACTION TAKEN ON THAT POLICY. YOU WANT TO SEE SOMETHING OCCUR TO IMPACT A PERSON'S LIFE, IMPACT A COMMUNITY, GROW THE ECONOMY, IMPACT THE CLASSROOM, WHATEVER IT MAY BE. AND SO THE FACT IS, MEMBERS UNDERSTAND THAT COMPROMISE AND NEGOTIATION IS PART OF THE LAW-MAKING PROCESS. AND IF ANYTHING, IF I'VE NOT DONE A GOOD ENOUGH JOB EXPLAINING IT ON GENERAL FILE, COLLEAGUES, I'M MORE THAN WILLING TO TAKE THE BLAME. BUT I THINK ANY INDIVIDUAL MEMBER THAT HAS HAD A FISCAL NOTE, IF I'VE NOT SPOKEN TO YOU SPECIFICALLY, THEN I HAVEN'T DONE MY JOB. BUT I KNOW I'VE SPOKEN TO EVERY MEMBER WHO HAD SOME IMPACT OR ANOTHER TO MAKE SURE TO LET THEM KNOW THAT THE BODY MAY WANT THEM TO COMPROMISE, MAY WANT THEM TO DIAL BACK A COMPONENT OF THEIR POLICY. AND AS I MENTIONED EARLIER, SENATOR HOWARD WOULD HAVE TOLD US, COLLEAGUES, IF THIS WAS GOING A STEP TOO FAR IN REGARD TO THIS NEGOTIATION WITH HHS AND THE OFFICE OF PROBATION, THAT HER ULTIMATE GOAL OF TRYING TO CHANGE THE IMPACT AND PROVIDE BETTER IN-HOME SERVICES TO YOUTH IN COMPARISON TO EXPENSIVE OUT-OF-HOME SERVICES THAT WE'RE CURRENTLY PAYING FOR, IF SHE THOUGHT WE WERE CROSSING THE RUBICON OF NOT MEETING THE INTENDED OUTCOME OF LB500, SHE WOULD HAVE TOLD SENATOR KRIST, CAMPBELL, AND MYSELF THIS IS JUST BETTER LEFT TO WAIT. I WOULD RATHER SIMPLY NOT PUSH A BILL THAT DOESN'T MEET WHAT WE NEED AS A STATE; SAVE IT FOR NEXT YEAR. SENATOR KRIST JUST DID THAT, COLLEAGUES. HE CAME TO THAT REALIZATION, IN PART BECAUSE THE RICKETTS ADMINISTRATION WAS WILLING TO SIT DOWN AND TRY TO WORK ON THIS ISSUE WITH HIM OVER THE INTERIM AND SEE IF THERE'S A POSSIBILITY WE DON'T EVEN NEED A BILL TO ENACT INCREASING JUVENILE SERVICES FROM 18 TO 21. SO I THINK THERE IS A WAY TO BE ABLE TO MOVE FORWARD WITH THIS PROCESS WITHOUT THINKING THAT WE HAVE A FLAW SIMPLY BECAUSE SOME SENATORS ARE WILLING TO MAKE COMPROMISE EARLIER ON IN THE PROCESS. AND I KNOW SENATORS ON THE FLOOR SPOKE...THEY VOTED AGAINST BILLS ON GENERAL FILE BECAUSE THEY DIDN'T WANT TO SEE THE BILL MOVE FORWARD, BECAUSE EITHER THEY DIDN'T LIKE THE POLICY OR THEY THOUGHT THEY DIDN'T WANT TO APPROPRIATE MONEY TO THE POLICY REGARDLESS OF THE CHANGES THAT WERE MADE. COLLEAGUES, THAT HAPPENS EVERY SINGLE YEAR IN THIS BODY. AND I DON'T THINK IT'S A...I DON'T THINK IT'S AN INDICATION OR AN INDICTMENT IN REGARDS TO WHETHER OR NOT YOU HAVE A GLOBAL VIEW OF WHAT WE'RE DOING WHEN WE GET TO THIS END OF THE SESSION. I THINK THE

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REALITY IS PART OF THAT EVERY GIVEN YEAR IS WE DON'T KNOW HOW LONG EACH BILL IS GOING TO TAKE AND WHAT ULTIMATELY WILL COME UP ON THE AGENDA AT THIS POINT IN THE SESSION. I DON'T THINK ANY OF US THOUGHT WE WERE GOING TO SPEND FOUR HOURS YESTERDAY ON LB330 AND FOUR HOURS ON LB525 YESTERDAY, WHICH WILL HAVE AN IMPACT ON GENERAL FILE BILLS THAT WE MAY OR MAY NOT GET TO. THAT HAS AN IMPACT ON THE GREEN SHEET... [LB500 LB330 LB525]

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR MELLO: ...IN REGARDS TO WHETHER OR NOT SOME BILLS THAT DO HAVE A FISCAL IMPACT WILL EVEN GET DEBATED. SO I THINK THE PROCESS HAS WORKED ITS WAY THROUGH PREVIOUS APPROPRIATIONS COMMITTEE CHAIRS, PREVIOUS LEGISLATURES, BECAUSE IT'S ALL DEPENDENT UPON SOMETIMES A WILD CARD THAT GETS THROWN INTO AS WHAT ARE THE COSTS? AND SOMETIMES WE DO KNOW BILLS COME WITH A FISCAL NOTE AT THE END, AFTER AN AGENCY TAKES A STEP BACK AND RECONSIDERS. THAT'S WHAT WE HAVE WITH THIS. I'M JUST GRATEFUL THAT THE INTERESTED PARTIES WERE WILLING TO WORK ON THIS ISSUE TO FIND A WAY TO GET TO YES ON THIS. AND I THINK WE SHOULD APPLAUD SENATORS WHO ARE WILLING TO WORK WITH THOSE INTERESTED PARTIES MORE OFTEN TO TRY TO BRING DOWN THOSE COSTS THROUGH A NEGOTIATION AND A COMPROMISE, BECAUSE IT MAKES ALL OF OUR LIVES A LITTLE BIT EASIER IN REGARDS TO TAKING A STEP BACK AND NOT BEING AS REACTIONARY TO A POLICY SIMPLY BECAUSE WE LOOKED AT THE FISCAL NOTE. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU, SENATOR MELLO. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR HOWARD, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB500]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I WOULD JUST LIKE TO SAY I APPRECIATE THE BODY'S DISCUSSION TODAY ABOUT LB500 AND MST THERAPIES. I'D LIKE TO THANK THE OFFICE OF PROBATION AND THE CHIEF JUSTICE, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND THE SHERWOOD FOUNDATION, VOICES FOR CHILDREN, APPLESEED, SENATORS CAMPBELL, MELLO, AND KRIST. WE WOULDN'T HAVE GOTTEN IT THIS FAR WITHOUT ALL OF THEM. I WOULD URGE YOUR GREEN VOTE ON AM1694 AND LB500. THANK YOU, MR. PRESIDENT. [LB500]

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SENATOR COASH: MEMBERS, YOU'VE HEARD THE CLOSING TO AM1694. THE QUESTION BEFORE THE BODY IS, SHALL AM1694 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB500]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADOPTION OF SENATOR HOWARD'S AMENDMENT. [LB500]

SENATOR COASH: AM1694 IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB500]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB500 TO E&R FOR ENGROSSING. [LB500]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB500 DOES ADVANCE. MR. CLERK. [LB500]

ASSISTANT CLERK: MR. PRESIDENT, WITH RESPECT TO LB500A, SENATOR HOWARD WOULD MOVED TO RETURN THE BILL FOR SPECIFIC AMENDMENT. (AM1696, LEGISLATIVE JOURNAL PAGE 1711.) [LB500A]

SENATOR COASH: SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB500A]

SENATOR HOWARD: THANK YOU. THIS...RETURNING THIS FOR THE AMENDMENT IS JUST TO HAVE THE A BILL REFLECT THAT ONLY MST IS THE THERAPY THAT WE'RE ASKING TO BE PUT INTO OUT STATE PLAN AMENDMENT. THANK YOU, MR. PRESIDENT. [LB500A]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING ON THE MOTION. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR HOWARD IS RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL LB500A BE RETURNED FOR A SPECIFIC AMENDMENT? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB500A]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE MOTION TO RETURN, MR. PRESIDENT. [LB500A]

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SENATOR COASH: SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN AM1696.
[LB500A]

SENATOR HOWARD: AGAIN, I WOULD ASK THAT YOU PLEASE VOTE GREEN ON
AM1696 AND LB500A. THANK YOU, MR. PRESIDENT. [LB500A]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING TO AM1696. SEEING
NO MEMBERS WISHING TO SPEAK, SENATOR HOWARD IS RECOGNIZED TO CLOSE.
SHE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL AM1696 BE
ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK.
[LB500A]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADOPTION OF SENATOR HOWARD'S
AMENDMENT. [LB500A]

SENATOR COASH: AM1696 IS ADOPTED. SENATOR HANSEN FOR A MOTION.
[LB500A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB500A TO E&R
FOR ENGROSSING. [LB500A]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR
SAY AYE. OPPOSED, NAY. LB500A DOES ADVANCE. WE'LL NOW GO TO THE NEXT
ITEM ON THE AGENDA, MR. CLERK. ITEMS, MR. CLERK? [LB500A]

ASSISTANT CLERK: MR. PRESIDENT, ONE ITEM: NEW RESOLUTION, LR347 BY
SENATOR SCHUMACHER; THAT WILL BE LAID OVER. (LEGISLATIVE JOURNAL
PAGES 1719-1720.) [LR347]

MOVING THEN TO LB591 ON SELECT FILE. THERE ARE E&R AMENDMENTS.
(ER128, LEGISLATION JOURNAL PAGE 1614.) [LB591]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB591]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R
AMENDMENTS TO LB591. [LB591]

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SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. NEXT ITEM, MR. CLERK. [LB591]

ASSISTANT CLERK: SENATOR SCHUMACHER, I HAVE AM1624 WITH A NOTE TO WITHDRAW. [LB591]

SENATOR SCHUMACHER: CORRECT. [LB591]

SENATOR COASH: SO WITHDRAWN. [LB591]

ASSISTANT CLERK: SENATOR SCHUMACHER WOULD THEN OFFER AM1682. (LEGISLATIVE JOURNAL PAGE 1698.) [LB591]

SENATOR COASH: SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO OPEN ON AM1682. [LB591]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I'D LIKE TO THANK SENATOR BOLZ AND THE REVENUE COMMITTEE FOR THEIR WORK WITH ME ON LB76, WHICH IS NOW, IN SUBSTANCE, AM1682. AM1682, AS I SAID, HAD ITS ORIGINS IN LB76; WAS ADVANCED TO GENERAL FILE WITH AN 8-0 VOTE BY THE REVENUE COMMITTEE, WITH NO OPPONENTS AT THE HEARING. IT DEALS WITH AN UNINTENDED ANOMALY IN OUR NET OPERATING LOSS CARRY-FORWARD LAW. THE UNINTENDED ANOMALY ENABLES SOMEONE TO HAVE A LOT OF INCOME IN A YEAR, AND BECAUSE OF SOME LOSS IN A PREVIOUS YEAR, THE PERSON'S INCOME ON PAPER FOR THE CURRENT TAX YEAR IS LOW OR ZERO. THAT CREATES A QUALIFICATION FOR WELFARE PROGRAMS SUCH AS EARNED INCOME CREDIT, CHILDCARE CREDIT, AND CERTAIN HOMESTEAD EXEMPTION. AM1682 CORRECTS THAT ANOMALY BY ADJUSTING OUT THE NET OPERATING LOSSES FOR PURPOSES OF CALCULATING WHETHER SOMEONE QUALIFIES FOR THE EARNED INCOME CREDIT, CHILDCARE CREDIT, AND A HOMESTEAD. IT ALSO, AT THE SUGGESTION OF THE REVENUE DEPARTMENT, AMENDS THE ORIGINAL PROVISIONS OF LB591 TO PROVIDE AN UNDOING OF TAX BENEFITS UNDER LB591 SHOULD THERE BE A CANCELLATION OR BREACH OF THE LB591 QUALIFYING PARTICIPATION AGREEMENT, AND ALLOWS THAT TO BE ADJUSTED BACK FOR FAIRNESS TO EVERYONE. THE GUESSTIMATE IS THAT THIS WILL SAVE APPROXIMATELY \$2 MILLION A YEAR. AND I WOULD ASK FOR YOUR SUPPORT ON THAT SAVINGS. THANK YOU. [LB591 LB76]

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SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING TO AM1682. BEFORE WE MOVE ON TO DISCUSSION, MR. CLERK FOR AN ANNOUNCEMENT. [LB591]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. JUDICIARY COMMITTEE WILL HAVE AN EXECUTIVE SESSION UNDER THE NORTH BALCONY NOW.

SENATOR COASH: THANK YOU, MR. CLERK. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. HE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL AM1682 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB591]

ASSISTANT CLERK: 25 AYES, 0 NAYS, MR. PRESIDENT, ON THE VOTE TO ADOPT THE AMENDMENT. [LB591]

SENATOR COASH: AM1682 IS ADOPTED. [LB591]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE NOTHING FURTHER PENDING ON THE BILL. [LB591]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB591]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB591 TO E&R FOR ENGROSSING. [LB591]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB591 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB591]

ASSISTANT CLERK: MR. PRESIDENT, LB591A, NO E&R AMENDMENTS. SENATOR BOLZ WOULD MOVE TO AMEND WITH AM1663. (LEGISLATIVE JOURNAL PAGE 1678.) [LB591A]

SENATOR COASH: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON AM1663. [LB591A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THE AMENDMENT SIMPLY REFLECTS THE POLICY CHANGES THAT WE DISCUSSED IN THE PREVIOUS ROUND

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OF DEBATE. I ASK FOR YOUR GREEN VOTE ON THE AMENDMENT AND ON THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB591A]

SENATOR COASH: THANK YOU, SENATOR BOLZ. MEMBERS, YOU'VE HEARD THE OPENING TO AM1663. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR BOLZ IS RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL AM1663 BE ADOPTED? THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. RECORD, MR. CLERK. [LB591A]

ASSISTANT CLERK: 27 AYES, 0 NAYS ON THE ADOPTION OF SENATOR BOLZ'S AMENDMENT. [LB591A]

SENATOR COASH: AM1663 IS ADOPTED. [LB591A]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE NOTHING FURTHER ON THE BILL. [LB591A]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB591A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB591A TO E&R FOR ENGROSSING. [LB591A]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB591A DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB591A]

ASSISTANT CLERK: MR. PRESIDENT, WITH RESPECT TO LB361, THERE ARE E&R AMENDMENTS. (ER137, LEGISLATIVE JOURNAL PAGE 1673.) [LB361]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB361]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB361. [LB361]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB361]

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ASSISTANT CLERK: NOTHING FURTHER ON THE BILL. [LB361]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB361]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB361 TO E&R FOR ENGROSSING. [LB361]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB361 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB361]

ASSISTANT CLERK: LB539, THERE ARE E&R AMENDMENTS, SENATOR. (ER136, LEGISLATIVE JOURNAL PAGE 1674.) [LB539]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB539]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB539. [LB539]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB539]

ASSISTANT CLERK: NOTHING FURTHER ON THE BILL. [LB539]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB539]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB539 TO E&R FOR ENGROSSING. [LB539]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB539 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB539]

ASSISTANT CLERK: LB200 DOES HAVE E&R AMENDMENTS. (ER134, LEGISLATIVE JOURNAL PAGE 1674.) [LB200]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB200]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB200. [LB200]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB200]

ASSISTANT CLERK: NOTHING FURTHER ON THE BILL. [LB200]

SENATOR COASH: SENATOR McCOY, YOU'RE RECOGNIZED. [LB200]

SENATOR McCOY: WOULD SENATOR DAVIS YIELD TO A QUESTION, PLEASE? [LB200]

SENATOR COASH: SENATOR DAVIS, WILL YOU YIELD? [LB200]

SENATOR DAVIS: I WILL. [LB200]

SENATOR McCOY: THANK YOU, SENATOR. FOR MY BENEFIT, AND I'VE HAD A COUPLE OF CONSTITUENTS THAT ASKED ME ABOUT THIS LEGISLATION SINCE GENERAL FILE, WOULD YOU WALK ME THROUGH? I CAN'T RECALL. I'M SURE THERE'S PROBABLY BEEN A COUPLE OF INSTANCES WHERE, ESSENTIALLY, WE'RE ADVANCING LEGISLATION PREDICATED ON MOVEMENT BY CONGRESS, THE FEDERAL GOVERNMENT, ON AN ISSUE. CAN YOU WALK ME THROUGH, BRIEFLY FOR THE RECORD, WHAT THIS...HOW THIS WOULD WORK? I MEAN, OBVIOUSLY, WE HAVE THE E&R AMENDMENT BEFORE US, BUT IN PRACTICAL PURPOSES, HOW THIS WOULD WORK AND IF THIS LEGISLATION GOES FORWARD. [LB200]

SENATOR DAVIS: CERTAINLY, SENATOR McCOY. SO THE LEGISLATION HERE IS PREDICATED ON THE FEDERAL GOVERNMENT MAKING A DECISION TO PASS THE MARKETPLACE FAIRNESS ACT, WHICH IS SUPPORTED BY RETAILERS ACROSS THE STATE. THAT IS, BASICALLY, A REQUIREMENT THAT ENTITIES LIKE AMAZON.COM COLLECT SALES TAX, WHICH CURRENTLY NEBRASKA TAXPAYERS ARE SUPPOSED TO PAY. BUT IN REALITY, IT'S HARD FOR THOSE...FOR THE STATE TO COLLECT THAT REVENUE AND HARD FOR THE PEOPLE TO RECOGNIZE WHAT THEY'RE SUPPOSED TO PAY. SO ONCE THAT BILL...IF THAT BILL IS PASSED AND SIGNED BY THE PRESIDENT, PASSED IN BOTH HOUSES, WHEN THE REVENUE COMES BACK TO THE STATE HERE, IT WILL BE ALLOCATED TO THE PROPERTY TAX CREDIT FUND FOR THAT FIRST YEAR. WE LEFT THAT IN PLACE. THEN THE

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LEGISLATURE WOULD MAKE THE OPTION OF DECIDING WHAT TO DO WITH IT THE FOLLOWING YEAR. WE ALSO HAD A SUNSET PIECE IN THE LEGISLATION SO THAT IN THREE YEARS THAT WOULD GO AWAY AND WE COULD REVISIT THE ISSUE AT THE TIME. THEN THERE IS AN A BILL THAT GOES WITH IT, WHICH IS FOR PROGRAMMING AT THE DEPARTMENT OF REVENUE. OF COURSE, THAT MONEY WON'T BE SPENT UNLESS THIS BILL IS PASSED AND IT WOULD BE RETURNED TO US AT A LATER DATE. [LB200]

SENATOR McCOY: SO HELP ME UNDERSTAND HOW THE SUNSET PROVISION ON THIS WOULD WORK. AND THAT WAS THE QUESTION I GOT, SENATOR DAVIS, AND I WANTED TO MAKE SURE THAT I HAD RESPONDED TO CONSTITUENTS APPROPRIATELY. SO IN MY UNDERSTANDING, FROM LOOKING THROUGH THE E&R AMENDMENT HERE, WHICH OF COURSE IS THE BILL, IS THAT THREE-YEAR LOOKBACK, IS THAT FROM NOW OR IS THAT THREE YEARS FROM WHEN AND IF THE FEDERAL GOVERNMENT, CONGRESS WOULD ACT ON THIS LEGISLATION? [LB200]

SENATOR DAVIS: SO I HAVEN'T COMPLETELY READ THE E&R AMENDMENT, SENATOR McCOY, BUT I THINK THE INTENT OF THE REVENUE COMMITTEE WAS IT WOULD BE THREE YEARS FROM THE TIME THIS BILL IS ENACTED. [LB200]

SENATOR McCOY: OKAY. SO...WELL, I...SENATOR DAVIS, WE MAY THEN...WE MAY NEED TO TAKE CARE...WE MAY NEED TO TWEAK THIS THEN BECAUSE I THINK THE PLAIN READING OF THIS WOULD NOT BE CONSISTENT WITH WHAT YOU JUST SAID THEN, UNLESS...BECAUSE AS I READ LINES 13 AND 14 OF PAGE 1, "THIS SECTION TERMINATES THREE YEARS AFTER THE EFFECTIVE DATE OF THIS ACT." THE PROBLEM WITH THAT IS, IS THE EFFECTIVE DATE OF "THIS ACT" ACTUALLY LB200 OR IS THAT THE EFFECTIVE DATE OF THIS ACT MEANING THE ACTION OF CONGRESS? DOES THAT MAKE SENSE WHAT I'M ASKING? [LB200]

SENATOR DAVIS: YEAH, I UNDERSTAND YOUR QUESTION. I THINK I'M GOING TO ASK OUR...YOU MIGHT ASK SENATOR GLOOR WHAT THE COMMITTEE'S INTENT WAS. MY UNDERSTANDING OF THE COMMITTEE INTENT WAS IT WOULD TERMINATE AT THE END OF THREE YEARS FROM THE ENACTMENT OF THIS PARTICULAR PIECE OF LEGISLATION. [LB200]

SENATOR McCOY: WELL, I...WE...I'LL CERTAINLY VISIT WITH SENATOR GLOOR, BECAUSE I THINK WE MAY...WE MAY NEED TO LOOK AT TWEAKING THIS, AS THIS LEGISLATION MOVES FORWARD,... [LB200]

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SENATOR COASH: ONE MINUTE. [LB200]

SENATOR McCOY: ...TO CLARIFY THAT. I THINK THIS COULD BE INTERPRETED BOTH WAYS OF WHETHER THIS ACT MEANS...THIS ACT, AS IN LB200, OR THIS ACT, MEANING THE MARKETPLACE FAIRNESS ACT AT THE FEDERAL LEVEL. THANK YOU, SENATOR DAVIS. THE REASON I ASK THIS QUESTION, MEMBERS, AND I CERTAINLY WILL CONTINUE TO HAVE SOME DISCUSSIONS, IS THIS IS SOMEWHAT OF AN INTERESTING CONCEPT OF PASSING A PIECE OF LEGISLATION BEFORE THE FEDERAL GOVERNMENT TAKES ACTION. YOU CAN ARGUE THAT'S PROACTIVE. MAYBE WE SHOULD BE MORE PROACTIVE ALONG THOSE...IN THAT REGARD. BUT OFTENTIMES AS A STATE LEGISLATURE WE'RE REACTIVE TO WHAT THE FEDERAL GOVERNMENT DOES, RATHER THAN BEING PROACTIVE. DIFFERENT CONCEPT, AND I THINK AS SUCH WE NEED TO MAKE SURE WE'RE VERY CLEAR ABOUT WHAT WE'RE DOING WITHIN THE PLAIN READING. [LB200]

SENATOR COASH: TIME, SENATOR. [LB200]

SENATOR McCOY: THANK YOU. [LB200]

SENATOR COASH: THANK YOU, SENATOR McCOY. SENATOR GLOOR, YOU ARE RECOGNIZED. [LB200]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. AND THE TIMING ON THIS, OBVIOUSLY, TO ANSWER SOME OF THESE QUESTIONS IS GOOD. IT MAY BE JUST AN ISSUE OF "WORDSMITHING" HERE. BUT THE INTENT IS, AND WAS FROM THE REVENUE COMMITTEE WHEN WE INTRODUCED THIS AS A COMMITTEE AMENDMENT, THAT FROM THE ENACTMENT OF THIS CURRENT LB200, THREE YEARS IT WOULD SUNSET. THE REASON FOR THAT IS IT MAY BE THAT PROPERTY TAX IS NO LONGER SEEN TO BE THE ISSUE THAT IT IS RIGHT NOW. THIS WOULD LEAVE IT UP TO A FUTURE LEGISLATURE TO DECIDE IF THEY FELT THEY SHOULD REENACT LB200 TO ADDRESS THAT FIRST YEAR'S RETURN OF THOSE TAX FUNDS BACK TO THE STATE OF NEBRASKA OR NOT. I CAN'T SPEAK SPECIFICALLY TO SENATOR McCOY'S...DEFINITELY TO SENATOR McCOY'S QUESTION, EXCEPT IN DRAFTING WE FELT IT WAS CLEAR THAT THE ACT WE'RE TALKING IS LB200, NOT THE MARKETPLACE FAIRNESS ACT. AND WITH THAT, I WONDER IF SENATOR McCOY WOULD YIELD FOR A QUESTION. [LB200]

SENATOR COASH: SENATOR McCOY, WILL YOU YIELD? [LB200]

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SENATOR McCOY: YES. [LB200]

SENATOR GLOOR: SENATOR McCOY, WOULD YOU LIKE TO ASK ME A QUESTION?
[LB200]

SENATOR McCOY: YES, AND I APPRECIATE THAT. THANK YOU, SENATOR GLOOR.
AND I HAD MY LIGHT ON SO THAT I COULD DO THAT AND MIGHT BE ABLE TO
GET THROUGH THIS. SO...AND I APPRECIATE YOU ADDRESSING WHAT I WAS
ASKING SENATOR DAVIS. SO IT WOULD BE YOUR INTERPRETATION, OBVIOUSLY,
IF THIS LEGISLATION WERE TO BECOME LAW, THE THREE YEARS AFTER THE
EFFECTIVE DATE OF THIS ACT AND WOULD THEN BE 2018 EFFECTIVELY,
CORRECT? [LB200]

SENATOR GLOOR: CORRECT. [LB200]

SENATOR McCOY: THAT IS YOUR UNDERSTANDING OF HOW YOU INTENDED THIS
TO BE UNDERSTOOD? [LB200]

SENATOR GLOOR: CORRECT. CORRECT. AND ANY TIME DURING THAT THREE
YEARS, IF THE MARKETPLACE FAIRNESS ACT IS ENACTED AND THERE IS A
REFUND BACK TO THE STATE OF NEBRASKA WITHIN THAT THREE YEARS, THOSE
DOLLARS WOULD RETURN OR BE UTILIZED FOR PROPERTY TAX RELIEF. [LB200]

SENATOR McCOY: AND SO IF, FOR INSTANCE, LET'S JUST SAY CONGRESS, IN
THEIR...WELL, I'LL TRY NOT TO BE SARCASTIC ABOUT OUR (LAUGH) UNITED
STATES CONGRESS IN THEIR LEVEL OF ACTION IN WASHINGTON. SO I'LL JUST...I
WON'T BE SARCASTIC. I WILL JUST SAY IF THEY DON'T TAKE ACTION--AND
GOODNESS KNOWS THAT'S POSSIBLE--THEN THIS WOULD JUST CEASE TO EXIST,
ESSENTIALLY, THIS WHOLE SECTION IN STATUTE. AND A FUTURE LEGISLATURE--
YOU OR I WON'T HAVE THE BENEFIT OF BEING PART OF THAT EFFORT--WOULD
THEN HAVE TO, ESSENTIALLY, DO THIS ALL OVER AGAIN OR EITHER
PROACTIVELY OR REACTIVELY IN RESPONSE TO CONGRESS ACTING. WOULD
THAT BE A FAIR CHARACTERIZATION? [LB200]

SENATOR GLOOR: YES, IT WOULD BE. [LB200]

SENATOR McCOY: AND HELP ME UNDERSTAND, SENATOR GLOOR, THE PROCESS
IN WHICH THIS WOULD WORK. AND I WANT TO MAKE SURE I UNDERSTAND

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THE...THIS IS THE OTHER QUESTION I GOT FROM A CONSTITUENT IS, OKAY, SO IF THIS MONEY IS GOING INTO THE PROPERTY TAX CREDIT RELIEF FUND, SO THAT'S ONLY...THAT WOULD ONLY BE FOR THE FIRST YEAR AFTER IT WAS ENACTED BY CONGRESS. IS THAT A...I'M NOT TRYING TO COMPLICATE THIS. I'M JUST TRYING TO MAKE SURE I UNDERSTAND THE PROCESS IN WHICH THIS WOULD HAPPEN. [LB200]

SENATOR GLOOR: CORRECT. ONE YEAR DURING THAT THREE-YEAR TIME PERIOD. [LB200]

SENATOR McCOY: SO WHETHER THAT WAS...LET'S JUST SAY IT WAS IN 2016, HYPOTHETICALLY, IF CONGRESS WERE TO ACT ON THIS, THIS LEGISLATION IS IN PLACE, THEN IT WOULD ONLY BE FOR THAT...IS IT A FISCAL YEAR? IS IT A CALENDAR YEAR? I'M TRYING TO UNDERSTAND HOW THAT WOULD LINE UP WITH OUR BIENNIAL BUDGET PROCESS. [LB200]

SENATOR GLOOR: WELL, I'M...I BELIEVE ANY OF THIS LEGISLATION RELATES TO FISCAL YEARS. [LB200]

SENATOR COASH: ONE MINUTE. [LB200]

SENATOR McCOY: SO THIS WOULD BE OUR FISCAL YEAR RATHER THAN CALENDAR YEAR,... [LB200]

SENATOR GLOOR: CORRECT. [LB200]

SENATOR McCOY: ...WHICH MAY NOT, OBVIOUSLY, LINE UP WITH CONGRESS' BUDGETING PROCESS AND HOW THEY MOVE LEGISLATION FORWARD. BUT IT WOULD BE FOR THAT NEXT FISCAL YEAR. WHENEVER THAT ACTION TOOK PLACE, IT WOULD BE EFFECTIVE FOR THAT NEXT FISCAL YEAR IS WHAT YOU'RE SAYING. [LB200]

SENATOR GLOOR: CORRECT. [LB200]

SENATOR McCOY: DO YOU THINK IT'S POSSIBLE THAT WE NEED TO DO ANYTHING DIFFERENT WITH THIS LANGUAGE SO THAT WE'RE...AND OBVIOUSLY, WE'RE DOING THIS FOR THE BENEFIT OF THE RECORD, AND I APPRECIATE THAT, TO

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MAKE THIS A LITTLE EASIER TO UNDERSTAND HOW THAT WOULD WORK IN PRACTICE? [LB200]

SENATOR GLOOR: YOU KNOW, SENATOR McCOY, GIVEN YOUR QUESTION, WE WILL LOOK AT IT AND SEE IF THAT IS POSSIBLE AND ADDRESS WHAT YOU SEE ARE SOME OF THE CHALLENGES IN DECIPHERING. SO WE'RE GLAD TO LOOK AT IT. [LB200]

SENATOR COASH: TIME, SENATORS. SENATOR McCOY, YOU ARE RECOGNIZED. [LB200]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. AND WOULD SENATOR GLOOR YIELD AND WE'LL CONTINUE THIS? [LB200]

SENATOR COASH: SENATOR GLOOR, WOULD YOU YIELD? [LB200]

SENATOR GLOOR: YES, I WOULD. [LB200]

SENATOR McCOY: THANK YOU. AND I APPRECIATE THAT, SENATOR GLOOR, BECAUSE THE REASON BEING, AND I THINK YOU AND I ARE BOTH VERY COGNIZANT, AS WE ALL ARE, AND SENSITIVE TO THE LEVEL OF SCRUTINY IN WHICH THE PROPERTY TAX CREDIT RELIEF FUND RECEIVES AND ANY MONEY GOING INTO THAT FUND. AND I JUST WANT TO MAKE CERTAIN SURE THAT FOR PURPOSES OF THE TAXPAYERS IN NEBRASKA UNDERSTANDING HOW THIS WOULD WORK, NOT JUST FROM A RETAILER STANDPOINT, WHICH IS THE OTHER COMPONENT OF THIS, AND THAT'S ACTUALLY THE GENESIS, OF COURSE, OF THE FEDERAL LEGISLATION. AND AS A PREVIOUS MEMBER OF THE REVENUE COMMITTEE, I KNOW THE LEVEL OF WHICH WE DISCUSS THIS. BUT I JUST THINK THAT PERHAPS THIS NEEDS TO BE TIGHTENED UP A LITTLE BIT JUST TO BE VERY, VERY CLEAR TO TAXPAYERS WHAT WOULD HAPPEN IF THIS WERE TO PASS IN CONGRESS. BECAUSE THIS COULD HAPPEN RELATIVELY QUICKLY AT ANY POINT. IT MAY OR MAY NOT. THAT'S MY UNDERSTANDING, I MEAN, MY FEAR IS THAT WE WOULD NOT HAVE BEEN CLEAR ENOUGH AND FOR SOME NEBRASKANS TO NOT COMPLETELY UNDERSTAND HOW THIS PROCESS WOULD WORK. I DON'T KNOW WHETHER THAT IS A LEGITIMATE CONCERN OR NOT. BUT BASED ON THE SCRUTINY OF THE PROPERTY TAX CREDIT RELIEF FUND, IT WOULD SEEM TO ME THAT THAT MIGHT BE A PRACTICAL THING TO LOOK AT. [LB200]

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SENATOR GLOOR: I'M NOT SURE IF YOU WANT AN INTEREST, BUT IF IT IS A CONCERN TO YOUR CONSTITUENTS, IT IS A LEGITIMATE CONCERN. SO WE'LL TAKE A LOOK AT IT. [LB200]

SENATOR McCOY: THANK YOU, SENATOR GLOOR. I APPRECIATE THAT. THANK YOU, MR. PRESIDENT. [LB200]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB200]

SENATOR McCOLLISTER: THANK YOU, MR. SPEAKER, AND GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT OF LB200. AND MY SUPPORT FOR THIS BILL COMES FROM MY WIFE'S 20-YEAR EXPERIENCE OPERATING TWO TOY STORES IN OMAHA. DURING THAT TIME, AS YOU MIGHT GUESS, THE INTERNET HAD ITS MAJOR DEVELOPMENT. AND SHE HAD A THRIVING BUSINESS, PARTICULARLY IN THE EARLY DAYS OF THAT ENTERPRISE. BUT TOWARD THE END, AND SHE SOLD THE STORES 10 OR 15 YEARS AGO, PEOPLE WERE USING THE INTERNET TO COMPARE HER STORE'S PRICES WITH EVERYBODY ELSE. AND THE PRACTICE IS CALLED SHOWCASING. SO SOMEONE WOULD GO INTO ONE OF HER TWO STORES; THEY WOULD TAKE A LOOK AT THE PRICES ON THE SHELF, THEN THEY WOULD HOP ON THE INTERNET TO SEE IF THEY COULD BUY IT CHEAPER FROM SOMEBODY ON THE INTERNET. AND OF COURSE, IN A LOT OF CASES THERE IS NO SALES TAX FOR THOSE INTERNET SALES. SO I THINK THIS BILL, WHICH I SUPPORT, LB200, WOULD LEVEL THE PLAYING FIELD BETWEEN BRICK-AND-MORTAR RETAILERS IN NEBRASKA AND THOSE PEOPLE EXISTING OUTSIDE THE STATE THAT WANT TO BRING PRODUCT IN. SO I ENCOURAGE YOUR GREEN VOTE ON LB200. [LB200]

SPEAKER HADLEY: SENATOR DAVIS, YOU ARE RECOGNIZED. [LB200]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. SO I HAVE BEEN VISITING WITH THE LEGAL COUNSEL A LITTLE BIT. AND THIS IS THE WAY IT WORKS AT THE FEDERAL LEVEL. IF THE FEDERAL GOVERNMENT PASSES THE BILL, THEN WITHIN SIX MONTHS, AT THE END OF THE SIX-MONTH PERIOD, WE NEED TO MAKE PLAN FOR HOW WE'RE GOING TO DO...USE THE FUNDING. WE'VE DESIGNATED IN THIS BILL THAT WE'LL TAKE THE FUNDING FOR THE FIRST YEAR, PUT IT TO THE PROPERTY TAX CREDIT FUND, AT WHICH POINT THE LEGISLATURE WILL LOOK

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AT IT. AND THIS BILL WILL STAY IN EFFECT FOR THREE YEARS, AT WHICH POINT IT WILL SUNSET. AND THEN A FUTURE LEGISLATURE CAN ADDRESS THE ISSUE. SO I REALLY DON'T THINK THAT THE LANGUAGE HERE IS A PROBLEM. IF WE NEED TO LOOK AT IT, WE CAN DO THAT ON FINAL, BUT I WOULD URGE THE BODY TO MOVE THE BILL FORWARD AT THIS POINT. THANK YOU. [LB200]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB200]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. IN LOOKING AT THE LANGUAGE ABOUT, "THIS SECTION TERMINATES THREE YEARS AFTER THE EFFECTIVE DATE OF THIS ACT," IT REFERS BACK TO THE PRIOR LANGUAGE IN THAT SECTION. AND THIS ACT MEANS "THIS" ACT, WHICH WOULD BE LB200, RATHER THAN THE FEDERAL LAW, WHICH IS TERMED THE FEDERAL LAW. BUT THERE IS A BIT OF CAUTION ON ALL THESE THINGS IN THE FACT OF HOW WE'VE BEEN GOING ABOUT PROPERTY TAX RELIEF, WHETHER IT IS OUR APPROPRIATIONS THAT EACH BIENNIUM WE THROW SO MUCH MONEY TOWARD PROPERTY TAX RELIEF, WHETHER IT'S A LAW LIKE THIS WHERE WE'RE SPENDING MONEY THAT WE MIGHT NOT GET, BUT NOT SPENDING IT IF WE DON'T GET IT AND PUTTING TERMINATION CLAUSES ON IT. ALL THIS IS UNDER THE DISCRETION OF PRIOR (SIC) LEGISLATURES. SO IF WE GET INTO A PINCH, IT IS INDEED POSSIBLE THAT THOSE AREAS OF TAX RELIEF WILL BE CUT IN ORDER TO PROVIDE FUNDING FOR WHAT IS NECESSARY. AND THAT BECOMES MORE AND MORE AN ISSUE IF YOU LOOK AT THOSE GREEN SHEETS AND THE PROJECTIONS OUT THAT WE'RE BEGINNING TO SLOWLY WHITTLE DOWN ON OUR TWO-MONTHS' REVENUE COMMITMENT TO OUR CASH RESERVE. AND THERE COULD BE A REAL SORRY DAY, AT SOME POINT IN THE FUTURE, WHEN WE HAVE A CASH FLOW PROBLEM AND WE TAKE IT OUT ON THE PROPERTY TAX CREDIT MECHANISM. BUT LB200 NOW, BASICALLY, TELLS THE CONGRESS, AT LEAST FOR THE NEXT THREE YEARS' WORTH, THAT IF THERE IS SOME MONEY THAT COMES IN FROM THE INTERNET SALES TAX, THAT WE WOULD USE IT TOWARD PROPERTY TAX RELIEF, PROVIDED WE DON'T CHANGE OUR MINDS. SO IT IS A WAY TO TELL THE CONGRESS THAT OUR INTENT IS NOT TO USE ANY NEW TAXES AS A TAX INCREASE, WHICH SEEMS POLITICALLY INCORRECT IN THE CONGRESS, BUT INTEND TO USE IT TO OFFSET A PRESENT STATE TAX. AND THERE ARE COMPETING IDEAS, AS ONE WOULD EXPECT, TO, AFTER THREE YEARS FROM THE EFFECTIVE DATE OF THIS ACT, USE THAT ADDITIONAL MONEY. THANK YOU. [LB200]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR HANSEN, WOULD YOU RESTATE THE MOTION BEFORE US? [LB200]

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SENATOR HANSEN: YES, MR. PRESIDENT. I MOVE THAT LB200 ADVANCE TO E&R FOR ENGROSSING. [LB200]

SPEAKER HADLEY: ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED SAY NAY. A NAY? MOTION PASSES. MR. CLERK. [LB200]

ASSISTANT CLERK: LB200A, THERE ARE NO E&R AMENDMENTS, SENATOR. [LB200A]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR HANSEN. [LB200A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB200A ADVANCE TO E&R FOR ENGROSSING. [LB200A]

SPEAKER HADLEY: YOU'VE HEARD THE AMENDMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE. ALL OPPOSED, NAY. MOTION PASSES. MR. CLERK. [LB200A]

ASSISTANT CLERK: LB231. THERE ARE E&R AMENDMENTS. (ER135, LEGISLATIVE JOURNAL PAGE 1674.) [LB231]

SPEAKER HADLEY: SENATOR HANSEN. [LB231]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB231. [LB231]

SPEAKER HADLEY: THE MOTION BEFORE US IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR VOTE AYE. OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB231]

ASSISTANT CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB231]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR HANSEN. [LB231]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB231 TO E&R FOR ENGROSSING. [LB231]

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SPEAKER HADLEY: ALL IN FAVOR OF ADVANCING THE BILL SAY AYE. OPPOSED, NAY. LB231 ADVANCES FOR E&R ENGROSSING. MR. CLERK. [LB231]

ASSISTANT CLERK: MR. PRESIDENT, LB448. THERE ARE E&R AMENDMENTS, SENATOR. (ER139, LEGISLATIVE JOURNAL PAGE 1707.) [LB448]

SPEAKER HADLEY: SENATOR HANSEN. [LB448]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB448. [LB448]

SPEAKER HADLEY: THE MOTION IS TO ADOPT THE E&R AMENDMENTS. ALL IN FAVOR SAY AYE. OPPOSED SAY NAY. MOTION CARRIES. [LB448]

ASSISTANT CLERK: SENATOR NORDQUIST WOULD OFFER AM1698. (LEGISLATIVE JOURNAL PAGES 1721-1723.) [LB448]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB448]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. AM1698 REPRESENTS RECOMMENDATIONS FROM THE REVISOR'S OFFICE THAT THEY WERE TOO SUBSTANTIAL TO BE INCLUDED IN AN E&R AMENDMENT. BUT THEY ARE SIMPLY CLEANING UP LANGUAGE. INSTEAD OF JUST SAYING "THE BOARD" IN MANY INSTANCES, WE SAY "BOARD OF TRUSTEES." AND THEN WE INCLUDE OPERATIVE DATES FOR EACH SPECIFIC SECTION OF THE BILL. VERY MUCH A TECHNICAL CLEAN UP THAT JUST WENT BEYOND WHAT WE COULD PUT IN AN E&R AMENDMENT. THANK YOU. [LB448]

SPEAKER HADLEY: YOU HAVE HEARD THE OPENING. SENATOR McCOY, YOU'RE RECOGNIZED. [LB448]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, MEMBERS. WE OBVIOUSLY DISCUSSED THIS BILL ON GENERAL FILE YESTERDAY. CAN YOU WALK ME THROUGH, SENATOR NORDQUIST, WHAT THESE CHANGES ARE? I HAVE BEEN TRYING TO GO THROUGH AND FIGURE THAT OUT. YOU HAD MENTIONED THEY WERE TOO SUBSTANTIAL TO BE FOR AN E&R AMENDMENT. COULD YOU ELABORATE A LITTLE BIT ON WHAT THIS AMENDMENT DOES? [LB448]

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SPEAKER HADLEY: SENATOR NORDQUIST, DO YOU YIELD? [LB448]

SENATOR NORDQUIST: YES. SENATOR McCOY, IF YOU WOULD PULL UP THE AMENDMENT, THERE IS ONE, TWO, THREE INSTANCES ON THE FIRST PAGE OF THE AMENDMENT THAT, RATHER THAN SAYING "BOARD," WE SPECIFY "BOARD OF TRUSTEES," WHICH MEANS IT'S THE OMAHA SCHOOL EMPLOYEES' BOARD OF TRUSTEES. SIMILAR ON PAGE 2, THERE ARE TWO CHANGES LIKE THAT. ON PAGE 3, THERE ARE FOUR CHANGES LIKE THAT. THERE IS A CHANGE, RATHER THAN SAYING "THE CLASS V SCHOOL EMPLOYEES' RETIREMENT SYSTEM," WE STRIKE THAT AND REPLACE IT WITH: A RETIREMENT SYSTEM PROVIDED UNDER THE CLASS V SCHOOL EMPLOYEES' RETIREMENT ACT. AND THEN WE SPECIFY OPERATIVE DATES FOR MEMBERS HIRED JULY 1, 2015; THAT'S WHEN THE NEW PROVISIONS TAKE EFFECT. WE DEFINE WHEN EARLY RETIREMENT STARTS, THE NEW CHANGES FOR THAT, JULY 1, 2015, MEMBERS WHO HAVE BEEN HIRED AFTER JULY 1, 2015. EVERY ONE OF THE RECOMMENDATION IN THIS AMENDMENT WAS A RECOMMENDATION OF THE REVISOR'S OFFICE. [LB448]

SENATOR McCOY: AND HELP ME UNDERSTAND THE SIGNIFICANCE AGAIN OF THE JULY 1, 2015. [LB448]

SENATOR NORDQUIST: THAT IS THE DATE THAT NEW EMPLOYEES...THOSE INDIVIDUALS, IF THIS BILL IS PASSED WITH AN EMERGENCY CLAUSE, THAT IT...NEW EMPLOYEES HIRED AFTER JULY 1, 2015, WILL RECEIVE A REDUCED SET OF BENEFITS. IF THERE IS NO EMERGENCY CLAUSE ON THE BILL, THEN IT IS WHEN THE BILL BECOMES OPERATIVE. WE PROBABLY MISS A WHOLE YEAR OF TEACHERS BECAUSE THE BILL WON'T BECOME OPERATIVE UNTIL THE FALL AND AT WHICH POINT TEACHERS HAVE ALREADY SIGNED THEIR CONTRACTS IN THE SUMMER TO TEACH, SO IT WOULD JUST BE A YEAR OF TEACHERS RECEIVING THE HIGHER BENEFITS WITHOUT THE OPERATIVE DATE. [LB448]

SENATOR McCOY: OKAY. AND THAT, I ASSUME, IS ALSO SIGNIFICANT FOR...WHERE IT'S NOTED ON...I GUESS IT WOULD BE PAGE 4 WHERE ITS MEMBERS HIRED PRIOR TO JULY 1, 2015, WHO HAVE ATTAINED AGE 55. THAT IS THAT SAME COMPONENT YOU'RE TALKING ABOUT WHERE...WHAT'S THIS...HELP ME UNDERSTAND THE SIGNIFICANCE OF THAT. I DON'T RECALL THAT BEING IN THE BILL PREVIOUSLY. MAYBE I MISSED THAT. [LB448]

SENATOR NORDQUIST: OKAY. SO IT'S SPECIFIC TO A PROVISION RELATED TO EARLY RETIREMENT. EARLY RETIREMENT IS YOU'RE ELIGIBLE FOR THAT AT AGE

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55. IF YOU WERE TO COME ON, ON OR AFTER JULY 1, 2015, BUT YOU HAVE ALREADY REACHED THE AGE OF 55, THEN YOU ARE ELIGIBLE FOR THE NEW EARLY RETIRE...OKAY. RIGHT. SO WE'RE RIGHT, OKAY. SO WE'RE MOVING THE AGE OF REDUCED BENEFITS. YOU CAN GET REDUCED BENEFITS BEGINNING AT 62 RIGHT NOW IN THE OMAHA PLAN AND THE STATE PLAN... YOU CAN GET UNREDUCED BENEFITS AT 62. IN THE STATE PLAN, IT'S UNREDUCED AT 65. SO THIS RELATES TO THAT PROVISION. THOSE PEOPLE WHO ARE 50 WHO HAVE ATTAINED THE AGE 55... [LB448]

SPEAKER HADLEY: ONE MINUTE. [LB448]

SENATOR NORDQUIST: ...AND WERE HIRED PRIOR TO JULY 1, 2015. THE CHANGE WOULD NOT EFFECT THOSE INDIVIDUALS, BUT IT WOULD AFFECT INDIVIDUALS WHO DO NOT FIT THAT CATEGORY. [LB448]

SENATOR McCOY: WHO ARE HIRED BEFORE OR... [LB448]

SENATOR NORDQUIST: BEFORE JULY 1, 2015. [LB448]

SENATOR McCOY: ...OR ON, ALSO ON JULY 1? [LB448]

SENATOR NORDQUIST: IT SAYS "PRIOR TO" SO THAT MEANS IT HAS TO BE PRIOR TO. SO JUNE 30 AT MIDNIGHT IS WHEN THE CLOCK WOULD RESET. [LB448]

SENATOR McCOY: SO WHAT WOULD BE THE SIGNIFICANCE THEN, SENATOR NORDQUIST, OF WHERE IT'S NEW HIRES YOUNGER THAN THAT, IT'S HIRED ON OR AFTER JULY 1, BUT WE'RE SAYING THOSE WHO ARE 55, WHO HAVE ATTAINED 55, IT'S ONLY PRIOR TO? HELP ME UNDERSTAND THE DUALITY OF THAT. AND MAYBE I'M NOT JUST GRASPING WHAT YOU'RE TALKING ABOUT. [LB448]

SENATOR NORDQUIST: WHAT LINE ARE WE SPECIFICALLY TALKING ABOUT, SENATOR McCOY? [LB448]

SENATOR McCOY: WELL, IT WOULD BE FOR THE AGE 55... [LB448]

SPEAKER HADLEY: TIME, SENATOR. (VISITORS INTRODUCED.) SENATOR McCOY, YOU ARE RECOGNIZED. [LB448]

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SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR NORDQUIST YIELD, PLEASE? [LB448]

SPEAKER HADLEY: WOULD SENATOR NORDQUIST YIELD? [LB448]

SENATOR NORDQUIST: YES. [LB448]

SENATOR McCOY: THANK YOU, SENATOR. I JUST WANT TO MAKE SURE I'M UNDERSTANDING THIS CORRECTLY, AND MAYBE I AM JUST NOT GRASPING THIS, WHICH IS ENTIRELY POSSIBLE. BUT WHAT...SO HELP ME UNDERSTAND AGAIN, IF YOU WOULD, JUST SO I UNDERSTAND WHAT YOU'RE TALKING ABOUT. AS YOU'RE TALKING ABOUT MELDING THE STATE PLAN AND THE OMAHA PUBLIC SCHOOLS PLAN TOGETHER, WALK ME THROUGH THE DATES AGAIN SO I UNDERSTAND THIS CORRECTLY, WHEN YOU'RE TALKING ABOUT PRIOR TO JULY 1 FOR THOSE WHO HAVE ATTAINED AGE 55. THAT WOULD BE, I THINK, LINES 6 AND 7 ON PAGE 4 OF AM1698. AND THEN LINE 11 OF THAT SAME PAGE, "HIRED ON OR AFTER JULY 1, 2015." WALK ME THROUGH WHAT THE DUALITY THERE WHEN YOU'RE TALKING THE AGE DIFFERENCE BETWEEN THOSE WHO AREN'T 55 AND THOSE WHO ARE. AND I ASSUME THOSE WHO ARE WOULD OBVIOUSLY BE TEACHERS COMING FROM ANOTHER DISTRICT, CORRECT? IS THAT HOW THAT WOULD WORK? THEY'RE NOW GOING TO TEACH FOR OMAHA PUBLIC SCHOOLS. WOULD THAT BE ACCURATE? [LB448]

SENATOR NORDQUIST: THAT WOULD BE THE MOST LIKELY SCENARIO, BUT IT DOESN'T NECESSARILY HAVE TO BE. IT COULD POSSIBLY BE SOMEBODY GOING BACK FOR A SECOND CAREER. [LB448]

SENATOR McCOY: TRUE. THAT IS...YOU'RE CORRECT, IT COULD VERY WELL BE. [LB448]

SENATOR NORDQUIST: SO, SENATOR McCOY, SO THE PROVISION THAT WE'RE ALIGNING, AGAIN, ALL THE BENEFIT CHANGES START JULY 1, 2015, ALL THE CHANGES FOR NEW HIRES AT THAT POINT. AND, AGAIN, THIS WOULD BE IN COMPLETE ALIGNMENT WITH WHAT WE HAVE IN OUR CURRENT STATE PLAN. AND IT DOESN'T CHANGE ANYTHING THAT WASN'T IN THE PREVIOUS AMENDMENT. THE REVISOR'S OFFICE, UNDER THEIR RECOMMENDATION, SUGGESTED REARRANGING AND MAKING IT TWO SENTENCES RATHER THAN ONE. IT'S ON PAGE 13, LINE 28 THROUGH LINE 2 ON PAGE 14 OF THE AMENDMENT WE ADOPTED, WHICH WAS AM1555. IT SAYS EARLY RETIREMENT WITH THE

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LANGUAGE, AGAIN SUGGESTED BY BILL DRAFTING, SAYS: EARLY RETIREMENT DATE MEANS FOR MEMBERS HIRED PRIOR TO JULY 1, 2015, WHO HAVE ATTAINED AGE 55, THAT MONTH AND YEAR SELECTED BY A MEMBER HAVING AT LEAST TEN YEARS OF CREDITABLE SERVICE WHICH INCLUDES A MINIMUM OF FIVE YEARS OF MEMBERSHIP SERVICE. AND THEN WE INSERT...THEN THAT WOULD BE THE END OF THAT SENTENCE. [LB448]

SENATOR McCOY: AND EXPLAIN TO ME AGAIN THE RELATIONSHIP BETWEEN THIS AND WHAT THE CHANGE WOULD BE WITH THE EMERGENCY CLAUSE, THE E CLAUSE, ATTACHED AS IT IS TO LB448 AND THE RELATIONSHIP THERE OF THAT. AND SO THAT...WALK ME THROUGH THAT AGAIN. I THINK YOU MENTIONED IT EARLIER AND THEN WE WENT ON TO SOMETHING QUICK. AND I JUST WANT TO MAKE SURE I UNDERSTAND THAT OF HOW THE E CLAUSE, THE INTERPLAY THERE. [LB448]

SENATOR NORDQUIST: YEAH, RIGHT. SO THE EMERGENCY CLAUSE IS IMPORTANT ON THIS BILL FOR TWO REASONS, AS IT WAS WHEN WE DID THE PENSION REFORM BILL A COUPLE OF YEARS AGO, IF WE WANT THESE BENEFIT CHANGES TO TAKE EFFECT JULY 1, 2015. AND THAT IS IMPORTANT BECAUSE IT'S SHORTLY AFTER THAT THAT DISTRICTS WILL SIGN CONTRACTS AND HAVE PEOPLE HIRED TO START FOR THE FALL. IF WE WAIT WITHOUT DOING THE E CLAUSE, THE BILL WON'T TAKE EFFECT UNTIL THE FALL. SO ALL THOSE TEACHERS HIRED, ESSENTIALLY THE NEW PEOPLE HIRED FOR THIS SCHOOL YEAR... [LB448]

SPEAKER HADLEY: ONE MINUTE. [LB448]

SENATOR NORDQUIST: ...WOULD BE ON THE OLD, MORE GENEROUS SET OF BENEFITS, RATHER THAN THE NEW REDUCED SET OF BENEFITS. SO WE WOULD LOSE OUT ON ONE YEAR AND THAT PROBABLY WOULDN'T NECESSARILY BE THE ABSOLUTE END OF THE WORLD, BUT IT WOULD, YOU KNOW, WE WOULDN'T BE ABLE TO CAPTURE THE SAVINGS FOR THE PLAN AS SOON AS POSSIBLE. THE SECOND PIECE THAT'S IMPORTANT IS AS WE'RE MAKING THE TRANSITION FOR THE STATE TO TAKE OVER THE INVESTMENT AUTHORITY STARTING JANUARY 1, 2016, THE NEBRASKA INVESTMENT COUNCIL WOULD LIKE AS MUCH TIME TO PREPARE. AND WITHOUT STATUTORY GUIDANCE, THEY PROBABLY...IT WOULD BE DIFFICULT FOR THEM TO DO THAT WITHOUT US. I MEAN, I GUESS THEY COULD ACT KNOWING THAT THE BILL IS POTENTIALLY COMING, BUT IT WOULD MAKE MORE SENSE TO HAVE THE BILL ENACTED, AND THEN THEY CAN TAKE THE

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STEPS NEEDED TO FULLY ABSORB THE INVESTMENT MANAGEMENT STARTING JANUARY 1. [LB448]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. [LB448]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR NORDQUIST, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB448]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT, MEMBERS. AGAIN, ALL OF THE CHANGES SUGGESTED IN HERE WERE CHANGES SUGGESTED BY THE REVISOR'S OFFICE. THANK YOU. [LB448]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADOPTION OF THE AMENDMENT. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. SENATOR NORDQUIST, FOR WHAT PURPOSE DO YOU RISE? [LB448]

SENATOR NORDQUIST: WE'RE GOING TO NEED A CALL OF THE HOUSE. [LB448]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST FOR A CALL THE HOUSE. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB448]

CLERK: 26 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB448]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. ALL SENATORS PLEASE RETURN TO THE CHAMBER. ALL UNNECESSARY PEOPLE PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR EBKE, SENATOR SCHEER, SENATOR RIEPE. SENATOR MELLO, IF YOU WOULD CHECK IN. SENATOR DAVIS, SENATOR BRASCH, SENATOR COASH, STINNER, CHAMBERS, HILKEMANN, AND BLOOMFIELD. WILLIAMS AND EBKE. PROCEED. WE ARE PROCEEDING WITH CALL-IN VOTES. [LB448]

CLERK: VOTING--SENATOR HANSEN VOTING YES. SENATOR MORFELD VOTING YES. SENATOR SCHEER VOTING YES. SENATOR RIEPE VOTING YES. SENATOR LARSON VOTING...OH, I'M SORRY. I HAD YOU EXCUSED, SENATOR. SENATOR LARSON VOTING YES. SENATOR BRASCH VOTING YES. [LB448]

SPEAKER HADLEY: RECORD, MR. CLERK. [LB448]

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CLERK: 25 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR NORDQUIST'S AMENDMENT. [LB448]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. MR. CLERK FOR AN ANNOUNCEMENT. [LB448]

CLERK: MR. PRESIDENT, IT'S TO REMIND THE PLANNING COMMITTEE IS GOING TO MEET AT 1:00 IN ROOM 2022.

SPEAKER HADLEY: WE'LL STAND AT EASE UNTIL 12:25. AND THE CALL IS RAISED.

EASE

SPEAKER HADLEY: IF SENATORS WOULD PLEASE RETURN TO THE CHAMBER, THE STAND AT EASE TIME HAS ENDED. MR. CLERK FOR ITEMS.

CLERK: MR. PRESIDENT, ENROLLMENT AND REVIEW REPORTS LB330, LB330A, LB468, LB468A, AND LB480 AS REPORTED CORRECTLY ENGROSSED. THAT'S ALL THAT I HAD, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGE 1724.) [LB330 LB330A LB468 LB468A LB480]

SPEAKER HADLEY: MR. CLERK, THE NEXT AMENDMENT. [LB448]

CLERK: MR. PRESIDENT, SENATOR NORDQUIST WOULD OFFER AM1704 AS AN AMENDMENT TO LB448. (LEGISLATIVE JOURNAL PAGE 1725.) [LB448]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB448]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. AM1704 IS AN OLIVE BRANCH, IF YOU WILL, TO TRY TO KEEP THIS BILL MOVING FORWARD. YESTERDAY WHEN I LEFT I INTENDED NOT TO TRY TO PURSUE THIS BILL AND JUST KEEP THE SYSTEM AS IT IS IF THERE WASN'T MORE SHOWING OF SUPPORT. I THINK WHAT WE'RE GOING TO DO HERE IS TRY TO ADDRESS THE ISSUE THAT I THINK MOST...RAISED MOST OF THE CONCERNS YESTERDAY, AND THAT IS ON PAGE 10 OF AM1555. IT SAYS: FOR ANY YEAR IN WHICH A DEPOSIT IS MADE TO THE SCHOOL PLAN. SO IF IT'S DETERMINED THAT FUNDS ARE NEEDED IN THE

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SCHOOL PLAN ACCORDING TO THE ACTUARY AND THE STATE CHOOSES THEN TO PUT THAT MONEY INTO THE SCHOOL PLAN, INITIALLY UNDER THE AMENDMENT, THE LEGISLATURE, IT SAID SHALL...OR THE STATE SHALL TRANSFER TO THE CLASS V SCHOOL DISTRICT'S RETIREMENT SYSTEM AN AMOUNT DETERMINED BY MULTIPLYING THE COMPENSATION OF MEMBERS OF SUCH RETIREMENT SYSTEM BY THE LESSER OF THE PERCENTAGE OF COMPENSATION DEPOSITED INTO THE SCHOOL RETIREMENT ACCOUNT, BASICALLY A PROPORTIONAL AMOUNT INTO THE OMAHA PLAN. AND OBVIOUSLY, THAT WAS THE BIGGEST CONCERN THAT CAME UP YESTERDAY IN TALKING WITH FOLKS WE HAD BEEN WORKING ON THIS BILL WITH. WE ARE GOING TO...I AM PROPOSING TO STRIKE THE WORDS "THE STATE SHALL TRANSFER" AND RATHER SAY, IF THE STATE MAKES A DEPOSIT INTO THE SCHOOL RETIREMENT ACCOUNT, AGAIN, ACTUARY SAYS WE NEED IT, WE PUT THE MONEY INTO THE ACCOUNT. RATHER THAN SAYING WE SHALL TRANSFER MONEY TO PROPORTIONATE AMOUNT TO THE OMAHA RETIREMENT PLAN, WE ARE GOING TO SAY THE APPROPRIATIONS COMMITTEE OF THE LEGISLATURE SHALL HOLD A HEARING TO CONSIDER TRANSFERRING FUNDS TO FUND THE CLASS V RETIREMENT DISTRICT ACCOUNT. SO IT CERTAINLY DOES NOT TIE THE STATE DOWN IN ANY WAY BY REMOVING THE WORDS "SHALL TRANSFER," ELIMINATES THAT REQUIRED OBLIGATION. THE ONLY OBLIGATION THE STATE WOULD HAVE AGAIN, IF THERE'S AN ARC, IF THE ARC IS FUNDED WITH GENERAL FUND DOLLARS, THEN THERE WOULD BE A HEARING IN FRONT OF THE APPROPRIATIONS COMMITTEE, WHICH IS THE COMMITTEE THAT THE RETIREMENT APPROPRIATIONS GO THROUGH, IN FRONT OF THAT COMMITTEE TO CONSIDER MAKING A PAYMENT TO THE OSERS PLAN, WHICH IS VERY MUCH IN LINE WITH WHAT WE HAVE BEEN DOING. EVERY YEAR WHEN WE'VE HAD AN ARC, WE'VE HAD CONSIDERATION EITHER IN THE APPROPRIATIONS COMMITTEE OR THE RETIREMENT COMMITTEE, WHETHER IT'S A DIRECT APPROPRIATION OR STATUTORY CHANGE. THIS WOULD SIMPLY REQUIRE A HEARING. IF THIS IS NOT ADOPTED, THEN IT'S LIKELY WE WILL JUST PULL LB448 AND THE PLAN WILL GO ON AS IT IS BECAUSE, AT THE END OF THE DAY, WHAT'S BEING GIVEN UP, THE EMPLOYEES ARE GIVING UP HIGHER BENEFITS, THE SCHOOL DISTRICT IS GIVING UP THEIR CONTROL OF THE INVESTMENTS, AND WE ARE SAYING WE'LL HOLD A HEARING AND CONSIDER WHETHER OR NOT WE GIVE YOU MONEY IS WHAT WE WOULD BE DOING WITH AM1704. I WOULD APPRECIATE THE BODY'S SUPPORT OF IT. THANK YOU. [LB448]

SPEAKER HADLEY: THANK YOU, SENATOR NORDQUIST. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB448]

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SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I APPRECIATE THE FACT THAT SENATOR NORDQUIST BROUGHT THIS AMENDMENT. IT DOES BRING IT BACK TO THE LEGISLATURE THAT IN THE EVENT THAT WE DO HAVE AN ARC, IF WE DO HAVE AN ARC, THE LEGISLATURE MAKES THE DECISION WHETHER WE WANT TO FUND IT OR NOT BECAUSE IT HAS TO GO THROUGH APPROPRIATIONS, WHICH IN TURN WOULD COME TO THE FLOOR, BUT STILL LEAVES US WITH THE POTENTIAL LIABILITY THAT WE'D BE ASSUMING FOR OMAHA PUBLIC SCHOOLS, THE DISTRICT ITSELF. AND I GUESS THAT...WHILE I LIKE EVERY ASPECT OF THIS BILL, THAT'S THE PART THAT HAS BEEN BUGGING ME SINCE THE DAY I SAW THE BILL. I JUST DON'T LIKE THE IDEA THAT IN THE EVENT THERE'S AN ARC THAT THE TAXPAYERS OF THE STATE HAVE TO BAIL OUT OMAHA PUBLIC SCHOOLS. AND THE REASON I SAY THAT IS THEY HAVE A RICHER PLAN, THEY'VE HAD A RICHER PLAN. IF YOU LOOK AT THE INVESTMENT CHOICES THAT THEY'VE MADE, THEY'VE DONE A REALLY GOOD JOB OF MANAGING THEIR MONEY UNTIL 2008. AND WHEN THE RECESSION HIT BACK THEN, THEY MADE SOME...WHOEVER WAS MANAGING THE MONEY FOR THEM MADE SOME DECISIONS TO CHANGE THE DIRECTION THAT THEY WERE GOING AND THEY PULLED SOME OF THE MONEY OUT OF THE EQUITY MARKET, AS I UNDERSTAND IT, AND CONVERTED IT INTO SOME MORE CONSERVATIVE INVESTMENTS, TOOK THEIR LOSSES. AND WHILE THEY PROTECTED THEMSELVES, THEY SHOULD HAVE STAYED WITH THE PLAN THAT THEY HAD AND RIDDEN IT BACK UP LIKE THE STATE OF NEBRASKA DID. SO I REALLY APPRECIATE THE IDEA THAT WE CAN HELP THEM MANAGE THIS FUND. AND I APPRECIATE THE FACT THAT SENATOR NORDQUIST HAS DONE A TREMENDOUS AMOUNT OF WORK IN NEGOTIATING THE REDUCED BENEFITS FOR THE TEACHERS AND I LIKE THE IDEA OF US MANAGING THIS PORTFOLIO AND EVENTUALLY GETTING THIS WHOLE PROGRAM MOVED TOGETHER. BUT THE PART THAT STILL BOTHERS ME IS THE FACT THAT THERE'S POTENTIAL LIABILITY FOR THE REST OF THE TAXPAYERS IN THE STATE OF NEBRASKA AND IT'D BE US BAILING OUT POTENTIALLY OMAHA PUBLIC SCHOOLS. IF YOU LOOK, I ALSO HAVE AN AMENDMENT AND I'LL ADDRESS THAT WHEN THE TIME COMES. BUT I JUST DON'T LIKE THE IDEA OF US BAILING OUT OMAHA PUBLIC SCHOOLS. AND AGAIN, I SUPPORT THE CONCEPT OF WHAT WE'RE TRYING TO DO HERE. I JUST DON'T KNOW IF THIS IS THE WAY TO DO IT. THANK YOU, MR. PRESIDENT. [LB448]

SPEAKER HADLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB448]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. SENATOR NORDQUIST, COULD YOU YIELD TO A QUESTION? [LB448]

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SPEAKER HADLEY: SENATOR NORDQUIST, WILL YOU YIELD? [LB448]

SENATOR NORDQUIST: HAPPILY. [LB448]

SENATOR KINTNER: ALL RIGHT. I AM ALMOST EMBARRASSED TO ASK THIS BUT COULD YOU...I WAS OUTSIDE WHEN YOU GAVE THE OPENING. CAN YOU GIVE ME THE READER'S DIGEST VERSION OF THIS AMENDMENT, PLEASE? [LB448]

SENATOR NORDQUIST: OKAY. LISTEN CLOSELY, SENATOR KINTNER. IF THE ACTUARY COMES IN AND SAYS THAT THERE IS AN ARC FOR THE STATE PLAN, THE STATE PLAN NEEDS MONEY, THE LEGISLATURE HAS TWO WAYS TO GO TO THAT, BECAUSE WE ALWAYS MEET THAT OBLIGATION. THE THIRD OPTION IS WE KICK THE CAN DOWN THE ROAD, NOT PUT MONEY IN, AND THEN WE BECAME A STATE LIKE ILLINOIS. WE'RE NOT GOING TO DO THAT. SO OUR TWO OPTIONS ARE WE CAN FIX IT STATUTORILY BY REDUCING BENEFITS, INCREASING CONTRIBUTION RATES; OR WE CAN FIX...ADDRESS THE ARC BY JUST PUTTING THE CASH IN; OR WE CAN DO A COMBINATION OF THE TWO. IF WE DO...THE BILL YESTERDAY SAID IF WE PUT THE CASH IN AND WE DON'T FIX IT STATUTORILY, IF WE PUT CASH IN, THEN OMAHA GOT A PROPORTIONATE AMOUNT. THAT'S WHAT THE BILL SAID YESTERDAY. TODAY WE'RE SAYING IF WE PUT THE CASH IN, THEN RATHER THAN MAKING THE MONEY INTO OMAHA, THE APPROPRIATIONS COMMITTEE WILL HOLD A HEARING TO CONSIDER THAT MONEY TO OMAHA. THAT'S ALL WE'RE DOING. [LB448]

SENATOR KINTNER: WELL, TWO THINGS COME TO MIND, SENATOR NORDQUIST. FIRST OF ALL, THINGS WERE SO BAD IN ILLINOIS, THEY ELECTED A REPUBLICAN GOVERNOR TO TRY TO FIX THEIR PROBLEMS. SO WE'LL SEE HOW THAT GOES. [LB448]

SENATOR NORDQUIST: THINGS MUST HAVE BEEN REALLY BAD. [LB448]

SENATOR KINTNER: IT WAS REALLY BAD, YES. (LAUGHTER) SECOND, IF THE APPROPRIATIONS HAS A HEARING, WOULDN'T THE PRESSURE BE ENORMOUS TO THROW SOME MONEY? I MEAN, WHAT WOULD THAT DO? I LOOK AT OUR APPROPRIATIONS COMMITTEE, AND IF THERE WAS A SHORTAGE, I DON'T SEE A MAJORITY SAYING WE'RE NOT GOING TO GIVE THEM THE MONEY. WHAT DOES THAT GIVE US? [LB448]

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SENATOR NORDQUIST: I WOULD SAY THE PRESSURE IS ENORMOUS ON EVERYTHING. I MEAN, EVERY BILL THAT COMES BEFORE US, THERE'S PEOPLE WHO ARE ASKING FOR IT. AND IT'S A MATTER OF WHOSE PRIORITIES COME UP AT THE END OF THE DAY. LOOK, THIS LEGISLATURE TWO YEARS AGO, WHEN WE PASSED LB553 OVER THE VETO OF THE GOVERNOR, WE GAVE OMAHA FUNDING FOR THEIR RETIREMENT PLAN AT THAT POINT AS WELL. SO IT'S A CONSIDERATION THAT THIS BODY WILL MAKE. IT HAS MADE IN THE PAST. IT TYPICALLY HAS GIVEN OMAHA SOME PROPORTIONATE SHARE. BUT AT THE END OF THE DAY, THE LEGISLATURE CAN CHOOSE NOT TO DO THAT. BUT EVEN IF WE DON'T ADOPT THIS, THE ONLY WAY WE WOULD NOT EVEN CONSIDER GIVING OMAHA MONEY IS IF WE PASSED A BILL PROHIBITING THAT. AND I WOULD NOT LET THAT BE AMENDED INTO LB448 AND PASS. SO I WOULD PULL MY BILL IF THAT WAS THE CASE. SO IF WE DON'T PASS ANYTHING, IF THERE IS AN OBLIGATION FOR THE STATE OR OMAHA GOING FORWARD, WE'RE STILL GOING TO CONSIDER IT. BUT THIS JUST SAYS, AS A KIND OF A...THEY'VE BACKED OFF THE INITIAL AGREEMENT WE HAD, WHICH WAS EMPLOYEES GIVE UP BENEFITS, DISTRICT GIVES UP INVESTMENT CONTROL, STATE WILL HELP IF THOSE INVESTMENTS DON'T DO WELL. WE'RE GIVING UP THAT THIRD PART AND JUST SAYING WE'LL GIVE UP THE BENEFITS, THE DISTRICT WILL GIVE UP INVESTMENT CONTROL, YOU HOLD A HEARING IF THE PLAN GETS BAD. [LB448]

SENATOR KINTNER: WELL, THAT GIVES ME TWO MORE QUESTIONS THEN. UNDER WHAT...JUST LEVEL WITH ME. UNDER WHAT CIRCUMSTANCES WOULD YOU NOT VOTE TO GIVE THEM MONEY? IF YOU'RE ON...SAY WE'RE ON APPROPRIATIONS, SAME APPROPRIATIONS COMMITTEE, UNDER WHAT SITUATION WOULD YOU NOT WANT TO GIVE THEM MONEY? [LB448]

SENATOR NORDQUIST: WELL, IF WE WERE IN A PREDICAMENT LIKE COMING OUT OF THE GREAT RECESSION, MY FIRST YEAR OR TWO ON THE APPROPRIATIONS COMMITTEE IN '09-10 WHERE WE HAD A LOT OF STATE OBLIGATIONS, YOU KNOW, MAYBE I WOULD HAVE GIVEN THEM SOME. I MAY NOT HAVE GIVEN THEM A FULL PROPORTIONATE AMOUNT. [LB448]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: ONE MINUTE. [LB448]

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SENATOR NORDQUIST: BUT IT WOULD HAVE BEEN A BALANCING ACT WITH ALL THE OTHER THINGS THAT I CARE ABOUT THAT WE FUND IN THE STATE BUDGET. [LB448]

SENATOR KINTNER: AND MY LAST QUESTION: WHY DID YOU INTRODUCE THIS AMENDMENT? [LB448]

SENATOR NORDQUIST: BECAUSE AT THE END OF THE DAY, I SAW YESTERDAY WE HAD 25 VOTES. WE NEED AN EMERGENCY CLAUSE ON THIS BILL TO GET THE BALL ROLLING. BUT YOU KNOW, AT THE END OF THE DAY, IF THE BILL DOESN'T PASS, IT JUST MEANS THAT EMPLOYEES IN OMAHA WILL KEEP THEIR HIGHER BENEFITS. OMAHA WILL KEEP MANAGING THEIR PLAN. THIS IS A LONG-TERM CHANGE. AND THAT'S WHAT I'VE BEEN DOING WITH ALL OF OUR RETIREMENT PLANS. IT'S NOT A CHANGE THAT AFFECTS THE NEXT YEAR OR 2 BUT A CHANGE THAT AFFECTS THE NEXT 10 OR 15 YEARS. AND IF IT GETS DELAYED AND WE DON'T WANT TO MOVE FORWARD WITH IT, THEN IT'S... [LB448]

SENATOR KINTNER: OKAY, THANKS. [LB448]

SENATOR NORDQUIST: ...REALLY NO SKIN OFF MY TEETH. [LB448]

SENATOR KINTNER: THANK YOU. I APPRECIATE YOUR KNOWLEDGE AND YOUR EFFORTS HERE. THANK YOU, MR. PRESIDENT. [LB448]

SENATOR SCHEER: THANK YOU, SENATORS NORDQUIST AND KINTNER. SENATOR McCOY, YOU'RE RECOGNIZED. [LB448]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. WOULD SENATOR NORDQUIST YIELD, PLEASE? [LB448]

SENATOR NORDQUIST: YES. [LB448]

SENATOR McCOY: THANK YOU, SENATOR. IT'S JUST BEEN PROBABLY, WHAT, NOT EVEN 24 HOURS SINCE WE WERE LAST DISCUSSING THIS. AND YOU AND I HAD A NUMBER OF CONVERSATIONS VIA THE MICROPHONE DIALOGUE AS WE DIALOGUED ABOUT THIS ISSUE. HELP ME UNDERSTAND ON YOUR AMENDMENT, AM1704, WHY IT IS THAT THIS...WHERE YOU STRIKE THE "STATE SHALL TRANSFER" AND INSTEAD SAY "APPROPRIATIONS COMMITTEE OF THE

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LEGISLATURE SHALL HOLD A HEARING TO CONSIDER TRANSFERRING," WALK ME THROUGH HOW THAT WOULD WORK. WOULD THAT BE HELD DURING A SESSION? COULD IT BE OUTSIDE OF A SESSION, DURING THE INTERIM? WHAT WOULD THAT BE, IN YOUR MIND? HOW WOULD YOU SEE THAT PLAYING OUT? [LB448]

SENATOR NORDQUIST: YEAH, I WOULD ENVISION IT VERY MUCH BEING A PART OF THE BUDGET PROCESS, THAT WHEN A DECISION IS MADE TO MAKE A DEPOSIT INTO THE STATE ACCOUNT THAT AT THAT TIME THERE WOULD BE A HEARING HELD TO CONSIDER MAKING IT A PROPORTIONATE...UP TO A PROPORTIONATE AMOUNT TO THE OMAHA PLAN, WHICH IS A CONSIDERATION THAT, QUITE FRANKLY, THE APPROPRIATIONS CAN DO RIGHT NOW. BUT I THINK HAVING THIS LANGUAGE IN THERE JUST ENSURES THAT THIS ISSUE WILL BE HEARD WHEN...IF IT COMES TO FRUITION THAT THOSE DEPOSITS ARE NEEDED IN THE FUTURE. [LB448]

SENATOR McCOY: SO WOULD THAT COME VIA AN INTRODUCTION OF A BILL THEN IN YOUR EYES, SENATOR? [LB448]

SENATOR NORDQUIST: THE CHAIRMAN OF THE APPROPRIATIONS COMMITTEE CAN HOLD A HEARING ON INDIVIDUAL BUDGET ITEMS. WE DO SOME... WE'VE DONE SOME IN THE PAST THAT ARE OPEN, SOME THAT ARE CLOSED DOORS THAT AREN'T NECESSARILY BILLS. SO THAT ABILITY IS THERE. I WOULD THINK THAT IT WOULD BE LIKELY YOU WOULD EITHER DO IT UNDER...MAYBE UNDER THE AGENCY OF THE NEBRASKA PUBLIC EMPLOYEES RETIREMENT SYSTEM BECAUSE THAT IS THE ENTITY THAT DOES PASS THROUGH MONEY. RIGHT NOW, ONE OF THE BENEFITS I'M TRYING TO GET RID OF, THE SERVICE ANNUITY, THE STATE PAYS FOR THAT. WE USE GENERAL FUNDS. WE PAY THAT THROUGH THE NPERS SYSTEM AND THEY SEND THAT MONEY TO OMAHA. SO LIKELY I WOULD SEE IT AS A PART OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM AGENCY BUDGET HEARING. [LB448]

SENATOR McCOY: SO MORE OR LESS A FUNCTION OF AN OPEN-DOOR, NOT A CLOSED HEARING ON THIS. [LB448]

SENATOR NORDQUIST: RIGHT, FULL PUBLIC HEARING. YES. [LB448]

SENATOR McCOY: FULL PUBLIC HEARING, OKAY. WHY WOULD THIS NOT ALSO INCLUDE...WE'RE PROBABLY GOING TO RUN OUT OF TIME AS I ASK YOU A

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COUPLE MORE QUESTIONS. BUT WHY WOULD THIS NOT COME WITH A SECONDARY OR I SHOULD SAY PARALLEL RECOMMENDATION FROM THE RETIREMENT SYSTEMS COMMITTEE THAT YOU CHAIR? [LB448]

SENATOR NORDQUIST: WE... YOU KNOW, AT THE END OF THE DAY, THE APPROPRIATIONS COMMITTEE IS THE COMMITTEE THAT HAS TO APPROPRIATE THE MONEY IN THE BUDGET TO MAKE THIS PIECE. CONCURRENTLY, AS WE WORKED IN BILLS IN THE PAST--AND THIS WAS THE SAME UNDER SENATOR PANKONIN AND WHEN SENATOR HEIDEMANN CHAIRED THE APPROPRIATIONS COMMITTEE, AND THEN SINCE SENATOR MELLO AND I--THERE WAS A LOT OF DISCUSSION. I WAS THE VICE CHAIR OF THE RETIREMENT COMMITTEE UNDER SENATOR PANKONIN. WE WOULD SIT DOWN WITH SENATOR HEIDEMANN AND SAY HERE'S WHAT WE'RE LOOKING TO CHANGE STATUTORILY, HERE'S WHAT THE ACTUARY SAYS IT'S GOING TO SAVE US. AT THAT TIME IT WAS SAVINGS BECAUSE WE WERE REDUCING BENEFITS, INCREASING CONTRIBUTION RATES. HERE IS THE SHORTFALL THAT WE NEED AN APPROPRIATION FOR. THOSE DISCUSSIONS JUST HAVE TO TAKE PLACE BECAUSE,... [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR NORDQUIST: ...AGAIN, THIS SAYS ONLY IF WE MAKE THAT DEPOSIT INTO THE STATE ACCOUNT. SO ONLY IF WE MAKE THE APPROPRIATION DO WE HAVE TO HOLD THE HEARING. IF IT'S CHANGES TO THE PLAN, THEN THOSE HEARINGS ARE HELD IN RETIREMENT. BUT IF IT'S A DEPOSIT, CASH APPROPRIATION INTO THE STATE RETIREMENT ACCOUNT, THEN OMAHA GETS A HEARING ON WHETHER OR NOT FUNDING GOES TO THEIR PLAN AS WELL. [LB448]

SENATOR McCOY: NOW YOU LOST ME THERE WITH THE LAST PART OF WHAT YOU WERE SAYING, SENATOR NORDQUIST. SO YOU'RE SAYING...BECAUSE I DON'T READ THE AMENDMENT THAT WAY, UNLESS I'M NOT READING THE AMENDMENT AS ATTACHED TO THE UNDERLYING BILL IN THE CORRECT WAY. YOU'RE SAYING THAT THE HEARING WOULDN'T BE HELD UNTIL THE APPROPRIATION WAS ALREADY MADE OR IN THE PROCESS OF BEING MADE. IS THAT WHAT YOU'RE SAYING? [LB448]

SENATOR NORDQUIST: RIGHT, RIGHT. [LB448]

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SENATOR McCOY: THAT'S NOT...THAT DOESN'T...THAT'S NOT HOW THE AMENDMENT READS. [LB448]

SENATOR NORDQUIST: IT WOULD...THE WAY THE AMENDMENT READS IS IT'S LIKELY GOING TO HAVE TO BE A YEAR IN ARREARS. [LB448]

SENATOR SCHEER: TIME, SENATORS. [LB448]

SENATOR NORDQUIST: THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR NORDQUIST AND McCOY. (VISITORS INTRODUCED.) THOSE IN THE QUEUE ARE SENATOR NORDQUIST, GROENE, KOLOWSKI, BRASCH, AND OTHERS. SENATOR NORDQUIST. [LB448]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. YOU KNOW, I JUST WANTED TO RESPOND TO SENATOR KOLTERMAN'S COMMENTS ABOUT THE STATE TAKING ON LIABILITY. AT THE END OF THE DAY, AGAIN, THE ONLY WAY WE WOULDN'T IS IF WE HAD A BILL HERE THAT SAID THE STATE WILL NOT APPROPRIATE MONEY UNDER ANY CIRCUMSTANCES TO THE OMAHA SCHOOL RETIREMENT SYSTEMS PLAN. NOTHING IN LB448 CHANGES THAT. IT'S BEEN A DECISION OF THIS LEGISLATURE IN MY TIME HERE TO TREAT THE PLANS EQUITABLY. FUTURE LEGISLATURES HAVE THAT ABILITY TO DECIDE THAT OR NOT. AT THE END OF THE DAY, IF WE DON'T PASS LB448, I CAN COME BACK NEXT YEAR WITH A BILL TO SAY I'M GOING TO...WE'RE GOING TO APPROPRIATE \$10 MILLION TO AN OMAHA PLAN. AND IT WILL GET A HEARING BEFORE THE APPROPRIATIONS COMMITTEE. SO JUST THINK ABOUT WHAT WE'RE GIVING UP HERE. AGAIN, WE GOT THEM TO AGREE TO REDUCED EMPLOYEE BENEFITS, WE GOT THE DISTRICT TO GIVE UP ITS INVESTMENT FUNCTION, ALL TO SAY WE'LL HAVE A HEARING IF WE PUT MONEY INTO THE STATE PLAN. YOU KNOW, FROM MY PERSPECTIVE ABOUT BRINGING THESE PLANS INTO ALIGNMENT, ABOUT TRYING TO HAVE SUSTAINABLE BENEFITS, THIS IS CERTAINLY A WIN. I SEE SENATOR KOLTERMAN HAS AN AMENDMENT FILED. I WILL SPEAK TO THAT. AS TAXPAYER IN OMAHA, I'M GOING TO FIGHT HIS AMENDMENT VEHEMENTLY BECAUSE IT'S A PROPERTY TAX INCREASE. AND ANYONE WHO STANDS IN HERE AND SAYS THEY ARE CONCERNED ABOUT PROPERTY TAXES AND VOTES FOR AN INCREASE IN THE LEVY LIMIT IS VOTING FOR HIGHER PROPERTY TAXES. AND THAT WILL BE A RECORD THAT'S HELD OVER YOUR HEAD. SO I WILL FIGHT HIS AMENDMENT. IF IT'S ATTACHED, AGAIN, WE WILL PASS OVER THIS BILL. WE'VE GOTTEN A LOT OF CONCESSIONS HERE FOR WHAT TURNS OUT TO BE HOLDING A

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PUBLIC HEARING. AT THE END OF THE DAY, IF THAT'S NOT SUFFICIENT, THEN THAT'S FINE BY ME. THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR NORDQUIST. SENATOR GROENE, YOU'RE RECOGNIZED. [LB448]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I SUPPORT SENATOR NORDQUIST'S AM1704. I'M ON THE COMMITTEE. THAT WAS THE BIGGEST CONCERN I HAD. I'M NOT HAPPY ABOUT THIS WHOLE SITUATION. I WISH SOMEBODY IN OPS WOULD MANAGE THEIR RETIREMENTS BETTER. I DO LIKE THE PART IN LB448 WHERE WE PUT IT IN THEIR RETIREMENT INVESTMENTS IN CHARGE OF...IN NEBRASKA PUBLIC EMPLOYEES RETIREMENT SYSTEM MANAGERS. THE WAY I READ THE AMENDMENT, I THINK IT GIVES THE LEGISLATURE A CHANCE TO DIFFERENTIATE BETWEEN AT THAT TIME WHOEVER IS IN THE LEGISLATURE, GOD FORBID IT EVER HAPPENS, TO DIFFERENTIATE BETWEEN THE TWO SYSTEMS AND TO ALWAYS REMIND PEOPLE THEY ARE TWO SYSTEMS AND THEY ARE TWO INVESTMENT PORTFOLIOS, NOT JUST ONE, AND AT THAT TIME THAT THEY WILL BE REMINDED THAT OMAHA EMPLOYEES GOT BETTER BENEFITS. ALWAYS REMEMBER WHEN WE SAY WE'RE CHANGING THE BENEFITS, WHICH IS A GOOD THING, IT'S NEW HIRES. ALL THE PRESENT EMPLOYEES, ALL THE BABY BOOMERS WILL GET THE HIGHER BENEFITS, WHICH WILL DRAW DOWN THEIR RETIREMENT QUICKER THAN THE STATE INVESTMENT POOL. BUT AT LEAST ONE AMENDMENT, AM1704, KEEPS THEM SEPARATE IN FUTURE CONSIDERATION OF FUNDING OF THE TWO SYSTEMS. SO I SUPPORT THAT. I AGREE THAT PROBABLY IN THE END OF THE DAY, WE'RE GOING TO BE HELD LIABLE, PEOPLE IN NORTH PLATTE, PEOPLE IN WALLACE, PEOPLE IN HERSHEY BECAUSE WE'RE OUTNUMBERED IN THIS BODY. THAT'S A FACT OF LIFE. SO IF WE CAN INTERCEDE AND TAKE CHARGE OF THE SYSTEM NOW AND MAKE SURE INVESTMENTS ARE DONE WISELY AND THE COST TO OPERATE THEIR PORTFOLIO IS KEPT TO A MINIMUM, MAYBE THAT DAY WILL NEVER COME. I DON'T LIKE LIVING IN MAYBES AND IFS AND BUTS, BUT THAT'S WHERE WE'RE AT, THAT WE WOULD HAVE TO BAIL OUT THE OSERS. BUT THIS AMENDMENT MAKES IT A LOT BETTER. SO I'LL STAND AND SAY I'LL VOTE FOR AM1704 BECAUSE I WAS A MEMBER OF THE RETIREMENT COMMITTEE AND I UNDERSTOOD THE SITUATION THERE. I WAS NOT HAPPY AS SENATOR KOLTERMAN WAS OR SENATOR DAVIS WAS, AS RURAL SENATORS THAT WE MIGHT BE ON THE HOOK FOR THEIR PAST INDISCRETIONS OF INVESTMENT AND BAD DECISIONS. BUT AM1704 WOULD HELP THAT AND MAY HELP THAT THAT DAY NEVER COMES IF WE DO LB448. THEN I WILL SEEK TO REMIND FOLKS IN THE URBAN AREAS OF OMAHA WHEN WE NEED THE CHANGES TO WHERE THE POOL OF MONEY COMES

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FROM TO FUND PUBLIC EDUCATION, WHICH FUNDS THIS, WHICH FUNDS 101 PERCENT OF THE EMPLOYEES' CONTRIBUTIONS...MATCHES IT 101 PERCENT, DOESN'T FUND IT 101 PERCENT, MATCHES THEIR CONTRIBUTIONS, COMES FROM INCOME AND SALES TAX THAT WE PAY IN LINCOLN COUNTY. AND I WILL REMIND THEM WHEN WE NEED EQUALIZATION AND THAT WE'RE ALL ON THE SAME TEAM. I WILL TRY TO REMIND THEM OF THAT. THAT IS NOT A VOTE TRADE. THAT IS FACT OF LIFE. THIS NEEDS TO BE DONE, BUT I WILL REMIND THEM IN THE FUTURE THAT IT GOES BOTH WAYS AND WE NEED A LITTLE HELP GOING OUR DIRECTION ALSO. [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR GROENE: SO THAT'S WHERE I STAND ON AM1704. I JUST BEEN BADGERED AGAIN BY A LOT OF MY CONSTITUENTS WHO THINK IN FOUR MONTHS I OUGHT TO HAVE BEEN ABLE TO LOWER PROPERTY TAXES BY 40 PERCENT OR 50 PERCENT. BUT I'M GOING TO KEEP WORKING ON IT. AND THIS CAN ALL PLAY TOGETHER TO DO THAT FOR BOTH OMAHA AND BOTH RURAL LINCOLN COUNTY. SO I THANK YOU FOR THE TIME. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR GROENE. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB448]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, SENATORS. I WOULD LIKE TO ASK SENATOR NORDQUIST A QUESTION IF I COULD, PLEASE. [LB448]

SENATOR SCHEER: SENATOR NORDQUIST, WILL YOU YIELD? [LB448]

SENATOR NORDQUIST: YES. [LB448]

SENATOR KOLOWSKI: SENATOR NORDQUIST, YESTERDAY YOU TALKED ABOUT PERCENTAGES OF PEOPLE IN THE SYSTEM, BOTH IN THE STATE SYSTEM AS WELL AS THE OMAHA SYSTEM. COULD YOU TURN THAT INTO NUMBERS TODAY, GIVE US AN IDEA ON WHAT WE'RE TALKING ABOUT, BECAUSE I THINK IT'S KIND OF LOST IN PERCENTAGES COMPARED TO RAW NUMBERS, IF YOU HAVE THOSE, PLEASE. [LB448]

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SENATOR NORDQUIST: RIGHT. SO LET ME PULL IT UP ON MY SHEET HERE. SO OUR TOTAL... THAT'S PAYMENTS GOING OUT. THERE'S ABOUT 19,000 MEMBERS WHO ARE RECEIVING BENEFIT PAYMENTS. THAT'S IN THE SCHOOL, JUDGES. SENATOR KOLOWSKI, YOU MAY HAVE TO GIVE ME A MINUTE TO FIND THOSE NUMBERS HERE. [LB448]

SENATOR KOLOWSKI: THAT'S FINE. [LB448]

SENATOR NORDQUIST: I DON'T OBVIOUSLY KNOW THOSE... [LB448]

SENATOR KOLOWSKI: I'LL FILL IN WHILE YOU'RE LOOKING AND THEN JUST INTERRUPT ME AND... [LB448]

SENATOR NORDQUIST: ...OFF THE TOP OF MY HEAD. [LB448]

SENATOR KOLOWSKI: ...JUMP RIGHT IN, PLEASE. I STAND IN SUPPORT OF LB448 AS WELL AS THE AMENDMENT TO THIS. AND I THINK IT'S VERY IMPORTANT THAT WE UNDERSTAND THE IMPACT OF THIS OVER THE LONG RUN AND OVER TIME, AS SENATOR NORDQUIST HAS TALKED ABOUT. I WISH THIS WOULD HAVE HAPPENED 20 OR 30 YEARS AGO. IT WOULD HAVE MADE A WORLD OF DIFFERENCE IN THE TOTALS AS THEY WOULD HAVE WORKED THEIR WAY INTO A COMMON DENOMINATOR AS FAR AS THE PAYOUT SYSTEM. AND EQUAL BENEFITS BETWEEN THE TWO WOULD HAVE MADE A HUGE DIFFERENCE DURING PRIME YEARS OF BOTH OPS AS WELL AS THE STATE SYSTEM. DO YOU HAVE THAT NOW, SIR? [LB448]

SENATOR NORDQUIST: YES, YES. [LB448]

SENATOR KOLOWSKI: THANK YOU. GO AHEAD. [LB448]

SENATOR NORDQUIST: ALL RIGHT. SO IN THE STATE SYSTEM THERE ARE 40,462 ACTIVE MEMBERS; 5,748 INACTIVE VESTED MEMBERS; 14,951 INACTIVE NONVESTED MEMBERS, THOSE ARE PEOPLE WHO LEFT BEFORE THEY WERE VESTED OBVIOUSLY; AND 20,889 RETIRED AND DISABLED MEMBERS. SO THE STATE SYSTEM HAS A TOTAL OF 82,051 MEMBERS. IN THE OMAHA PLAN, THERE ARE 7,415 ACTIVE MEMBERS, 937 INACTIVE VESTED MEMBERS, 4,125 RETIRED MEMBERS, FOR A TOTAL OF 12,477 MEMBERS. [LB448]

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SENATOR KOLOWSKI: THANK YOU VERY MUCH. THOSE ARE IMPRESSIVE NUMBERS. WE SHOULD NOT HAVE THEM OUTSIDE OF THE SYSTEM. I KNOW THEY STARTED WAY BEFORE THE STATE SYSTEM WAS IN PLACE, 1919, I BELIEVE IT WAS, AS IT WAS DESCRIBED YESTERDAY. AND THEY HAD A DIFFERENT START BECAUSE IT WAS THE MAJOR CITY IN THE STATE OF NEBRASKA AT THAT TIME. I THINK, AS I SAID EARLIER, I WISH THIS WOULD HAVE HAPPENED 20 OR 30 YEARS AGO. WE WOULD HAVE HAD AN EXCELLENT BUILDUP OVER TIME, EXCELLENT MANAGEMENT OF THE SYSTEM, BREAKING DOWN AND A COMPROMISING ON THE BENEFITS OF BOTH SYSTEMS TO ALL PARTIES CONSIDERED AND WE'D BE IN A DIFFERENT SITUATION TODAY AND STRONGER BECAUSE OF THE NUMBERS INVOLVED, AS YOU'VE HEARD THEM READ TODAY. I HOPE THOSE NUMBERS MEAN SOMETHING TO YOU BECAUSE THAT'S A HUGE MISSING PART IN OUR MAJOR METROPOLITAN AREA OF PEOPLE THAT DON'T BELONG TO THE STATE SYSTEM. BUT THIS BRINGS THEM INTO ALIGNMENT WITH THAT WITH THE ADJUSTMENT OF BENEFITS AND FOR THE LONG RUN AS SENATOR NORDQUIST HAS DESCRIBED, TAKING US TO THE SAME PLACE WITH MORE STRENGTH AND MORE VITALITY THAN EVER BEFORE. THANK YOU VERY MUCH. [LB448]

SENATOR SCHEER: THANK YOU, SENATORS NORDQUIST AND KOLOWSKI. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB448]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I'VE BEEN LISTENING CLOSELY TO ALL OF THE DISCUSSION AND I STILL HAVE A FEW QUESTIONS. SENATOR KOLTERMAN, WOULD YOU YIELD TO A QUESTION, PLEASE? [LB448]

SENATOR SCHEER: SENATOR KOLTERMAN, WILL YOU YIELD? [LB448]

SENATOR KOLTERMAN: YES, I WILL. [LB448]

SENATOR BRASCH: I NOTICED, AND YOU HAD TALKED ON THE FLOOR ONCE, THAT YOU WERE PRESENT AND NOT VOTING. AND I HAVE NOT PULLED UP THE TRANSCRIPT, BUT I SEE THERE AREN'T ANY PROPONENTS. THERE WEREN'T ANY OPPONENTS. BUT NEUTRAL WAS THE NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS; NEUTRAL, OMAHA PUBLIC SCHOOLS; NEUTRAL, NEBRASKA PUBLIC EMPLOYEE RETIREMENT SYSTEMS. CAN YOU GIVE ME A SUMMARY OF WHAT THEIR CONCERNS WERE, WHY THEY WERE NEUTRAL? OR WERE THERE NO CONCERNS? WHAT WERE YOUR FEELINGS AFTER THEIR TESTIMONY? [LB448]

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SENATOR KOLTERMAN: WELL, WHEN THE BILL FIRST CAME, IT WAS LB448. AND WE HEARD ALL THE TESTIMONY. THERE WAS NO NEGATIVE SUPPORT FOR THE BILL AS YOU'RE HEARING. MOST OF IT WAS NEUTRAL AS I REMEMBER. THE THING THAT INTRIGUED ME ABOUT THIS WAS IT WASN'T READY FOR PRIME TIME. AND SO IT'S BEEN...AT THE TIME, THEY WERE STILL NEGOTIATING. SO THE BILL CAME BACK AND IT HAD BEEN CHANGED DRAMATICALLY BECAUSE A LOT OF THE NEGOTIATION HAD TAKEN PLACE. SO WHEN IT CAME TIME TO VOTE IT OUT OF COMMITTEE, I ASKED THAT WE CONTINUE TO KEEP IT IN COMMITTEE, TAKE OUR TIME TO ADDRESS THIS SPECIFIC ISSUE. AND I SAID AT THAT TIME I HAD CONCERNS ABOUT THE STATE TAKING ON ANY KIND OF A LIABILITY WHATSOEVER. AND I THOUGHT PERHAPS WE OUGHT TO BE TALKING ABOUT THIS IN COMMITTEE AND NEGOTIATING THIS ASPECT. AND HERE'S MY RATIONALE BEHIND THAT. OMAHA PUBLIC SCHOOLS HAS ADMINISTERED THIS PLAN SINCE 1909. AND THEY'VE DONE A TERRIFIC JOB OF MANAGING IT, REALLY. UNTIL 2008, IS WHEN THE TURNAROUND REALLY HAPPENED. BUT AT THE SAME TIME, THEY'VE DONE A GOOD JOB OF MANAGING IT. AND I DIDN'T SEE A RUSH TO GET THIS THING ON THE FLOOR. AND FOR THAT REASON, I REALLY DIDN'T THINK WE OUGHT TO BRING IT OUT OF COMMITTEE. I LIKE THE CONCEPT AND I'VE SAID THAT FROM DAY ONE. I LIKE THE IDEA THAT WE COULD MERGE THESE TWO PLANS TOGETHER. AND AGAIN, SENATOR NORDQUIST HAS DONE A WONDERFUL JOB OF MANAGING THE STATE PLAN AS WELL AS NEGOTIATING ON THIS. SO TO MERGE THEM TOGETHER JUST MAKES SENSE. BUT HOW WE GO ABOUT THAT, I JUST DON'T LIKE THE IDEA THAT THERE'S ANY POTENTIAL LIABILITY ON THE PART OF THE STATE OF NEBRASKA, BECAUSE THEY DO HAVE A RICHER PLAN THAN WE DO. AND SO THAT'S WHY I, RATHER THAN TRY AND KILL IT AND NOT BRING IT TO THE FLOOR, I VOTED NOT...I JUST DIDN'T VOTE, A NICE WAY OF SAYING NO. AND SO THAT'S WHERE I STOOD ON IT AND I LET THEM KNOW THAT I WAS GOING TO TALK ABOUT IT ON THE FLOOR. I THINK IT NEEDED A DISCUSSION. I THOUGHT WE HAD A GOOD DISCUSSION YESTERDAY. I STILL THINK WE NEED TO DISCUSS IT. AND I'VE GOT AN AMENDMENT COMING FORWARD THAT WOULD TAKE THE LIABILITY AWAY FROM THE STATE AND GIVE IT ALL TO OMAHA PUBLIC SCHOOLS. AND I'LL TALK ABOUT THAT AGAIN WHEN MY AMENDMENT COMES UP. BUT DOES THAT ANSWER YOUR QUESTION, SENATOR BRASCH? [LB448]

SENATOR BRASCH: THAT DOES. [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

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SENATOR BRASCH: SEEING THERE WERE NEUTRAL TESTIFIERS ONLY ON THIS, THAT WAS A CONCERN. I WOULD LIKE TO KNOW IF SENATOR GROENE WOULD YIELD TO A QUESTION, PLEASE. [LB448]

SENATOR GROENE: YES, I WILL. [LB448]

SENATOR BRASCH: DID IT CONCERN YOU THAT THERE WEREN'T ANY PROPONENTS AND ONLY NEUTRAL, OR WHAT WERE YOUR THOUGHTS? [LB448]

SENATOR GROENE: WELL, MY FIRST THOUGHT WAS IF THE OSERS PEOPLE WEREN'T THERE FOR IT, IT WAS PROBABLY A GOOD THING BECAUSE THEY PROBABLY...SENATOR NORDQUIST PROBABLY FORCED SOME THINGS ON THEM THEY DIDN'T WANT, BUT THEIR FINANCIAL SITUATION WAS THAT MAYBE THEY HAD TO BITE THEIR TONGUE AND ACCEPT IT. I DON'T KNOW IF THAT'S ACCURATE, BUT I THINK THAT'S WHAT HAPPENED. AND THEY DIDN'T OPPOSE IT EITHER. AND THE OTHER INTERESTED...THEY'RE ABOUT THE ONLY INTERESTED PARTY THAT WOULD BE PROPONENTS, I WOULD THINK. THE TAXPAYERS OF OMAHA... [LB448]

SENATOR SCHEER: TIME, SENATORS. [LB448]

SENATOR GROENE: ...PROBABLY ARE PROPONENTS. [LB448]

SENATOR SCHEER: THANK YOU, SENATORS GROENE, KOLTERMAN, AND BRASCH. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB448]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. WOULD SENATOR NORDQUIST YIELD TO A QUESTION, PLEASE? [LB448]

SENATOR NORDQUIST: YEP. [LB448]

SENATOR SCHNOOR: THANK YOU. SENATOR NORDQUIST, JUST FOR...I AM NOT AN EXPERT IN THIS WHOLE RETIREMENT SYSTEM. IN ALL THE OTHER SCHOOLS, YOU KNOW, THEY FALL IN THE STATE SYSTEM, AS YOU'RE TRYING TO GET ACCOMPLISHED HERE. BUT I GUESS ONE QUESTION, WHEN WE TALK ABOUT THE CLASS V SCHOOLS, ARE ALL THE SCHOOLS WITHIN THE LEARNING COMMUNITY, DO THEY ALL FALL WITHIN THAT CLASS V CATEGORY? [LB448]

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SENATOR NORDQUIST: NO, ONLY OMAHA IS CLASS V. THEY'RE THE ONLY ONE IN THE STATE. [LB448]

SENATOR SCHNOOR: ONLY OPS? [LB448]

SENATOR NORDQUIST: THEY'RE THE ONLY ONE IN THE STATE, YEP. [LB448]

SENATOR SCHNOOR: OKAY. SO WHO THEN IS RESPONSIBLE FOR MANAGING THAT ONE PARTICULAR RETIREMENT SYSTEM, BECAUSE I GUESS I'M UNDERSTANDING THERE IS A SEPARATE RETIREMENT SYSTEM JUST FOR OPS THEN. IS THAT CORRECT? [LB448]

SENATOR NORDQUIST: THAT'S CORRECT, YES. [LB448]

SENATOR SCHNOOR: AND WHO IS RESPONSIBLE FOR MANAGING THAT? [LB448]

SENATOR NORDQUIST: IT'S UNDER THE MANAGEMENT...ITS STATUTE IS KIND OF A LITTLE BIT ALL OVER THE PLACE. AND THAT'S ONE OF THE THINGS WE'RE TRYING TO RECTIFY. IT'S ESSENTIALLY THE OPS SCHOOL BOARD, AND THEN THEY HAVE A SEPARATE BOARD OF TRUSTEES. BUT THE STATE IS CONTRIBUTING MILLIONS OF DOLLARS A YEAR TO THAT PLAN THROUGH A COUPLE OF DIFFERENT FUNDING STREAMS. [LB448]

SENATOR SCHNOOR: OKAY. AND THEN NOW I'M ALSO UNDERSTANDING THAT THERE IS A SHORTFALL IN THE FUNDING PROCESS. AM I READING THAT ALL CORRECTLY OR UNDERSTANDING IT CORRECTLY? [LB448]

SENATOR NORDQUIST: THERE'S...WE ARE MEETING THE ANNUAL ACTUARIALLY REQUIRED CONTRIBUTION, OR ARC, BOTH IN THE STATE AND THE OMAHA PLAN. THE STATE PLAN IS 83 PERCENT FUNDED. THE OMAHA PLAN IS 74 PERCENT FUNDED. THE KIND OF BENCHMARK FOR A HEALTHY PLAN IS ABOUT 80 PERCENT FUNDED. THE OMAHA PLAN HAS A LITTLE BIT MORE ISSUES, AND PART OF THAT DATES BACK TO THEIR INVESTMENT DECISIONS. AND THAT'S WHY WE ARE CHOOSING TO GO A DIFFERENT DIRECTION WITH THEIR INVESTMENT MANAGEMENT. [LB448]

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SENATOR SCHNOOR: OKAY. AND THEN IF I ALSO UNDERSTOOD YOU CORRECTLY, PRESENTLY THE CLASS V PLAN HAS HIGHER BENEFITS THAN THE STATE PLAN. IS THAT CORRECT? [LB448]

SENATOR NORDQUIST: THAT IS CORRECT. AND ONE OF THOSE BENEFITS WE ARE PAYING FOR. AND I'M TRYING TO, IN THIS BILL, REDUCE THOSE BENEFITS SO THEY ARE IN ALIGNMENT WITH THE STATE PLAN. [LB448]

SENATOR SCHNOOR: OKAY. IS THERE A WAY OR IS IT POSSIBLE TO, I GUESS, TO OFFSET THE--IF I'M UNDERSTANDING THIS CORRECTLY--TO OFFSET THE LOSSES OR TO MAKE UP THOSE LOSSES OR THAT SHORTFALL? IS THERE A WAY THAT OPS CAN JUST DO A LEVY OVERRIDE AND BASICALLY FOR PAY FOR IT THEMSELVES? [LB448]

SENATOR NORDQUIST: WELL, THEY ARE ALREADY PAYING FOR IT IF THEY HAVE AN ARC THAT EXCEEDS WHAT WE SET IN STATUTE. RIGHT NOW, THE EMPLOYER CONTRIBUTES 9.78 PERCENT...THE EMPLOYEE, I'M SORRY, 9.78 PERCENT; THE DISTRICT, ALL DISTRICTS CONTRIBUTE 9.88 PERCENT TO THE...EITHER...IF THEY'RE EITHER OMAHA OR IF THEY'RE IN THE STATE PLAN; AND THEN THE STATE CONTRIBUTES 2 PERCENT OF PAY TO THESE PLANS. IF, IN OMAHA, IF THERE'S A SHORTFALL ON AN ANNUAL BASIS THAT EXCEEDS THOSE CONTRIBUTIONS GOING INTO THE PLAN, THEN OMAHA WOULD HAVE TO USE PROPERTY TAX DOLLARS. AND RIGHT NOW, THEY DON'T HAVE ANY ABILITY TO GO BEYOND THEIR PROPERTY TAX AUTHORITY, SO IT WOULD HAVE TO COME OUT OF THEIR GENERAL OPERATIONS TO PAY FOR THAT SHORTFALL. [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR SCHNOOR: OKAY. THEN WHY DO THEY NOT HAVE THE ABILITY TO PAY FOR IT THEMSELVES? [LB448]

SENATOR NORDQUIST: I DON'T THINK ANYONE IS ARGUING THAT THEY WOULDN'T NECESSARILY HAVE THE ABILITY TO PAY FOR IT THEMSELVES. SENATOR SCHEER POINTED OUT, AND I BELIEVE SENATOR KOLTERMAN'S AMENDMENT, IT DOES HAVE AN IMPACT ON TEEOSA. SO IT DOES IN SOME WAYS COME BACK TO THE STATE ANYWAY WHEN THEY HAVE TO DIP INTO THEIR GENERAL OPERATION FUNDS TO PAY FOR THAT. BUT THIS IS A...YOU KNOW, WE'RE MAKING AN EQUITY ARGUMENT HERE WHEN OTHER SENATORS STAND ON THE FLOOR AND STAND FOR THEIR DISTRICTS. IT'S ESSENTIALLY WHAT

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WE'RE DOING HERE TO SAY EVERY DISTRICT IN THE STATE SHOULD HAVE PROTECTION SO THEY DON'T HAVE TO SPEND PROPERTY TAX DOLLARS ON THIS. [LB448]

SENATOR SCHNOOR: WELL, I DO BELIEVE IN EQUITY, BUT THEY ALREADY HAVE A PLAN THAT HAS HIGHER BENEFITS. AND IT SOUNDS LIKE IT COMES WITH A HIGHER COST. SO THEN THAT HIGHER COST SHOULD BE...THAT BURDEN... [LB448]

SENATOR SCHEER: TIME, SENATORS. THANK YOU, SENATOR SCHNOOR AND SENATOR NORDQUIST. (VISITORS INTRODUCED.) CONTINUING WITH DEBATE: SENATORS KOLTERMAN, McCOY, NORDQUIST, GROENE, AND OTHERS. SENATOR KOLTERMAN. [LB448]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. SENATOR SCHNOOR, IN REGARDS TO YOUR QUESTION, SUPERINTENDENT OF SCHOOLS IS ON THE COMMITTEE THAT MANAGES THE MONEY. IT'S A BOARD OF TRUSTEES OF TEN PEOPLE: SUPERINTENDENT OF SCHOOLS, THREE BOARD OF EDUCATION MEMBERS, TWO CERTIFIED EMPLOYEES, ONE CLASSIFIED EMPLOYEE, ONE RETIREE, AND TWO BUSINESS COMMUNITY MEMBERS. SO THEY'RE THE ONES THAT ARE RESPONSIBLE FOR MANAGING THE MONEY. AND THEY'VE DONE A GOOD JOB. THEY'VE DONE A TERRIFIC JOB, THE BENEFIT ADMINISTRATORS. IN FACT, IF YOU LOOK AT THE TEN-YEAR HISTORY, OVER THE LAST TEN YEARS, THEIR PORTFOLIO RETURNS HAVE BEEN 8.3 PERCENT. NOW THIS IS AS OF JUNE 3, 2014. AND THE STATE'S WERE 7.5 PERCENT. THEIR FIVE-YEAR WAS 12.6 PERCENT, AND THE STATE'S WAS 13.6 PERCENT. AND THE THREE-YEAR WAS 9.6 PERCENT, AND THE STATE'S WAS 10.3 PERCENT. SO THEY'RE FAIRLY CLOSE IN THEIR MANAGEMENT. AND THEY'VE HAD RICHER BENEFITS. BUT THEY MADE A CHANGE IN 2008 THAT'S AFFECTED THEM TO A CERTAIN EXTENT. BUT AGAIN, IF WE CAN TAKE IT OVER, ONE THING THAT WOULD HAPPEN IS THE STATE OF NEBRASKA, BECAUSE OF THE SIZE OF OUR PLAN, WE CAN CONTROL COSTS A LITTLE BETTER BECAUSE THE INVESTMENT COSTS WILL GO DOWN SOME. THE COST TO ADMINISTER AND INVEST THE MONEY WILL GO DOWN SOME BECAUSE WE JUST DO A BETTER...WE'VE GOT A LOT MORE MONEY TO WORK WITH AND WE DO A BETTER JOB OF MANAGING THE MONEY LONG TERM, I THINK, THAN...BUT THEY'VE BEEN VERY CLOSE. SO AGAIN, MY QUESTION HAS BEEN, WHY DO WE NEED TO DO THIS? THE OTHER THING IS WE TALK ABOUT LONG-TERM CHANGE. AND SENATOR NORDQUIST AND THE COMMITTEE BEFORE HIM, RETIREMENT COMMITTEE, HAS PUT A LOT OF THINGS INTO PLACE AND THEY'VE BROUGHT THESE THINGS CLOSER TO BEING IN LINE. AND I RESPECT HIM FOR THAT BECAUSE OUR GOAL IS TO GET THESE MERGED. BUT IF WE'RE GOING TO

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DO THAT, I THINK WE NEED TO HAVE LONGTIME DISCUSSION ABOUT IT. I DON'T THINK IT'S SOMETHING THAT COMES TO US AND THEN WE BRING IT TO COMMITTEE WITH THESE CHANGES AND WE DON'T TALK THROUGH ALL THESE INTRICATE THINGS IN THE MANNER THAT WE PROBABLY SHOULD TALK THROUGH THEM. AGAIN, THAT'S NOT A CRITICISM. THAT'S JUST A PERSONAL BELIEF THAT I HAVE, BECAUSE WE'RE TALKING ABOUT MILLIONS OF DOLLARS THERE. AND IT CAN IMPACT US SIGNIFICANTLY AS A STATE. IN FAIRNESS TO SENATOR NORDQUIST AND THE COMMITTEE BEFORE ME, BEFORE I WAS ON THERE, THEY MADE SOME CHANGES IN 2013, THE BODY DID. AND IT REALLY IMPROVED THE SYSTEM SO THAT THE STATE TEACHER RETIREMENT SYSTEM COULD POSSIBLY BE, IF WE GET SOME HELP WITH...IF THE INVESTMENTS CONTINUE TO PAN OUT, COULD POSSIBLY BE 100 PERCENT FUNDED BY THE YEAR 2020. NOW THAT'S PRETTY OPTIMISTIC, BUT THAT'S A POSSIBILITY SIMPLY BECAUSE OF THE CHANGES THAT SENATOR NORDQUIST AND THE ONES THAT WERE HERE BEFORE HAD MADE PRIOR TO THE NEW COMMITTEE. THEY'VE DONE A GREAT JOB WITH THIS AND I SERIOUSLY COMPLIMENT THEM ON THAT. BUT AGAIN, I WANT TO EMPHASIZE MY WHOLE CONCERN IS NOT NECESSARILY TO DERAIL THIS BILL. MY CONCERN IS TO MAKE SURE THAT THE STATE... [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR KOLTERMAN: ...OF NEBRASKA IS NOT RESPONSIBLE FOR PAYING THE BILL FOR PAST THINGS THAT HAVE HAPPENED WITH OMAHA PUBLIC SCHOOLS, BECAUSE THEY HAVE HAD RICHER BENEFITS. AND I COULD GO THROUGH THOSE BENEFITS LINE BY LINE. AND IF WE NEED THE TIME, I MIGHT DO THAT. BUT I JUST THINK IT'S IMPORTANT THAT WE NOT TAKE ON ANY FINANCIAL LIABILITY AND CONTINUE TO WORK TOWARDS THE MERGER OF THESE BILLS. THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR KOLTERMAN. SENATOR McCOY, YOU'RE RECOGNIZED. [LB448]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. WOULD SENATOR NORDQUIST YIELD, PLEASE? [LB448]

SENATOR SCHEER: SENATOR NORDQUIST, WOULD YOU YIELD? [LB448]

SENATOR NORDQUIST: YES. [LB448]

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SENATOR McCOY: THANK YOU, SENATOR. I WANTED TO CONTINUE WITH WHERE WE WERE IN OUR DISCUSSION, I THINK, BEFORE WE...A SHORT TIME AGO ON THE RETIREMENT SYSTEMS COMMITTEE AND THE APPROPRIATIONS COMMITTEE. IT WOULD SEEM TO ME THAT YOU WOULD WANT TO HAVE THE RETIREMENT SYSTEMS COMMITTEE, IF YOU WERE TO PROCEED WITH THIS AS YOU HAVE YOUR AMENDMENT PUT IN PLACE, YOU'D WANT TO HAVE THAT...THAT WE'D WANT TO HAVE THEM INCLUDED AS PART OF THIS PROCESS, EITHER IN A JOINT HEARING OR IN A PARALLEL HEARING, ON AN ISSUE OF THIS MAGNITUDE. IS THAT...DO YOU THINK THERE'S ANY VALUE TO THAT OR...? [LB448]

SENATOR NORDQUIST: NO. THE APPROPRIATIONS COMMITTEE APPROPRIATES FUNDING; THE RETIREMENT COMMITTEE DOES NOT. AND THIS IS SOLELY A DECISION ABOUT APPROPRIATING FUNDING. [LB448]

SENATOR McCOY: WELL, THAT'S TRUE, EXCEPT IN THE FACT THAT YOU'RE GOING DOWN A DIRECTION, ARE WE NOT, AS I THINK YOU'VE FREELY TALKED ABOUT, THAT WE'VE NEVER BEEN DOWN BEFORE IN THE STATE, AS WE'RE TYING THE CLASS V OPS SYSTEM TOGETHER WITH THAT OF THE STATE, CORRECT? [LB448]

SENATOR NORDQUIST: SENATOR McCOY, WE'VE BEEN DOWN THIS ROAD TIME AND TIME AGAIN. WHEN WE HAVE A HEARING ON FUNDING FOR RETIREMENT SYSTEMS FUNDING, THAT COMES BEFORE THE APPROPRIATIONS COMMITTEE. MY FIRST TWO YEARS WHEN WE MADE APPROPRIATIONS TO THE STATE PLAN, WE HAD DISCUSSIONS ABOUT THE OMAHA PLAN. THOSE HAVE COME BEFORE THE APPROPRIATIONS COMMITTEE AND WE HAVE HAD HEARINGS ON THOSE BEFORE. SO CERTAINLY WITH THE COMMITTEE AMENDMENT, SETTING UP THE HEARING STRUCTURE, THIS IS NOT ANYTHING BEYOND WHAT WE CAN DO RIGHT NOW. AND THAT'S WHY, YOU KNOW, IT'S A LITTLE FRUSTRATING WHEN I HEAR SENATOR KOLTERMAN'S COMMENTS. NOTHING CHANGES, ESPECIALLY WITH AM1704. NOTHING CHANGES IN OUR ABILITY TO MAKE THAT FUNDING. IT SIMPLY JUST SAYS IN STATUTE THAT WE'LL HOLD A HEARING. [LB448]

SENATOR McCOY: AND IT WAS A...IT'S WATER UNDER THE BRIDGE OBVIOUSLY BECAUSE IT'S A PIECE OF LEGISLATION THAT WAS VETOED BY A PREVIOUS GOVERNOR AND THEN OVERRIDDEN BY A PREVIOUS LEGISLATURE. BUT DO YOU RECALL--I THINK I DO, I JUST WANT TO MAKE SURE MY RECOLLECTION OF THE LEGISLATION THAT YOU REFERENCED EARLIER THAT MADE A STATE CONTRIBUTION TO THE OPS SYSTEM IN A PREVIOUS SESSION--DO YOU RECALL WHAT THE RATIONALE WAS OF WHY THAT RECEIVED A VETO, SENATOR? [LB448]

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SENATOR NORDQUIST: I KNOW THAT THE GOVERNOR'S OFFICE WORKED VERY HARD TO KICK THE CAN DOWN THE ROAD AND NOT MAKE A TOUGH DECISION AND PUT MONEY ASIDE IN THE BUDGET TO ADDRESS OUR PENSION PLANS THAT YEAR. SO I THINK IT WAS JUST A MATTER THAT THE PREVIOUS ADMINISTRATION DIDN'T WANT TO SOLVE THE PROBLEM THAT WAS BEFORE US AT THAT TIME. THEY PREFERRED TO, AS I SAID, KICK THE CAN DOWN THE ROAD AND WE AS THE LEGISLATURE SAID, NO, WE ARE GOING TO TAKE CARE OF THIS OBLIGATION RIGHT NOW. [LB448]

SENATOR McCOY: WELL, THANK YOU, SENATOR. MY RECOLLECTION IS A LITTLE DIFFERENT THAN THAT, OF THE RATIONALE. BUT THAT'S OKAY. THAT'S WHY WE...THAT'S WHY IT'S MY RECOLLECTION AND YOUR RECOLLECTION. MY RECOLLECTION WAS THAT FORMER GOVERNOR HEINEMAN, ONE OF HIS CHIEF CONCERNS AND THAT OF HIS OFFICE ON THAT LEGISLATION WAS THAT IT...BASICALLY IT WAS THE RESPONSIBILITY OF OMAHA PUBLIC SCHOOLS AND SOME INVESTMENT DECISIONS THAT THEY HAD MADE SINCE 2008, IT WAS THEIR RESPONSIBILITY TO TAKE CARE OF THAT SYSTEM AND NOT ASK THE STATE TO MAKE THAT... [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR McCOY: ...THANK YOU, MR. PRESIDENT...TO MAKE THAT APPROPRIATION. AND THERE WERE SOME ANCILLARY REASONS, AS WELL, BUT THAT WAS THE CHIEF ONE. THAT REMAINS MY CONCERN WITH THIS LEGISLATION, IS THAT WE ARE GOING TO, EVEN WITH YOUR AMENDMENT THAT WE HAVE HERE, BECAUSE I REMAIN SKEPTICAL, I THINK AS SENATOR KOLTERMAN IS AND I THINK AS SEVERAL OTHER SENATORS HAVE TALKED ABOUT THIS, THAT EVEN WITH SUCH A HEARING, THAT REALLY WHETHER THAT'S GOING TO BE MUCH DIFFERENT THAN THE LANGUAGE THAT YOU'RE STRIKING, WHERE "STATE SHALL TRANSFER." I WOULD ARGUE THAT, IS IT A RUBBER-STAMP HEARING THAT THE SAME ACTION IS GOING TO END UP TAKING PLACE THAT YOU HAD PRIOR TO AM1704? I DON'T REALLY SEE THE ADVANTAGE OF WHAT YOU'RE PROPOSING, WHICH IS WHY, IF YOU'RE NOT GOING TO INVOLVE THE RETIREMENT SYSTEMS COMMITTEE ON SOMETHING OF THIS MAGNITUDE... [LB448]

SENATOR SCHEER: TIME, SENATORS. [LB448]

SENATOR McCOY: THANK YOU. [LB448]

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SENATOR SCHEER: THANK YOU, SENATORS NORDQUIST AND McCOY. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB448]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. YOU KNOW, YEAH, I COMPLETELY DISAGREE WITH SENATOR McCOY BECAUSE GOVERNOR HEINEMAN'S STAFF WAS IN MY OFFICE WORKING VEHEMENTLY AGAINST THAT, WANTING TO DO A TWO-YEAR, SHORT-TERM SOLUTION TO OUR PENSION PLAN. AND WE SAID, NO. AND THE GOVERNOR SAID, OH, BUT PART OF THIS TAKES CARE OF OMAHA; WE DON'T WANT TO DO THAT. AND YOU KNOW WHAT HAPPENED? THIRTY MEMBERS OF THIS BODY SAID, YEAH, IT DOES PARTLY TAKE CARE OF OMAHA, SAY IT TREATS IT THE SAME AS THE STATE. AND YOU KNOW WHAT? THERE AREN'T 30 MEMBERS IN THIS BODY FROM OPS. THERE WERE 30 MEMBERS WHO STOOD UP. ACTUALLY, I THINK THERE MIGHT HAVE BEEN A COUPLE OF OPS PEOPLE WHO ACTUALLY VOTED AGAINST IT. BUT PEOPLE WHO STOOD UP, 30 MEMBERS, AND SAID THIS IS A PROBLEM. WE'RE GOING TO TAKE A STATEWIDE SOLUTION TO THIS PROBLEM. WE'RE NOT GOING TO PICK WINNERS AND LOSERS. WE ARE ACTUALLY GOING TO ADDRESS THE ISSUE. SENATOR BRASCH ASKED SENATOR GROENE WHY...IF HE WAS CONCERNED ABOUT NOT HAVING ANY PROPONENTS. AND SENATOR GROENE HIT THE NAIL ON THE HEAD. YEAH, PEOPLE AREN'T GOING TO COME IN AND ADVOCATE FOR A BILL THAT REDUCES THEIR BENEFITS. THAT'S WHAT WE'RE DOING IN LB448, IS WE'RE REDUCING BENEFITS FOR TEACHERS. THEY'RE NOT GOING TO COME IN AS PROPONENTS ON THAT. I WAS STANDING ALONE ON THIS TAKING ON THE OMAHA EDUCATION ASSOCIATION TO REDUCE THEIR BENEFITS. AND IF WE DON'T WANT TO PASS THIS BILL, I'LL PROBABLY GET A PAT ON THE BACK BY SOME OF THEM. THAT'S WHAT WE'RE TRYING TO DO HERE. AND SENATOR SCHNOOR POINTED OUT THEIR RICHER BENEFITS. YES, SENATOR SCHNOOR, THEY HAVE RICHER BENEFITS, PART OF WHICH THE STATE PAYS FOR. AND THAT'S WHY WE'RE TRYING TO CHANGE THAT. BUT IF THE LEGISLATURE CHOOSES NOT TO MOVE FORWARD WITH IT, I CERTAINLY UNDERSTAND. WOULD SENATOR PANSING BROOKS YIELD TO A QUESTION? IT WILL BE A NICE QUESTION. [LB448]

SENATOR SCHEER: SENATOR PANSING BROOKS, WOULD YOU YIELD? [LB448]

SENATOR PANSING BROOKS: I AM HAPPY TO. [LB448]

SENATOR NORDQUIST: SENATOR PANSING BROOKS, DID YOU HAVE A BILL...A HEARING BEFORE THE APPROPRIATIONS COMMITTEE ON A BILL THIS YEAR? [LB448]

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SENATOR PANSING BROOKS: I DID. [LB448]

SENATOR NORDQUIST: AND WHAT WAS THAT ON? [LB448]

SENATOR PANSING BROOKS: IT WAS ON THE EMERALD ASH BORER. THANKS FOR ASKING. [LB448]

SENATOR NORDQUIST: YES. AND DID WE JUST RUBBER-STAMP THAT? [LB448]

SENATOR PANSING BROOKS: OH, YEAH. IT JUST PASSED WHOLEHEARTEDLY. [LB448]

SENATOR NORDQUIST: HOW MUCH MONEY DID WE PUT IN THE BUDGET FOR THAT? [LB448]

SENATOR PANSING BROOKS: IT'S ZERO DOLLARS AND IT AFFECTS THE ENTIRE STATE. [LB448]

SENATOR NORDQUIST: THANK YOU, SENATOR PANSING BROOKS. YES, THE APPROPRIATIONS COMMITTEE DOES NOT JUST HOLD HEARINGS AND RUBBER-STAMP SPENDING, OKAY? IT ACTUALLY WOULD BE A THOUGHTFUL PROCESS OF HOW IT FITS INTO OUR BUDGET. AND I COULD GO THROUGH...I PULLED UP THE LIST OF APPROPRIATIONS HERE. WE COULD SPEND A LITTLE TIME GOING THROUGH A FEW OTHER ONES ASKING THEM IF THEY GOT ANY FUNDING. WILL SENATOR KOLTERMAN YIELD TO A QUESTION TWO? [LB448]

SENATOR SCHEER: SENATOR KOLTERMAN, WILL YOU YIELD? [LB448]

SENATOR KOLTERMAN: YES. YES, I WILL. [LB448]

SENATOR NORDQUIST: SENATOR KOLTERMAN, WHAT WOULD HAPPEN IF WE DON'T PASS LB448 TO THE BENEFITS OF OMAHA SCHOOL EMPLOYEES? [LB448]

SENATOR KOLTERMAN: THEY WOULD STAY THE SAME, THE WAY I UNDERSTAND IT. [LB448]

SENATOR NORDQUIST: SO WOULD THOSE BE RICHER BENEFITS? [LB448]

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SENATOR KOLTERMAN: YES, THEY WILL. [LB448]

SENATOR NORDQUIST: THANK YOU, SENATOR KOLTERMAN. SENATOR KOLTERMAN, YOU MENTIONED THAT YOU'RE CONCERNED ABOUT IF WE PASS LB448, AND I DON'T KNOW IF THAT'S WITH OR WITHOUT THE AMENDMENT, BUT TAKING ON PAST LIABILITY. CAN YOU EXPLAIN HOW THAT WOULD WORK? [LB448]

SENATOR KOLTERMAN: WELL, I JUST DON'T WANT US TO HAVE TO FUND ANYTHING ABOVE 100 PERCENT. THEY'RE GOING TO TAKE ON THE LIABILITY TO 100 PERCENT. I UNDERSTAND THAT. I'M JUST TALKING ABOUT THE ARC. THAT'S THE ONLY CONCERN THAT I HAVE, THE ACTUARIALLY REQUIRED CONTRIBUTION THAT WE MIGHT HAVE TO MAKE AS A STATE. [LB448]

SENATOR NORDQUIST: SO TO CLARIFY, YOU'RE NOT TALKING ABOUT PAST LIABILITY? [LB448]

SENATOR KOLTERMAN: NO. I'M TALKING ABOUT THE ACTUARIALLY REQUIRED CONTRIBUTIONS THAT WE MIGHT HAVE TO MAKE. [LB448]

SENATOR NORDQUIST: RIGHT, OKAY. THANK YOU, SENATOR KOLTERMAN. SO JUST TO CLARIFY THAT POINT, BECAUSE I KNOW THE WORD "PAST" WAS THROWN OUT THERE A FEW TIMES, THIS IS ABOUT FUTURE LIABILITY. THE STATE IS TAKING OVER THE MANAGEMENT OF OMAHA'S MONEY. AND IF THE STATE DOESN'T PERFORM AND THE STATE PLAN SEES A DROP-OFF, THEN INITIALLY OMAHA WAS GOING TO BE TREATED THE SAME... [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR NORDQUIST: ...AND GOING TO GET A PROPORTIONATE AMOUNT. BUT WE'VE EVEN BACKED OFF THAT. WE'VE SAID, JUST HOLD A HEARING, JUST HEAR US OUT ON THIS ISSUE AND WE WILL GIVE UP THE INVESTMENT MANAGEMENT. WE WILL GIVE UP BENEFITS THAT YOU AS THE STATE ARE FUNDING. WE'RE SAVING THE STATE MONEY IN THAT REGARD. BUT IF FOLKS IN THIS BODY DON'T WANT TO MOVE FORWARD WITH LB448, THAT'S FINE. MAYBE SOMEONE SHOULD JUST THROW UP A BRACKET MOTION AND IF IT GETS 25 VOTES, WE'LL JUST MOVE FORWARD. YOU KNOW, AT THE END OF THE DAY, I'M TRYING TO BRING THIS PLAN INTO ALIGNMENT WITH THE STATE PLAN, TRYING TO REDUCE THE

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BENEFITS SO IT'S MORE SUSTAINABLE. BUT IF THE LEGISLATURE CHOOSES NOT DO THAT THEN WE CAN CERTAINLY MOVE FORWARD WITHOUT MOVING FORWARD WITH LB448. THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATORS KOLTERMAN, PANSING BROOKS, AND NORDQUIST. SENATOR GROENE, YOU'RE RECOGNIZED. [LB448]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. YOU KNOW...WELL, I DON'T KNOW WHAT WE KNOW, BUT WE SURE DEBATE WHAT WE DON'T KNOW. I WOULD PREFER TO SEE GREAT CHANGE OVER TO DEFINED CONTRIBUTIONS. WE ALL KNOW DEFINED BENEFITS IS A PRIVILEGED CLASS OF INDIVIDUALS WHO RECEIVE THAT. IT'S BASICALLY EXTINCT IN THE FREE ENTERPRISE SYSTEM. THANK GOD OUR PREDECESSORS DID NOT PUT EVERYBODY ON IT. STATE EMPLOYEES, COUNTY EMPLOYEES, LIKE ILLINOIS AND THOSE STATES THAT ARE IN BIG TROUBLE. AND DO I RESENT A LITTLE BIT THAT WE HAVE THIS PRIVILEGED CLASS OF INDIVIDUALS THAT THE REST OF US ARE GOING TO HAVE TO BAIL OUT WHEN WE RISK OUR INVESTMENTS INVESTING WITH SENATOR LINDSTROM OR SENATOR KOLTERMAN IF WE DO THAT, AND THAT MOST OF OUR FELLOW GOVERNMENT...OF THE GOVERNMENT EMPLOYEES AROUND HERE HAVE DEFINED CONTRIBUTIONS WITH A LITTLE BIT OF PROTECTION? I WISH WE COULD SWITCH THIS OVER. I WOULD LIKE TO SEE US STUDY SOMETIME HOW MUCH IT WOULD COST US TO GRADUALLY DO IT, BECAUSE NOW IS THE TIME TO DO IT, WHEN THE BABY BOOMERS ARE RETIRING AND WE'RE GOING TO HAVE A BIG INFLUX OF NEW EMPLOYEES INTO THE SYSTEM, THESE SYSTEMS--STATE PATROL; JUDGES AND...WELL, BABY BOOMERS WILL NEVER BE A JUDGE BUT THEY'RE RETIRING; AND THE SCHOOLS--BECAUSE IT'S A DRAG ON OUR BUDGETS. IT'S A DRAG DOWN IN THE FUTURE, THERE'S GOING TO BE A TIME, UNLESS WE KEEP INCREASING THE CONTRIBUTIONS REQUIREMENTS TO 10 (PERCENT), 11 (PERCENT), 12 PERCENT--WE'RE AT DARN NEAR 10 (PERCENT) NOW--OR ELSE WE'RE GOING TO HAVE TO BAIL THEM OUT. DO I WANT TO BAIL OUT OMAHA WHEN THERE'S SOME STUBBORNNESS THERE TO NOT GET RID OF THE LEARNING COMMUNITY AND THERE'S STUBBORNNESS THERE THAT THEY WANT TO KEEP ALL THE TEEOSA MONEY? YES, THAT'S...BACK OF MY MIND. BUT I ALSO, AS A FISCAL CONSERVATIVE, SEE DOWN THE ROAD THAT THIS IS GOING TO HIT US IF IT'S NOT MANAGED BETTER AND IF WE DON'T DO SOMETHING TO REDUCE FUTURE BENEFITS. SO THAT'S WHY I SUPPORT IT BEGRUDGINGLY. I SUPPORT AM1704 AND LB448. AND I SAY BEGRUDGINGLY AND I MEAN IT. BUT IT'S THE RIGHT THING TO DO. AND SENATOR NORDQUIST HAS PUT A LOT OF WORK INTO IT, A LOT OF NEGOTIATIONS, I UNDERSTAND, WHERE WE WEREN'T INVOLVED, ESPECIALLY US ROOKIE MEMBERS OF THE COMMITTEE. I LOOKED AT

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IT, IF WE COULD GET RID OF THE MATCHING FUNDS OR BAIL THEM OUT TOO. BUT IN REALITY, LIKE SENATOR NORDQUIST SAID, WE ALREADY DID THAT ONCE WHEN WE WENT FROM 1 (PERCENT) TO 2 PERCENT AND THEY GET THAT SHARE OF IT, TOO, TOWARDS THEIR...ON THE ENTIRE AMOUNT, 2 PERCENT. AND I THINK IT'S BEEN DONE BEFORE IN A BACK-DOOR WAY WITH, I'M NOT SURE, I'D HAVE TO CLEAR THAT, THROUGH STATE AID TO EDUCATION WHERE WE GAVE EVERYBODY MORE TO HELP THE DISTRICTS MATCH THE INCREASES. SO IT WASN'T DONE DIRECTLY, BUT IT WAS DONE THROUGH STATE AID TO EDUCATION. WE CAN ALL LIE TO OURSELVES AND SAY THIS ISN'T GOING TO HAPPEN. AND WE CAN USE IT AS LEVERAGE WITH OPS ON...ESPECIALLY THE SENATORS FROM THAT AREA, THAT THEY NEED TO WORK WITH THE REST OF US ON TEEOSA. BUT WHO'S GOING TO GIVE FIRST? ARE WE, THE RURAL SENATORS? OR IS IT GOING TO BE OMAHA? BUT I'D RATHER BE IN A POSITION WHERE I DID THE RIGHT THING AND I DIDN'T USE IT FOR LEVERAGE, THAT WE DID THE RIGHT THING AND THEN... [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR GROENE: ...WE'LL PUT A GOOD EXAMPLE TO THEM THAT THE RIGHT IS TO DO, NOT TO BE SELFISH, NOT TO HOG ALL THE TEEOSA FUNDING, AND WORK WITH THE REST OF US TO DO WHAT'S RIGHT FOR THE ENTIRE STATE. FIXING THIS IS RIGHT FOR THE ENTIRE STATE BECAUSE IT IS GOING TO HAUNT US. I WANT THE INVESTMENT COUNCIL TO BE IN CHARGE OF THIS, THAT'S THE BIGGEST REASON I'M FOR IT, BECAUSE WE DON'T KNOW WHAT'S GOING TO HAPPEN IN OMAHA. IT HAPPENED ONCE WITH A SCHOOL BOARD CHANGE THAT WENT OFFTRACK. AND IF ANYBODY HAS HAD INVESTMENTS, YOU CAN DESTROY 20 YEARS OF GAINS BY ONE STUPID MISTAKE IN 1 YEAR. AND THAT COULD EASILY HAPPEN AGAIN. WE GOT MORE OVERSIGHT WITH NP...NEBRASKA PUBLIC EMPLOYEES RETIREMENT. IT'S SCARY LEAVING IT IN THE HANDS OF THOSE FOLKS IN OMAHA. SO THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR GROENE. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB448]

SENATOR McCOLLISTER: QUESTION. [LB448]

SENATOR SCHEER: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THERE HAS BEEN A REQUEST TO PLACE THE

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HOUSE UNDER THE CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. MR. CLERK. [LB448]

ASSISTANT CLERK: 23 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB448]

SENATOR SCHEER: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR MELLO, KRIST, COOK, GLOOR, HADLEY, SCHILZ, KUEHN, BOLZ, CAMPBELL, RIEPE, HUGHES, KINTNER, CHAMBERS, SCHUMACHER, FRIESEN, GARRETT, HILKEMANN, PLEASE REPORT TO THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR CAMPBELL, SENATOR BOLZ, RIEPE, HUGHES, HILKEMANN, PLEASE REPORT TO THE FLOOR. THE HOUSE IS UNDER CALL. WE RETURN TO THE VOTE. THE VOTE IS TO END DEBATE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE AGAINST VOTE...WE'LL TAKE CALL-INS. [LB448]

ASSISTANT CLERK: SENATOR MELLO VOTING YES. SENATOR CAMPBELL VOTING YES. SENATOR CHAMBERS VOTING YES. SENATOR HADLEY VOTING YES. SENATOR SCHUMACHER VOTING YES. SENATOR COOK HAD VOTED YES, SENATOR. SENATOR GLOOR VOTING YES. SENATOR GARRETT VOTING YES. SENATOR BLOOMFIELD VOTING NO. SENATOR KRIST VOTING YES. [LB448]

SENATOR SCHEER: PLEASE RECORD. THE HOUSE WILL REMAIN UNDER CALL. [LB448]

ASSISTANT CLERK: 25 AYES, 10 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB448]

SENATOR SCHEER: SENATOR NORDQUIST, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB448]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. WITH THE AMENDMENT WE STRIKE WHAT I THOUGHT WAS THE MAIN ISSUE WITH THIS BILL YESTERDAY, WHICH WAS THE STATE ACTUALLY MAKING A PROPORTIONAL TRANSFER WHEN THERE IS A DEPOSIT INTO THE STATE PLAN, MAKING THAT TRANSFER TO THE OMAHA PLAN. WE STRIKE THAT AND SAY IF SUCH A DEPOSIT IS MADE INTO THE STATE PLAN, THERE SHALL BE A HEARING BEFORE THE

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APPROPRIATIONS COMMITTEE TO CONSIDER MAKING SUCH A TRANSFER TO THE OMAHA PLAN. IF THIS IS NOT ADOPTED, IT'S CLEAR THIS BILL WOULD NOT BE MOVING FORWARD, AND WE WILL JUST MOVE OVER IT. AND THEN THAT MEANS GIVING UP THE BENEFIT REDUCTIONS BECAUSE IT IS PART OF THE AGREEMENT THAT WE'VE WORKED ON. I'D APPRECIATE YOUR SUPPORT OF THIS AMENDMENT. [LB448]

SENATOR SCHEER: THE QUESTION IS, SHALL THE AMENDMENT TO LB448 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? MR. CLERK. [LB448]

ASSISTANT CLERK: 27 AYES, 10 NAYS ON THE ADOPTION OF SENATOR NORDQUIST'S AMENDMENT. [LB448]

SENATOR SCHEER: THE AMENDMENT IS ADOPTED. MR. CLERK. I RAISE THE CALL. [LB448]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT AMENDMENT OFFERED BY SENATOR KOLTERMAN, AM1705. (LEGISLATIVE JOURNAL PAGE 1725.) [LB448]

SENATOR SCHEER: SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB448]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. AFTER OUR DISCUSSION ON LB448 YESTERDAY, IT DID OCCUR TO ME THAT THERE'S A LARGE PORTION OF THE BODY THAT WAS WORRIED ABOUT THE STATE'S LIABILITY, WHICH WE'VE TALKED ABOUT. AS IT STANDS, LB448 STILL COULD PUT TAXPAYERS ACROSS THE STATE ON THE HOOK FOR LIABILITIES IN THE EVENT THAT WE NEED AN ACTUARIALLY REQUIRED CONTRIBUTION, WHETHER IT'S THROUGH APPROPRIATIONS THROUGH THE BILL WE JUST...AMENDMENT WE JUST PASSED. SO WHAT AM1705 DOES, IT TAKES THE LIABILITY OFF OF THE STATE AND IT PUTS IT BACK ON TO OMAHA PUBLIC SCHOOLS AND IT ALLOWS THEM TO RAISE THEIR LEVY UNDER A SPECIAL CIRCUMSTANCE WHEN AND IF AN ARC IS NEEDED. AS WE HEARD YESTERDAY FROM SENATOR NORDQUIST AND SENATOR MELLO, AN ARC CONTRIBUTION WOULD BE SOMETHING THAT'S RELATIVELY RARE, BUT IT COULD EXIST. SO THE PURPOSE ON LB448 IS TO TAKE A STEP FORWARD IN COMBINING THESE TWO PLANS. BUT WHAT MY AMENDMENT WOULD DO WOULD NOT MAKE THE STATE LIABLE. IT WOULD ALLOW OMAHA PUBLIC SCHOOLS, IN THE EVENT THAT THERE IS AN ARC, THEY COULD INCREASE THEIR

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LEVY LIMIT OVER...BY STATE STATUTE OVER THE LIMITS, OVER THE LEVY LIMITS. SO I WOULD APPRECIATE YOUR GREEN VOTE ON AM1705. THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR KOLTERMAN. SENATOR LARSON, YOU'RE RECOGNIZED. [LB448]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I WAS LISTENING TO THE DEBATE A LITTLE BIT AND I HEARD SENATOR NORDQUIST TALK ABOUT HOW THIS WOULD AFFECT TEEOSA IF WE DON'T DO IT, AND HOW OMAHA MIGHT HAVE TO COME UP WITH MORE MONEY OUT OF THEIR GENERAL FUNDS TO PAY TEACHER RETIREMENT. AND MAYBE I'M WRONG IN MY UNDERSTANDING ON THAT OR HOW I HEARD HIM STATE IT, BUT LET ME TELL YOU A LITTLE PLIGHT THAT FACES RURAL NEBRASKA OR UNEQUALIZED SCHOOL DISTRICTS, AND IN THE SENSE THAT OUR PROPERTY TAXES PAY FOR THE SCHOOL'S ENTIRE PORTION OF TEACHER RETIREMENT. AND HE TALKED ABOUT, WELL, WE'LL BE MORE RELIANT ON THE PROPERTY TAXPAYERS IF THIS DOESN'T GO. WELL, SENATOR NORDQUIST, WELCOME TO THE CONCEPT OF AN UNEQUALIZED SCHOOL DISTRICT, WHICH AFTER THIS YEAR WILL BE MY ENTIRE LEGISLATIVE DISTRICT, WILL BE UNEQUALIZED. AND I KIND OF WALKED THROUGH THE STEPS YESTERDAY IN THE SENSE OF WHAT WE DID TWO YEARS AGO ON HOW THAT FURTHER HURT RURAL NEBRASKA, RURAL SCHOOL DISTRICTS, SPECIFICALLY THOSE THAT ARE UNEQUALIZED. I'M NOT SURE EVERYONE WAS HERE FOR THAT, MY SPEECH. I KNOW NOT EVERYONE WAS HERE FOR...TWO YEARS AGO WHEN WE REDID THE TEACHER RETIREMENT SYSTEM OVER A GUBERNATORIAL VETO. BUT WHEN THE STATE DOUBLED THEIR PORTION FROM 1 (PERCENT) TO 2 PERCENT, ESSENTIALLY WE DOUBLED THE CONCEPT OF WHAT THE STATE OWES FROM ITS SALES AND INCOME TAX DOLLARS TO THE TEACHER RETIREMENT SYSTEM. AND THEN ALL THOSE UNEQUALIZED SCHOOL DISTRICTS THAT DON'T RECEIVE ANY EQUALIZATION AID BACK HAVE TO USE ALL THEIR PROPERTY TAXES TO PAY THEIR PORTION OF THE TEACHERS' RETIREMENT, AND THE SALES AND INCOME TAX DOLLARS PAY THE STATE'S PORTION. AND THEN THE SALES...THE OTHER SALES AND INCOME TAX DOLLARS GO INTO THE TEEOSA FORMULA, AND AN EQUALIZED SCHOOL DISTRICT CAN USE THAT EQUALIZATION AID TO PAY THEIR SCHOOL'S PORTION OF TEACHER RETIREMENT. SO ESSENTIALLY ALL OF MY SCHOOL DISTRICTS RELY COMPLETELY ON PROPERTY TAXES TO PAY FOR THE TEACHER RETIREMENT WHILE EVERY EQUALIZED SCHOOL DISTRICT DOES NOT. THEY CAN USE MONEY FROM THE STATE. AND WHO IS THE BIGGEST BENEFICIARY OF TEEOSA MONEY IN THE STATE OF NEBRASKA? THE SIMPLE ANSWER IS OMAHA. I UNDERSTAND THAT

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SENATOR NORDQUIST HONESTLY BELIEVES HE'S TRYING TO MAKE FIXES. BUT IN THE END, BECAUSE WHAT WE'VE ALREADY DONE WITH THE TEACHER RETIREMENT SYSTEM TWO YEARS AGO AND WHAT WE ARE NOW TRYING TO DO EVEN MORE SO, WE WILL CONTINUE TO PUT A HEAVIER BURDEN ON SCHOOL DISTRICTS LIKE O'NEILL, PENDER,... [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR LARSON: ...VALENTINE, ALLIANCE...WELL, I GUESS ALLIANCE MIGHT NOT BE UNEQUALIZED. I'D HAVE TO GO BACK AND CHECK. VALENTINE, AINSWORTH, OGALLALA, ALL THOSE SCHOOL DISTRICTS WILL GET HIT EVEN HARDER WITH LB448 IF SOMETHING WERE TO HAPPEN IN OMAHA, ESPECIALLY WITH THE CURRENT CALCULATIONS OF TEEOSA AND HOW THAT ALL WORKS OUT. IF WE DON'T...PUT IT THIS WAY, WE'RE COMING TO A POINT IN TIME WHERE WE DO HAVE A SIGNIFICANT AMOUNT OF MONEY IN THE CASH RESERVE. I UNDERSTAND THAT WE NEED TO KEEP THAT TO A CERTAIN LEVEL. BUT IF WE REALLY WANT TO SET UP THE NEXT GENERATION, OUR CHILDREN'S GENERATION, NOW IS THE TIME TO FUND... [LB448]

SENATOR SCHEER: TIME, SENATOR. [LB448]

SENATOR LARSON: THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR LARSON. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB448]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I'M WONDERING IF SENATOR NORDQUIST WOULD YIELD TO A QUESTION. [LB448]

SENATOR SCHEER: SENATOR NORDQUIST, WOULD YOU YIELD? [LB448]

SENATOR NORDQUIST: YES. [LB448]

SENATOR BRASCH: THANK YOU, SENATOR NORDQUIST. ARE ALL...YOU SAID NO ONE WOULD SHOW UP AS A PROPONENT, AND DOES THAT MEAN THAT EVERYONE'S RETIREMENT PLAN IS IDENTICAL IF YOU'RE AN EMPLOYEE, SO THEY WOULD ALL HAVE THE SAME VESTED INTEREST? [LB448]

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SENATOR NORDQUIST: RIGHT. SO IN BOTH THE OMAHA AND STATE PLAN IT'S THE SAME. SO THEY'RE TWO SEPARATE PLANS, WHETHER YOU'RE WORKING FOR OMAHA OR ANY OTHER DISTRICT IN THE STATE. BUT WITHIN THOSE SYSTEMS, WHETHER YOU'RE A CERTIFICATED EMPLOYEE OR YOU'RE A FULL-TIME JANITOR OR YOU'RE A BOOKKEEPER FOR THE DISTRICT, ALL OF THOSE PEOPLE WOULD FALL UNDER THE PLAN AND THEY WOULD GET THE SAME BENEFITS. [LB448]

SENATOR BRASCH: AND WHAT THIS BILL WOULD DO IS REDUCE THOSE BENEFITS? [LB448]

SENATOR NORDQUIST: YEP, FOR PEOPLE WITHIN THE OMAHA PLAN, SO THEN THEIR BENEFITS WOULD MIRROR THE STATE PLAN. IT WOULD BE THE SAME BENEFIT CALCULATION. RIGHT NOW OMAHA GETS THE STATE BENEFITS, PLUS THEY HAVE TWO ADDITIONAL PIECES: ONE IS CALLED THE SERVICE ANNUITY WHERE THEY GET \$3.50 A MONTH WHEN THEY RETIRE FOR EVERY YEAR THEY SERVED. AND THE STATE ACTUALLY GIVES OMAHA MONEY FOR THAT. THAT WOULD GO AWAY UNDER THIS, ONLY STARTING WITH NEW HIRES. WE CAN'T GO BACK AND RETROACTIVELY AFFECT THOSE THAT CURRENTLY EMPLOYED. AND THERE'S A MEDICAL COLA, WHICH AFTER BEING RETIRED FOR TEN YEARS YOU GET AN INCREASED COST-OF-LIVING ADJUSTMENT FOR MEDICAL PURPOSES. IT CAN END UP BEING A COUPLE HUNDRED DOLLARS A MONTH. THAT IS AN ADDITIONAL BENEFIT THAT IS NOT IN THE STATE PLAN. SO WE ARE GETTING RID OF BOTH OF THOSE GENEROUS BENEFITS. [LB448]

SENATOR BRASCH: THANK YOU FOR CLARIFYING THAT, BUT IF THEY'RE ALL THE SAME PLAN, WHY IS JUST ONE GROUP BEING CHANGED? [LB448]

SENATOR NORDQUIST: NO, SO WE HAVE...OMAHA HAS ITS OWN PLAN... [LB448]

SENATOR BRASCH: ITS OWN PLAN. [LB448]

SENATOR NORDQUIST: ...THAT WAS ESTABLISHED IN 1919. THE STATE PLAN CAME ALONG IN THE 1940s. THAT COVERS EVERY OTHER DISTRICT EXCEPT OPS. SO EVEN IF YOU'RE MILLARD OR RALSTON, YOU BORDER OMAHA OR YOU'RE IN OMAHA CITY LIMITS, YOU'RE STILL IN THE STATE PLAN. ONLY OPS HAS ITS OWN PLAN. THAT IS THE PLAN. FOR EVERYONE IN THAT PLAN, WHETHER YOU'RE A JANITOR OR THE SUPERINTENDENT, THAT PLAN WE ARE CHANGING BENEFITS FOR NEW HIRES TO BE THE SAME AS EVERYONE ELSE IN THE STATE. [LB448]

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SENATOR BRASCH: VERY GOOD. AND THERE WERE ALSO NO OPPONENTS, SO THEY DO NOT OPPOSE TO THIS? [LB448]

SENATOR NORDQUIST: THEY...I WENT TO THEM AND TOLD THEM WHAT MY VISION WAS. AND THEY WERE WILLING TO COME IN AND NOT OPPOSE IT BUT EXPRESSED AT THE HEARING A WILLINGNESS TO TALK ABOUT IT. AND THAT'S WHAT WE'VE BEEN DOING FOR THE LAST FOUR OR FIVE MONTHS ON THIS BILL. [LB448]

SENATOR BRASCH: I APPRECIATE THE THOROUGH EXPLANATION HERE. I'M WONDERING IF SENATOR KOLTERMAN WILL NOW YIELD TO A QUESTION. [LB448]

SENATOR SCHEER: SENATOR KOLTERMAN, WILL YOU YIELD? [LB448]

SENATOR KOLTERMAN: YES, I WILL. [LB448]

SENATOR BRASCH: THANK YOU, SENATOR KOLTERMAN. BACK TO YOU, THIS IS YOUR SECOND AMENDMENT COMING FORWARD HERE. [LB448]

SENATOR KOLTERMAN: YES. [LB448]

SENATOR BRASCH: WHAT WERE YOUR THOUGHTS WITH NO OPPONENTS OR...ON THIS BILL? ISN'T THAT...DO YOU THINK AN INTERIM HEARING OR...WHAT DO YOU FEEL? CAN YOU REPEAT YOUR THOUGHTS AGAIN, PLEASE? [LB448]

SENATOR KOLTERMAN: WELL, WHEN THERE WAS NO OPPONENTS TO THIS BILL, THE FIRST QUESTION THAT CAME TO MY MIND WAS IF WE'VE NEGOTIATED A DECREASE IN BENEFITS FOR THE PEOPLE THAT ARE IN THE PLAN,... [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR KOLTERMAN: ...I'M SURPRISED SOMEBODY DIDN'T COME AND VOICE THEIR CONCERNS. THAT SURPRISED ME. [LB448]

SENATOR BRASCH: I FIND THAT SURPRISING AS WELL. I HAVE NO OTHER QUESTIONS AT THIS TIME. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB448]

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SENATOR SCHEER: THANK YOU, SENATOR NORDQUIST, KOLTERMAN, AND BRASCH. SENATOR McCOY, YOU'RE RECOGNIZED. [LB448]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR NORDQUIST YIELD, PLEASE? [LB448]

SENATOR SCHEER: SENATOR NORDQUIST, WILL YOU YIELD? [LB448]

SENATOR NORDQUIST: YES. [LB448]

SENATOR McCOY: THANK YOU, SENATOR. I WANT TO CONTINUE WHERE SENATOR BRASCH, WHO I THINK IN A VERY GOOD WAY BROUGHT UP SOME CONCERNS. YOU--AND I THINK THESE ARE YOUR WORDS, NOT MINE--I THINK YOU'VE SAID SEVERAL TIMES BETWEEN YESTERDAY AND TODAY THAT OPS HAS HAD SOME VERY RICH BENEFITS. IS THAT ACCURATE? [LB448]

SENATOR NORDQUIST: THEY CERTAINLY ARE MORE GENEROUS THAN THE STATE BENEFITS. [LB448]

SENATOR McCOY: BUT YET IF YOU LOOK AT THE COMMITTEE STATEMENT ON THIS LEGISLATION IN A BILL THAT YOU SAID TAKES AWAY...YOU SAID, WELL, YOU KNOW, IF THIS...IF YOUR PREVIOUS AMENDMENT THAT WAS ADOPTED HADN'T BEEN ADOPTED, YOU'D JUST ASK FOR THE SPEAKER TO LAY IT OVER. AND USING YOUR WORDS AGAIN, WELL, THEN THAT WOULD JUST MEAN THESE RICHER BENEFITS WOULD STAY FOR OPS. IS THAT...DOES MY MEMORY SERVE ME CORRECT WITH WHAT YOU SAID? [LB448]

SENATOR NORDQUIST: THAT IS GENERALLY THE CASE, YES, BECAUSE THIS WAS A GIVE-AND-TAKE AGREEMENT. AND I WILL NOT ON THE FLOOR VEER TOO FAR FROM THAT BECAUSE WHEN I NEGOTIATE SOMETHING, I'M A MAN OF MY WORD. AND IF I CAN'T HOLD IT TOGETHER ON THE FLOOR AS WE DISCUSSED, THEN I'M LETTING THOSE PEOPLE DOWN AND WE WILL JUST TABLE THE ISSUE. [LB448]

SENATOR McCOY: BUT WHY IS THAT? WHY WOULD OMAHA PUBLIC SCHOOLS COME IN AND TESTIFY NEUTRAL ON A BILL THAT TAKES AWAY BENEFITS FROM THEIR TEACHERS? [LB448]

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SENATOR NORDQUIST: THEY WERE MORE CONCERNED ABOUT THE GOVERNANCE COMPONENTS AND THE INVESTMENT FUNCTION, THE DISTRICT WAS. THE EMPLOYEE REPRESENTATIVES--I BELIEVE THEY WERE NEUTRAL, AS WELL, ON THIS BILL--THEY WERE CONCERNED ABOUT THE BENEFIT COMPONENTS MORE THAN ANYONE...ANYTHING. SO THEY GAVE UP THE BENEFIT PIECE FOR NEW EMPLOYEES THAT WOULD BE COMING INTO THEIR ORGANIZATION. THE DISTRICT GAVE UP SOME AUTONOMY IN THEIR ABILITY TO MANAGE THE INVESTMENTS. [LB448]

SENATOR McCOY: WELL, I JUST...YOU HAVE TO UNDERSTAND--AND THANK YOU, SENATOR NORDQUIST--FOR THE BENEFIT OF OTHER MEMBERS AND THOSE OF US THAT HAVE BEEN AROUND SINCE AT LEAST 2009, LET ME JUST SHARE WITH YOU WHAT HAPPENED IN 2009 IN MY FIRST BIENNIUM AND SENATOR NORDQUIST'S. AND WE WERE ON OPPOSITE SIDES OF THIS ISSUE. YOU HAD SENATOR ADAMS; PREVIOUS TO HIM BEING SPEAKER OF THE LEGISLATURE, HE WAS CHAIR OF THE EDUCATION COMMITTEE. AND I WILL TELL YOU THAT OMAHA PUBLIC SCHOOLS HAS EXCELLENT REPRESENTATION OUT IN THE ROTUNDA, VERY INFLUENTIAL, HAS THE ABILITY TO SWAY, APPROPRIATELY SO, A GOOD NUMBER--I SHOULDN'T SAY SWAY--INFLUENCE AND GIVE SOME VERY STRONG RECOMMENDATIONS TO THOSE WHO REPRESENT PORTIONS OF OPS IN THEIR DISTRICTS. IN 2009, THE STATE AID, THE TEEOSA BILL, WAS FILIBUSTERED AND WAS KILLED BASICALLY AND HAD TO BE BROUGHT BACK. IT WAS, YOU TALK ABOUT A NASTY, ACRIMONIOUS FIGHT ON THE FLOOR, IT WAS SOMETHING TO BEHOLD FOR A NEW SENATOR, LET ME TELL YOU. AND I FIND IT INTERESTING THAT WE HAVE A BILL THAT OSTENSIBLY TAKES AWAY BENEFITS FROM TEACHERS, AS SENATOR NORDQUIST SAYS, RICH BENEFITS. AND CLEARLY REPRESENTATION FOR OPS IS NOT WOUND UP ON THIS ISSUE. IN FACT, MAYBE THEY'RE PULLING PEOPLE OUT, MAYBE THEY AREN'T, I DON'T KNOW. THEY CERTAINLY DON'T OPPOSE IT. THEY WERE NEUTRAL IN THE BILL. YOU HAVE TO ASK YOURSELF WHY IS THIS, IN MY VIEW. AND THAT WOULD BE AN APPROPRIATE QUESTION FOR ANY SENATOR TO ASK. WHY IS THAT? SO... [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR McCOY: ...I THINK THAT...THEREIN LIES MY BIGGEST REASON TO BE SKEPTICAL OF THIS LEGISLATION AND THE ENCUMBRANCE TO THE STATE OF NEBRASKA ON THIS ISSUE AND WHY I HAVE A PROBLEM WITH THIS BILL, BECAUSE IN MY VIEW, IT'S AS SIMPLE AS THE ONLY REASON OPS WOULD NOT OPPOSE THIS LEGISLATION IS BECAUSE THEY SEE SOME ISSUE COMING DOWN THE ROAD. MAYBE IT ISN'T EVEN THERE. I'M NOT GOING TO ASK SENATOR

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NORDQUIST ABOUT THAT. MAYBE HE KNOWS SOMETHING THAT HE CAN'T SHARE WITH THE REST OF THE BODY OR DOESN'T KNOW YET. THERE'S GOT TO BE SOME REASON THAT OPS IS WILLING TO MAKE A TRADE-OFF ON BENEFITS FOR THEIR TEACHERS TO HAVE SOME ADDITIONAL ENCUMBRANCE BY THE STATE. OTHERWISE THERE WOULD BE NO REASON WHY THEY WOULDN'T BE ADAMANTLY OPPOSED TO THIS LEGISLATION. IT'S AS SIMPLE AS THAT, IN MY MIND. THANK YOU, MR. PRESIDENT. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR NORDQUIST AND McCOY. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB448]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. SO I'LL TRY TO EXPLAIN A LITTLE BIT HERE. OPS HAS TAKEN A VOTE. AS ABOUT A WEEK AGO, THEIR BOARD TOOK A VOTE IN SUPPORT OF LB448. AND IF YOU LOOK AT LB447, WHICH WAS IN THE RETIREMENT COMMITTEE, I GUESS THERE WOULDN'T BE A COMMITTEE STATEMENT UP ON THAT BECAUSE THAT BILL DIDN'T GET ADVANCED, WE MERGED PIECES OF THAT INTO LB448 WHEN LB448 WAS INTRODUCED AS VERY MUCH A PLACEHOLDER. AND WE WORKED FOR A NUMBER OF MONTHS ON THE ISSUE FIGURING OUT HOW BEST TO ALIGN COMPONENTS. AND IN LB447 WAS THE GOVERNANCE STRUCTURE. THERE WAS AN INTERNAL OPS FIGHT BETWEEN THE OPS BOARD AND THE BOARD OF TRUSTEES, WHICH OVERSAW THE PENSION PLAN. AND EACH SIDE KIND OF DUG IN. I INTRODUCED A BILL THAT STARTED A CONVERSATION THERE. AND WE BROUGHT THOSE TWO PIECES TOGETHER TO TRY TO HAVE A GOVERNANCE STRUCTURE THAT MAKES SENSE, THAT THE BOARD OF EDUCATION, WHICH IS ELECTED BY THE PEOPLE, HAS THE APPROPRIATE AMOUNT OF OVERSIGHT OVER THE BOARD OF TRUSTEES, BUT THEN AGAIN THEY'RE NOT INFLUENCING INVESTMENT DECISIONS, MUCH LIKE WE DON'T INFLUENCE INVESTMENT DECISIONS INSIDE THE LEGISLATURE. BUT OPS, YES, THEY DO, AS A DISTRICT WOULD LIKE TO SEE REDUCED BENEFITS BECAUSE RIGHT NOW THEY DO HAVE A LIABILITY OUT THERE. AND THEY WOULD LIKE TO SEE THEIR PENSION PLAN FOR THEIR EMPLOYEES STRENGTHENED. AND ONE WAY TO DO THAT IS EITHER PUT MORE MONEY IN OR TO REDUCE BENEFITS. SO THAT IS THE DIRECTION WE'RE HEADING. SENATOR LARSON SPOKE ABOUT THE ISSUE OF UNEQUALIZED DISTRICTS. THE DIFFERENCE THAT WE SEE HERE IS THAT THIS LEGISLATURE HAS TOLD MY DISTRICT YOU CAN'T GO ABOVE \$1.05. SO IF WE SEE ANOTHER ECONOMIC DOWNTURN OR A SLOWDOWN IN INVESTMENTS, WHAT WILL HAPPEN? THE DISTRICT WOULD, IF THEIR PENSION PLAN TOOK A HIT, WOULD HAVE TO USE GENERAL FUND RESOURCES FOR THE DISTRICT TO PUT TOWARDS THEIR PENSION PLAN, BUT THEY CAN'T LEVY ANY MORE MONEY BECAUSE THEY

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ARE VERY MUCH UP AGAINST THEIR LEVY LID. WE HAVE PUT THAT CAP ON THERE. AND THIS LEGISLATURE AND IN SENATOR KOLTERMAN'S AMENDMENT YOU HAVE THE OPTION TO MOVE THAT. I'M NOT GOING TO SUPPORT IT BECAUSE THAT'S GOING TO BE A PROPERTY TAX INCREASE. A VOTE FOR SENATOR KOLTERMAN'S AMENDMENT IS A VOTE FOR A PROPERTY TAX INCREASE. THAT'S HOW EVERYONE WILL SEE THAT VOTE. IN MY TIME IN THE LEGISLATURE, I DON'T THINK WE'VE INCREASED LEVIES FOR ANY EDUCATIONAL PURPOSES. AND I CERTAINLY DON'T THINK NOW IS THE TIME TO DO THAT UNDER AM1705. BUT THE ISSUE OF EQUALIZED VERSUS UNEQUALIZED: IF THE PENSION PLAN IN OMAHA TAKES A HIT, THEY HAVE NO CHOICE BUT TO TAKE MONEY OUT OF CLASSROOMS AT THE END OF THE DAY. THAT MONEY WOULD HAVE TO COME OUT OF THEIR GENERAL OPERATIONS TO PUT TOWARDS THEIR PENSION PLAN AND THEY COULDN'T MAKE UP THAT MONEY ANY OTHER WAY EXCEPT IT WOULD BE MADE UP A YEAR LATER, POSSIBLY IN TEEOSA. YOU KNOW, I'M GOING TO, AS I SAID, OPPOSE THE KOLTERMAN AMENDMENT. I DO NOT SUPPORT RAISING PROPERTY TAXES ON ANYONE IN NEBRASKA. IT'S THE LAST THING WE NEED TO DO. AND I WOULD ENCOURAGE YOU NOT TO VOTE FOR IT, AS WELL. THANK YOU. [LB447 LB448]

SENATOR SCHEER: THANK YOU, SENATOR NORDQUIST. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB448]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I'M BUSY LISTENING HERE. WILL SENATOR NORDQUIST YIELD TO A QUESTION? [LB448]

SENATOR SCHEER: SENATOR NORDQUIST, WILL YOU YIELD, PLEASE? [LB448]

SENATOR NORDQUIST: YES. [LB448]

SENATOR KINTNER: I THOUGHT...MY UNDERSTANDING WAS THAT WE DO NOT TAKE ON ANY OF THE EXISTING OMAHA LIABILITY. IS THAT CORRECT? [LB448]

SENATOR NORDQUIST: YES, THAT IS 100 PERCENT ACCURATE. [LB448]

SENATOR KINTNER: AND WHAT HAPPENS TO THAT LIABILITY? HOW MUCH IS THERE RIGHT NOW? [LB448]

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SENATOR NORDQUIST: I DON'T HAVE THEIR NUMBER. IT'S PROBABLY...IT WOULD BE A LITTLE, PROPORTIONALLY I GUESS, BIGGER THAN THE STATE NUMBER. THE STATE NUMBER IS \$1.8 BILLION OF UNFUNDED LIABILITY. BUT IT REMAINS WITH THE DISTRICT. I MEAN, ULTIMATELY IF THE LEGISLATURE DOESN'T GIVE OPS ANY FUNDING EVER AGAIN TO DO THAT TO ADDRESS THEIR PENSION PLAN, OPS HAS TO TAKE IT OUT OF PROPERTY TAXES. IT REMAINS WITH THE DISTRICT. AND IT WOULD REMAIN WITH THE DISTRICT IF LB448 PASSES OR IF NOT. [LB448]

SENATOR KINTNER: WHAT WAS THE REASONING WHEN WE, WHAT WAS IT, 1980, WHEN WE DECIDED TO STAND BEHIND THE STATE TEACHER RETIREMENT SYSTEM? WAS THAT IN 1980? WAS THAT WHEN IT WAS? [LB448]

SENATOR NORDQUIST: THERE WAS A CHANGE, YES. AND... [LB448]

SENATOR KINTNER: AT THAT POINT THE STATE SAID WE WILL STAND BEHIND IT AND RUN IT. IS THAT WHAT WE...? [LB448]

SENATOR NORDQUIST: RIGHT, I DO HAVE SOMEWHERE IN HERE A HISTORICAL PRINTOUT OF THAT. ESSENTIALLY...WELL, I THINK IT WAS A STATE PLAN, BUT AT THAT POINT...HERE IT IS. I'VE GOT TOO MUCH STUFF HERE. THERE WAS A POINT WHERE THE DIFFERENTIAL...IF THE PLAN EVER HAD AN ACTUARIAL SHORTFALL, THAT THE STATE DIDN'T PICK THAT UP, THAT IT WAS EITHER PICKED UP BY SOME COMBINATION OF EMPLOYEE OR EMPLOYER DISTRICTS. IT'S VERY COMMON. IT'S VERY COMMON IN OTHER STATES THAT, FOR INSTANCE, WE CAN SAY WE'RE NOT GOING TO PICK UP THE TAB FOR THIS ANYMORE, WE'RE GOING TO GO BACK AND LET EVERY DISTRICT. AND YOU KNOW, MAYBE THAT'S SOMETHING THE RETIREMENT COMMITTEE SHOULD LOOK AT. IF WE'RE NOT GOING TO TAKE CARE OF OMAHA, IF WE'RE GOING TO LEAVE THEM HANGING OUT THERE, THEN MAYBE IF THERE IS A SHORTFALL IN A PLAN, EVERY DISTRICT SHOULD HAVE TO CONTRIBUTE PROPERTY TAXES TO MAKE UP THAT SHORTFALL. AND THAT'S HOW A LOT OF STATES STRUCTURE THEIR PLANS. STATE DOESN'T CARRY THE LIABILITY; IT GETS SPREAD OUT TO THE DISTRICTS WHEN THERE'S A SHORTFALL. [LB448]

SENATOR KINTNER: JUST IN YOUR EXPERTISE, IS IT GOOD PUBLIC POLICY TO HAVE THE STATE STAND BEHIND IT, OR WOULD WE BE BETTER OFF DOING WHAT OTHER STATES DO AND DOING JUST WHAT YOU JUST DESCRIBED AND LETTING THEM? [LB448]

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SENATOR NORDQUIST: YOU KNOW, I HAVEN'T GIVEN IT THAT MUCH THOUGHT, WHAT THE BEST WAY IS. THERE REALLY ISN'T ANY EFFICIENCY COMPONENT NECESSARILY FOR THE STATE. IT MAKES SENSE FOR THE STATE TO MANAGE IT BECAUSE YOU HAVE SOME ECONOMIES OF SCALE. BUT IT DOESN'T MAKE NECESSARILY SENSE JUST TO HAVE A STATE WRITE THE CHECK FOR IT. I MEAN THERE'S...EVERY YEAR OR EVERY MONTH SCHOOL DISTRICTS REMIT PAYMENTS TO THE STATE FOR THEIR PENSION PLAN. THERE'S NO REASON, ON AN ANNUAL BASIS, PERB COULDN'T SEND A LETTER OUT TO THE DISTRICTS SAYING YOUR SHARE OF THE UNFUNDED LIABILITY IS X; YOU SEND US SOME PROPERTY TAX DOLLARS FOR THAT. [LB448]

SENATOR KINTNER: ALL RIGHT. WELL, THANK YOU, SENATOR NORDQUIST, AND THANK YOU, MR. PRESIDENT. [LB448]

SENATOR SCHEER: THANK YOU, SENATORS NORDQUIST AND KINTNER. SENATOR LARSON, YOU'RE RECOGNIZED. [LB448]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. WOULD SENATOR NORDQUIST YIELD TO A QUESTION? [LB448]

SENATOR SCHEER: SENATOR NORDQUIST, WOULD YOU PLEASE YIELD? [LB448]

SENATOR NORDQUIST: YES. [LB448]

SENATOR LARSON: REAL QUICK, SENATOR NORDQUIST, BECAUSE I GOT CUT OFF BY THE TIME LAST TIME, DO WE HAVE ANY ACTUARIAL ESTIMATES OF IF WE WERE TO SWITCH THE ENTIRE CURRENT TEACHER RETIREMENT SYSTEM INTO A DEFINED CONTRIBUTION? I OBVIOUSLY KNOW WE HAVE TO FUND THAT DEFINED BENEFIT PLAN FOR ANY TEACHER THAT IS CURRENTLY ON IT THROUGH THEIR RETIREMENT. DO WE HAVE ANY ACTUARY STUDIES THAT SAY HOW MUCH WE WOULD NEED TO PUT AN IMMEDIATE PAYMENT IN NOW TO ENSURE THAT IT'S FUNDED MOVING FORWARD UNTIL THAT LAST TEACHER COMES OUT? [LB448]

SENATOR NORDQUIST: WELL, WE, SENATOR McCOY AND I, HAD A LENGTHY DISCUSSION ABOUT THIS YESTERDAY, SENATOR LARSON. BUT THE LAST ACTUARIAL STUDY, WE SPENT \$30,000, \$40,000 ON A BILL BY SENATOR NELSON TO LOOK AT THAT, TO MAKE A CHANGE. AND IT WAS...I BELIEVE IT WAS \$300 (MILLION) TO \$400 MILLION IN THE UP-FRONT. RIGHT NOW, OUR SCHOOL

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EMPLOYEES RETIREMENT PLAN HAS AN ACTUARIALLY ACCRUED UNFUNDED LIABILITY OF \$1.8 BILLION. IF YOU STARTED DIVERTING ALL THE FUNDS AWAY AND PUTTING IT... [LB448]

SENATOR LARSON: I UNDERSTAND IF WE STARTED DIVERTING ALL THE FUNDS. I'M SAYING IF WE...I GET THAT CONCEPT IF WE DIVERTED THE FUNDS INTO THE DEFINED CONTRIBUTION OR WHATNOT, LIKE IT WOULD...IT DOESN'T WORK. THAT'S WHY WE HAVE TO PUT ESSENTIALLY A LUMP SUM IN NOW TO...SO THOSE DIVERTED FUNDS DON'T HAVE TO HAPPEN. WHAT IS THAT LUMP SUM? [LB448]

SENATOR NORDQUIST: WELL, THE LUMP SUM IS THE \$300 (MILLION) TO \$400 MILLION NUMBER... [LB448]

SENATOR LARSON: \$300 (MILLION) TO \$400 MILLION. [LB448]

SENATOR NORDQUIST: ...UP-FRONT. OVER THE LONG TERM, IF YOU'RE GOING TO CLOSE DOWN THE DB PLAN, YOU HAVE TO SOMEHOW COME UP WITH FUNDING TO PAY OFF THE ENTIRE UNFUNDED LIABILITY OF \$1.8 BILLION. [LB448]

SENATOR LARSON: OF THAT \$1.8 BILLION OF UNFUNDED LIABILITY, THAT'S JUST THE TEACHERS RETIREMENT PLAN. [LB448]

SENATOR NORDQUIST: THAT'S RIGHT. THE OTHER ONE IS THE SCHOOL AND THE PATROL... [LB448]

SENATOR LARSON: AND HOW MUCH OF THAT IS OMAHA, AND HOW MUCH OF THAT IS NEBRASKA? [LB448]

SENATOR NORDQUIST: WELL, THAT'S JUST THE STATE. OMAHA'S UNFUNDED LIABILITY IS \$446 MILLION. [LB448]

SENATOR LARSON: OKAY. THANK YOU. COLLEAGUES, THIS IS ONE OF THOSE ISSUES THAT UNLESS AT SOME POINT WE BITE THE BULLET AND MOVE TO DEFINED CONTRIBUTION, WE ARE GOING TO CONTINUE OR THOSE THAT FOLLOW US WILL CONTINUE TO FACE THE SAME PROBLEM OVER AND OVER AND OVER. AS LONG AS WE HAVE A DEFINED BENEFIT PLAN, THE STATE WILL CONTINUE TO PUMP MILLIONS OF DOLLARS TO FUND THIS EVERY TIME THERE'S A SHORTFALL BECAUSE ESSENTIALLY THERE WILL ALWAYS BE A SHORTFALL. AT

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SOME POINT WE HAVE TO BE FORWARD THINKING ENOUGH TO SAY, YOU KNOW WHAT, YEAH, IT'S GOING TO BE A LITTLE PAINFUL. BUT IF WE'RE GOING TO SAVE OUR CHILDREN AND OUR GRANDCHILDREN HUNDREDS OF MILLIONS OF DOLLARS, THIS IS WHAT WE NEED TO DO NOW. I'M SURE SENATOR NORDQUIST WILL CORRECT ME IF I'M WRONG, BUT I RECALL TWO OR THREE YEARS AGO IN THE APPROPRIATIONS COMMITTEE WE PUT ANOTHER \$40 MILLION INTO THE TEACHERS RETIREMENT PLAN I THINK--OR SENATOR MELLO WILL CORRECT ME IF I'M WRONG--AT LEAST. SO WE TALK ABOUT, OH, THE PAIN NOW OR WE'LL HAVE TO CONTINUE TO ENSURE THAT IT'S FUNDED UP UNTIL THAT LAST TEACHER GETS OUT, YES. [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR LARSON: IT'S TRUE. WE WILL HAVE TO CONTINUE TO MAKE SURE THAT ALL THOSE UNFUNDED LIABILITIES ARE TAKEN CARE OF. BUT GUESS WHAT. IN THREE DECADES, WHICH I GET IT, IT'S LOOKING A LITTLE LONG TERM THERE FOR MOST OF US. AND IN THREE DECADES, I'LL BE IN MY MID 50s, SO I'LL STILL BE DOING ALL RIGHT, HOPEFULLY. BUT IN THREE DECADES, THE LAST TEACHER WITH DEFINED BENEFIT WILL BE OUT AND WE WON'T HAVE TO WORRY ABOUT IT ANYMORE. WE WON'T HAVE TO WORRY ABOUT AN EXTRA \$40 MILLION PAYMENT EVERY OTHER YEAR. IT WILL BE DONE. WE WILL SET UP A SYSTEM FOR OUR FUTURE, OUR GRANDKIDS, THAT THEY WON'T HAVE TO WORRY ABOUT IT. THAT WILL BE MORE MONEY TO CUT TAXES. THAT WILL BE MORE MONEY TO GO INTO THE PROPERTY TAX CREDIT RELIEF FUND OR WHATEVER ELSE. IT MIGHT BE MORE MONEY TO PUT TOWARDS TEEOSA. [LB448]

SENATOR SCHEER: TIME, SENATOR. THANK YOU, SENATOR LARSON. (VISITORS INTRODUCED.) RETURNING TO DEBATE, SENATOR SCHUMACHER. [LB448]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. WE PRIDE OURSELVES ON BEING A STATE THAT DOESN'T HAVE DEBT, THAT BALANCES THE BUDGET. WELL, THAT'S NOT SO. WHAT WE'VE DONE IS WE'VE CREATED SUBDIVISIONS, SCHOOL DISTRICTS, CITIES, COUNTIES, AND WE'VE ALLOWED THEM TO GO INTO DEBT AND GO INTO DEBT IN TWO WAYS: OUTRIGHT BORROWING; OR BY PROMISING, USUALLY LABOR UNIONS, THAT THEY WILL BE PAID SOMETHING IN THE FUTURE WITHOUT PUTTING ANY MONEY INTO THE TILL TO MAKE SURE THAT MONEY WILL BE THERE IN THE FUTURE. WE HAVE GOT A LOT OF DEBT. AND THE LEGISLATURE HAS CONVENIENTLY LIVED IN FANTASY WORLD, CLAIMING THAT IT DOESN'T HAVE DEBT WHILE NOT GIVING

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PROPER SUPERVISION TO THE CITIES AND TO THE SCHOOL DISTRICTS WHEN THEY MADE THESE PROMISES AND BORROWED THIS MONEY. AND NOW THIS IS JUST THE LEADING EDGE OF THIS PROBLEM. LOOK AT SOME OF THE THINGS THAT WE HAVE ALREADY. WE'RE LOOKING AT THE RETIREMENT SITUATION WHERE CLEARLY THERE'S A CONCERN THAT SOMETHING IS AMISS AND ISN'T GOING TO WORK AND THE FOLKS IN OMAHA WOULD JUST AS SOON GET OUT OF THAT. WE'RE LOOKING AT THE BILL LB67 THAT THE BANKING AND BONDHOLDING INDUSTRY BOUGHT, CLEARLY A CONCERN THAT TOO MUCH MONEY HAS BEEN BORROWED, TOO MUCH MONEY HAS BEEN PROMISED TO THE UNIONS. AND THE CITY IS IN THE MIDDLE OF THAT, FIGHTING LIKE HECK FOR THE STATUS QUO FOR US NOT TO ADDRESS THE ISSUE--CLEARLY AN ISSUE WHERE THERE BE NO FIGHT. WE'RE GOING TO HEAR PROBABLY BEFORE THIS SESSION IS OUT OF A COMMUNITY WHO OVEREXTENDED ITSELF ON BORROWING FOR A FACILITY AND WANTS A BAILOUT. IN THE END, AS THINGS BEGIN TO BREW UP HERE, WE'RE GOING TO SEE THE BAILOUT REQUEST COME IN HERE. AND WHEN THEY COME IN HERE, I'LL BET YOU WE'RE UNABLE TO SAY NO. BUT THE PROBLEM IS WE GOT TO GET THE MONEY FROM TAXES. WE GOT TO SOMEHOW COME UP WITH THE MONEY TO FUND THESE FUTURE BAILOUTS BECAUSE THEY'RE GOING TO COME UP SHORT. LOOKING AT THE RETIREMENT SIDE, IT'S REALLY BECOMING ACUTE NOW. NO LONGER ARE THE BABY BOOMERS' RETIRING SOMETHING OF THE FUTURE. THEY'RE HAPPENING NOW. PEOPLE ARE LIVING LONGER THAN THE ACTUARIAL GURUS EVER FIGURED THEY WOULD, SO THOSE NUMBERS ARE GOING UP IN SMOKE. AND WE'RE DAYDREAMING AT AN 8 PERCENT YEAR-OVER-YEAR RETIREMENT RETURN ON THESE ACCOUNTS IN A 4 PERCENT ECONOMY. WE'RE BEGINNING TO SEE THE LEADING EDGE OF BIG PROBLEMS. SENATOR LARSON RAISES A GOOD POINT. LET'S JUST MOVE OVER TO THE DEFINED CONTRIBUTION PLANS, GET OUT FROM UNDER THIS. CAN'T DO IT. SUPREME COURT SAID IF YOU HAVE BEEN PROMISED SOMETHING, YOU HAVE GOT TO BE PAID SOMETHING ACCORDING TO THE PROMISE. SO WE CAN'T JUST DO IT. WE CAN'T JUST MOVE TO DEFINED CONTRIBUTIONS WITHOUT WRITING A CHECK FOR A BILLION-SOME-ODD DOLLARS AND WE DON'T HAVE A BILLION-SOME-ODD DOLLARS. IN FACT, WE WANT TO HAVE TAX CUTS. SOME OF THESE CHICKENS ARE COMING HOME TO ROOST NOW. THE FIRST ONES ARE HERE. A LOT MORE ARE GOING TO COME OUR WAY. MAYBE, INSTEAD OF TALKING ABOUT REFUNDING A COUPLE HUNDRED DOLLARS HERE OR THERE IN TAXES, WE SHOULD BE LOOKING AT BUILDING SOME TYPE OF A RESERVE FUND TO BEGIN TO BE ABLE TO ADDRESS THESE ISSUES. A QUESTION WAS WHY WOULD THE PEOPLE CONSENT TO THIS PROGRAM IF IT MEANT A CUT IN BENEFITS? IT'S A CUT FOR THE NEW PEOPLE,... [LB448 LB67]

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SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR SCHUMACHER: ...NOT A CUT FOR THE OLD. IT'S EATING YOUR YOUNG, AND ALL THIS AT A TIME IN WHICH WE CLAIM WE WANT QUALITY EDUCATION AND THE ONLY WAY MAYBE TO GET THAT IS TO PAY THE TEACHERS MORE WITH MORE BENEFITS. WE HAVE GOT TO COME TO REALIZATION THAT LIFE IS NOT CHEAP, AND WE'RE GOING TO HAVE TO PAY OUR DEBTS DOWN. AND WHAT WE'VE LISTENED TO FOR THE LAST COUPLE OF DAYS ABOUT A HOUNDING OVER AND OVER ABOUT PEOPLE DEMANDING TAX RELIEF, WE HAVE TO BE HONEST WITH THE PEOPLE. IF IT'S TAX RELIEF, IT'S GOING TO BE MORE SMOKE AND MIRRORS THAN ANYTHING ELSE, BECAUSE WE HAVE GOT INCREDIBLE OBLIGATIONS THAT WE HAVE GOT TO MEET AND THERE'S NO WAY OUT FROM UNDER THAT. AND SO WE NEED TO ADDRESS, WHETHER IT'S THIS THING WITH THE SCHOOLS, WHETHER IT'S THE THING WITH COMMUNITIES REQUESTING BAILOUTS FOR PAST MISJUDGMENTS, OR WITH THE IDEA OF WHETHER OUR BONDHOLDERS ARE NUMBER ONE OR NUMBER TWO OR NUMBER TEN, AND WE'VE GOT TO BEGIN TO GET EXPERIENCE WITH... [LB448]

SENATOR SCHEER: TIME, SENATOR. [LB448]

SENATOR SCHUMACHER: ...THOSE ISSUES OR WE'LL HAVE PROBLEMS. THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR SCHUMACHER. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB448]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I WOULD LIKE TO KNOW IF SENATOR NORDQUIST WOULD YIELD TO A QUESTION, PLEASE. [LB448]

SENATOR SCHEER: SENATOR NORDQUIST, WOULD YOU PLEASE YIELD? [LB448]

SENATOR NORDQUIST: YES. [LB448]

SENATOR BRASCH: THANK YOU, SENATOR NORDQUIST. YOU HAVE BEEN REALLY UNDERSTANDING IN ANSWERING SEVERAL OF MY QUESTIONS. [LB448]

SENATOR NORDQUIST: THAT'S ALL RIGHT. [LB448]

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SENATOR BRASCH: AS I'M READING THROUGH THE BILL, EARLIER YOU HAD MENTIONED THAT THIS WOULD AFFECT THE CUSTODIANS, THE ENTIRE SCHOOL STRUCTURE, CORRECT? [LB448]

SENATOR NORDQUIST: RIGHT. THE ONE CAVEAT WOULD BE IT'S ONLY FOR FULL-TIME EMPLOYEES WHO WORK OVER 30 HOURS, BUT YES. [LB448]

SENATOR BRASCH: AND AS I'M READING THROUGH THE BILL, ON PAGE 4, I NOTICED THAT YOU DO STRIKE OUT THE CLASS V SCHOOL DISTRICTS, AND IT DESCRIBES OTHERS. AND I NOTICED THAT THE EDUCATIONAL SERVICE UNIT, WHICH WOULD BE ESU 3 THERE IN OMAHA, WHICH I BELIEVE THEY ALSO HAVE THESE SAME BENEFITS. THEY HAVE NOT BEEN AFFECTED. IS THAT CORRECT? [LB448]

SENATOR NORDQUIST: ARE YOU... [LB448]

SENATOR BRASCH: I'M ON PAGE 4, LINE 13. [LB448]

SENATOR NORDQUIST: OF THE BILL OR THE AMENDMENT? [LB448]

SENATOR BRASCH: OF THE BILL, OF THE BILL. [LB448]

SENATOR NORDQUIST: THE ORIGINAL BILL IS... [LB448]

SENATOR BRASCH: IS TOTALLY... [LB448]

SENATOR NORDQUIST: ...COMPLETELY REPLACED WITH THE COMMITTEE AMENDMENT,... [LB448]

SENATOR BRASCH: WITH THE... [LB448]

SENATOR NORDQUIST: ...WITH AM1555 THAT WE ADOPTED YESTERDAY. [LB448]

SENATOR BRASCH: OKAY, ALL RIGHT. I HAVE THAT IN FRONT OF ME TOO THEN. [LB448]

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SENATOR NORDQUIST: OKAY. [LB448]

SENATOR BRASCH: OKAY. WERE THE ESUs ALSO THEN AFFECTED, ESU 3 WITH THIS BILL? [LB448]

SENATOR NORDQUIST: LET ME CHECK REAL QUICK. WELL, OMAHA IS ESU 19, NOT ESU 3, BUT I WILL... [LB448]

SENATOR BRASCH: I THINK ESU 3 USED TO BE OMAHA OR... [LB448]

SENATOR NORDQUIST: I THINK 3 IS... [LB448]

SENATOR BAKER: (INAUDIBLE). [LB448]

SENATOR BRASCH: IS IT... [LB448]

SENATOR NORDQUIST: YEAH, IT'S EVERYONE ELSE IN OMAHA EXCEPT OPS. OPS HAS ITS OWN ESU. [LB448]

SENATOR BRASCH: OKAY. [LB448]

SENATOR NORDQUIST: BUT I'M NOT SURE. AND I'LL CHECK AND SEE IF THOSE MEMBERS OF THAT ESU...A LOT OF THEM ARE SCHOOL DISTRICT EMPLOYEES, BUT I'LL DO A QUICK CONFIRMATION TO SEE IF THEY ARE MEMBERS OF THE OSERS PLAN OR THE STATE PLAN. [LB448]

SENATOR BRASCH: AND MY QUESTION WOULD BE, ARE THEY EXEMPTED FROM THIS CHANGE? [LB448]

SENATOR NORDQUIST: NO. SO ANYBODY...JUST, IF THEY ARE...WE'LL FIND OUT WHICH PLAN THEY'RE MEMBERS OF. [LB448]

SENATOR BRASCH: OKAY. [LB448]

SENATOR NORDQUIST: IF THEY ARE MEMBERS OF THE OMAHA PLAN, EVERY MEMBER GETS THE SAME BENEFIT. THE SAME FORMULA CALCULATES YOUR

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BENEFIT, AND THAT TAKES INTO ACCOUNT YOUR YEARS OF SERVICE AND YOUR FINAL SALARY ARE THE TWO FACTORS THAT GO INTO THAT FORMULA. [LB448]

SENATOR BRASCH: VERY GOOD. I WILL WAIT FOR THAT QUESTION THEN. IN THE MEANTIME, I'M WONDERING IF SENATOR LARSON, HE WILL YIELD...I'LL YIELD THE REST OF MY TIME TO HIM. [LB448]

SENATOR SCHEER: SENATOR LARSON, YOU'RE YIELDED 2:10. [LB448]

SENATOR NORDQUIST: THANK YOU, SENATOR BRASCH. WILL SENATOR NORDQUIST YIELD? [LB448]

SENATOR NORDQUIST: YEP. [LB448]

SENATOR LARSON: SENATOR NORDQUIST, IS THE OMAHA PUBLIC RETIREMENT SYSTEM, IS IT ABLE TO BE AUDITED BY THE AUDITOR? [LB448]

SENATOR NORDQUIST: YOU KNOW, I'M TRYING TO THINK ABOUT...I BELIEVE THAT THEY HAVE TO SUBMIT...WE REQUIRE POLITICAL SUBDIVISIONS TO SUBMIT REPORTS ON THEIR RETIREMENT PLANS TO THE AUDITOR. I THINK I ACTUALLY HAVE A BILL THIS YEAR THAT WAS IN WATERMEIER'S, THAT THE AUDITOR DOESN'T HAVE TO ISSUE A WRITTEN REPORT ON EACH OF THOSE. I BELIEVE IT'S AT HIS DISCRETION. [LB448]

SENATOR LARSON: I GUESS MY...LIKE IS IT...IN YOUR ESTIMATION, SHOULD THE AUDITOR HAVE THE ABILITY TO AUDIT THAT? [LB448]

SENATOR NORDQUIST: I BELIEVE THAT'S THE CASE RIGHT NOW, THAT HE DOES, UNLESS I'M... [LB448]

SENATOR LARSON: WELL, SHOCKINGLY, OPS HAS REALLY DRUG ITS FEET AND SAID THAT THEY DON'T BELIEVE HE DOES. SO I REALLY APPRECIATE THE CHAIRMAN OF THE RETIREMENT COMMITTEE COMING AND SAYING THAT HE SHOULD HAVE THE ABILITY... [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

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SENATOR LARSON: ...TO AUDIT THE PUBLIC RETIREMENT SYSTEM. AND I THINK THAT'S TELLING IN THE SENSE THAT WHAT'S GOING ON THAT THEY ARE RESISTING SO HEAVILY TO BEING AUDITED? THERE ARE A LOT OF QUESTIONS HERE SPECIFICALLY WITH THIS RETIREMENT PLAN THAT NEED TO BE ANSWERED, THAT ARE EITHER BEING DUSTED UNDER THE RUG OR AREN'T BEING ANSWERED. I APPRECIATE SENATOR NORDQUIST TALKING ABOUT THE LEVY LID AND THAT THEY DON'T WANT TO RAISE PROPERTY TAXES IN OMAHA. WELL, I'M NOT SURE OMAHA IS SEEING 40 (PERCENT) OR 50 PERCENT VALUATION RISES ON PROPERTY THAT WE'RE SEEING IN RURAL NEBRASKA. [LB448]

SENATOR SCHEER: TIME, SENATOR. [LB448]

SENATOR LARSON: THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR LARSON, NORDQUIST, AND BRASCH. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB448]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I WANT TO MAKE A COUPLE POINTS. WE'VE HAD THE CONVERSATION COME UP. I THINK SENATOR SCHUMACHER BROUGHT UP THE POSSIBILITIES OF MOVING TOWARDS DEFINED CONTRIBUTION. THAT IS NOT MY INTENT HERE. WHILE I LIKE THAT CONCEPT, IT'S NOT MY INTENT TO MOVE AWAY FROM DEFINED BENEFIT AND WHAT WE HAVE NOW. IF WE WERE GOING TO DO SOMETHING...I WORKED ON THOSE PROGRAMS IN THE PAST IN MY PRIVATE BUSINESS, AND THEY ARE NOT EASY TO ACCOMPLISH. HE'S VERY CORRECT WHEN HE SAID IT COULD COST US BILLIONS OF DOLLARS TO DO THAT, AND WE DON'T HAVE THE MONEY TO DO IT. THE NEXT STEP THOUGH WOULD BE CASH BALANCE ACCOUNT, WHICH WE HAVE A LOT OF PLANS ALREADY THAT ARE IN CASH BALANCE. AND AGAIN, I WOULD GIVE CREDIT TO THE RETIREMENT COMMITTEE AND THE PAST LEGISLATURES THAT HAVE MOVED IN THAT DIRECTION. AND FINALLY, YOU HAVE DEFINED CONTRIBUTION, WHICH WOULD BE EQUIVALENT TO WHAT GOES ON MOSTLY WITH THE GENERAL PUBLIC. WHAT MY AMENDMENT REALLY ATTEMPTS TO DO HERE IS IT TAKES THE LIABILITY AWAY FROM THE STATE AND GIVES IT TO OMAHA PUBLIC SCHOOLS. AND SENATOR NORDQUIST IS ABSOLUTELY CORRECT THAT WE DO NOT ALLOW AS A BODY FOR THEM TO GO ABOVE \$1.05, NO QUESTION ABOUT THAT. BUT MY AMENDMENT FOR THE SAKE OF...IN THE CASE OF THIS PROGRAM, FOR AN ARC, WOULD ALLOW THEM TO GO OVER THE LEVY LIMIT. AND IT WOULD ALLOW THEM TO TAKE CARE OF THEIR OWN OBLIGATIONS BUT ONLY IN THE CASE OF AN ARC. THEY'VE ALREADY ACCEPTED

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THE IDEA THAT THEY'LL TAKE CARE OF IT UNTIL IT'S FULLY FUNDED. SO TO ME, WHEN YOU TALK ABOUT OVERRIDES, THERE'S A LOT OF COMMUNITIES AND A LOT OF SCHOOL DISTRICTS THAT HAVE HAD LEVY OVERRIDES BECAUSE THEY CAN'T MAKE IT ON \$1.05. AND THEIR COMMUNITIES SAY, YES, WE'LL DO THAT. BUT IT ALSO PUTS A LOT OF PRESSURE ON THAT BOARD OF EDUCATION TO MAKE SURE THAT THEY'RE MANAGING THEIR MONEY GOING IN PROPERLY, AND EVEN MORE SO WHEN THEY MAKE A LEVY OVERRIDE. ANYBODY THAT'S SERVED ON A SCHOOL BOARD WILL TELL YOU THAT A LEVY OVERRIDE IS NOT TAKEN LIGHTLY. BUT IN THIS PARTICULAR CASE, WHAT THIS AMENDMENT DOES, IT'S WIN-WIN. NOW, YEAH, WILL IT RAISE PROPERTY TAXES? ABSOLUTELY IT WILL. BUT IT WILL RAISE THEM FOR THE DISTRICT THAT HAS THE PROBLEM. AND IT PUTS PRESSURE ON TO KEEP THINGS UNDER CONTROL FINANCIALLY. AS I'VE SAID FROM THE DAY THAT THIS BILL WAS INTRODUCED, I LIKE EVERY ASPECT OF THIS BILL. I DO NOT WANT TO KILL THIS BILL. I MERELY WANT TO PASS THE LIABILITY FROM THE STATE ON TO THE PEOPLE THAT POTENTIALLY COULD HAVE THE LIABILITY, AND THAT'S OMAHA PUBLIC SCHOOLS. EVERYTHING ELSE SENATOR NORDQUIST HAS WORKED HIS TAIL OFF AND DONE AN ADMIRABLE JOB ON, AND HE DESERVES A LOT OF CREDIT FOR THAT. AND I APPLAUD HIM FOR THAT. AND I WILL CONTINUE TO WORK WITH HIM TO CONTINUE TO MAKE THESE PLANS AS FINANCIALLY SOLVENT AS WE CAN. BUT WE NEED...WE DON'T NEED THE STATE TO TAKE ON THIS LIABILITY. [LB448]

SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR KOLTERMAN: SO I WOULD ASK YOU TO PLEASE CONSIDER SERIOUSLY MY BILL...OR MY AMENDMENT BECAUSE MY AMENDMENT ALLOWS THEM...AND YESTERDAY WE HEARD IT'S REMOTE THAT IT'S GOING TO HAPPEN. BUT IF IT DOES HAPPEN IT ALLOWS THEM TO TAKE CARE OF THEIR OWN PROBLEM, WITHOUT A VOTE OF THE PEOPLE. SO PLEASE SUPPORT AM1705, AND THEN LET'S PASS LB448. IT'S GOOD LEGISLATION. BUT WE'VE TAKEN AWAY THE LIABILITY OF THE STATE. THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR KOLTERMAN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB448]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I DO SUPPORT SENATOR KOLTERMAN'S BILL. ACTUALLY, THIS MAKES IT EASIER FOR OPS IT WAS TALKED ABOUT A LEVY OVERRIDE, AND THAT IS A POSSIBILITY. I THINK...I FEEL THAT THIS BURDEN OF WHAT I SEE AS MISMANAGEMENT NEEDS TO BE THE

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RESPONSIBILITY OF THEIR OWN AND NOT THE RESPONSIBILITY OF THE STATE. SO THAT CAN BE DONE WITH A LEVY OVERRIDE. THAT'S WHAT ALL OTHER SCHOOL DISTRICTS HAVE TO DO. AND THEN YOU GOT TO DECIDE WHO YOU GOT MANAGING YOUR OPERATION, IF THEY NEED TO MAYBE FIND ANOTHER PLACE OF EMPLOYMENT. BUT THIS IS NOT THE STATE'S RESPONSIBILITY. SENATOR SCHUMACHER BROUGHT UP A VERY GOOD POINT. THIS IS A BAILOUT. AND THEN WHERE DO YOU DRAW THE LINE AT WHO YOU'RE GOING TO BAIL OUT? IF HE SEES, YOU KNOW, IN THE FUTURE THAT THERE'S MORE OF THESE GOING TO HAPPEN, ONCE WE START, IT WILL NEVER END. EVERYBODY WILL EXPECT A BAILOUT. JUST LIKE WE SEE IN OUR NATION, THAT SOMEBODY'S COMPLETE MISMANAGEMENT OF AN OPERATION OR, IN THIS CASE, A FUND REQUIRES THE BAILOUT OF THE STATE. IT HOLDS NOBODY ACCOUNTABLE. SO I AM IN FAVOR OF THIS AMENDMENT. I DO UNDERSTAND THEIR REASONING FOR GETTING...WANTING TO GET ON THE STATE RETIREMENT SYSTEM LIKE EVERYBODY ELSE. AND I GUESS ULTIMATELY I HAVE NO PROBLEM WITH THAT. BUT I DON'T THINK THE STATE...EXCUSE ME, YES, I DON'T THINK THE STATE SHOULD BE RESPONSIBLE. SO WITH THAT, I WILL YIELD THE REST OF MY TIME TO SENATOR LARSON. [LB448]

SENATOR SCHEER: SENATOR LARSON, YOU'RE YIELDED 2:45. [LB448]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I APPRECIATE SENATOR SCHUMACHER'S COMMENTS A LOT. AND IT HARKENS BACK TO WHAT I'VE STARTED TO TALK ABOUT. WE HAVE A PROBLEM. WE CAN START TO SOLVE IT TODAY--WELL, PROBABLY NOT TODAY. WE CAN START TO SOLVE IT NEXT YEAR AT THIS POINT. WE HAVE A SIGNIFICANT AMOUNT IN THE CASH RESERVE THAT WE CAN START TO WORK TO SOLVE IT. I CAN'T THINK YOU CAN MAKE THE ARGUMENT PROPERTY TAX RELIEF WOULD BE A GREAT USE OF THAT FUND, BUT THAT'S MORE OF A ONE-TIME SPENDING AND I UNDERSTAND THAT. USING IT FOR PROPERTY TAXES WOULD BE ONE-TIME SPENDING. IF YOU PUT IT INTO MOVING EVERYTHING FROM A DEFINED BENEFIT TO A DEFINED CONTRIBUTION, WE'RE TALKING ABOUT GENERATIONS OF SAVINGS, GENERATIONS OF INDIVIDUALS THAT WE WILL NOT HAVE TO CONTINUE TO PROP UP A DEFINED BENEFIT PLAN THAT ISN'T WORKING. LET ME TELL YOU A SPECIFIC PART OF THIS DEFINED BENEFIT PLAN. I HAVE A FATHER THAT IS A TEACHER. HE IS GOING TO RECEIVE THE DEFINED BENEFIT PLAN. ONE OF THOSE OPTIONS, WHEN HE GOES TO RETIRE, IS CALLED A NONSPOUSAL BENEFICIARY. SO THERE'S CALCULATIONS THAT IF HE JUST TOOK IT UNTIL HE DIED, HE'D GET X DOLLARS; IF HE TOOK IT UNTIL HE DIED AND THEN MY MOM GOT WHATEVER AFTER, IT'S X DOLLARS A MONTH. AND IT GOES DOWN THE LINE TO THE... [LB448]

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SENATOR SCHEER: ONE MINUTE. [LB448]

SENATOR LARSON: ...NONSPOUSAL BENEFICIARY PLAN. HE COULD TAKE X DOLLARS AMOUNT LESS THAN HE WOULD GET IF HE TOOK JUST FOR HIMSELF UNTIL HE DIED. HE WOULD GET A LITTLE LESS EACH MONTH, BUT HE CAN NAME A BENEFICIARY THAT WASN'T A SPOUSE, I.E., MY THREE-YEAR-OLD. AND WHEN MY FATHER PASSED AWAY, MY 3-YEAR-OLD MIGHT BE 20, 25, HE WOULD THEN GET HALF OF WHAT MY FATHER WAS RECEIVING EVERY MONTH FOR THE REST OF HIS LIFE UNDER OUR CURRENT STATE SYSTEM. SO HALF OF WHAT MY DAD WAS RECEIVING EVERY MONTH WOULD GO TO MY THREE-YEAR-OLD. I KNOW THIS BECAUSE I LOOKED AT HIS RETIREMENT OPTIONS. I'M SURE SENATOR NORDQUIST WILL WANT TO TALK ABOUT IT. BUT IF MY FATHER PASSED AWAY WHEN THEODORE WAS 25... [LB448]

SENATOR SCHEER: TIME, SENATOR. [LB448]

SENATOR LARSON: THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR LARSON. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB448]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR NORDQUIST WOULD YIELD TO A COUPLE QUESTIONS AND THEN SENATOR KOLTERMAN. [LB448]

SENATOR SCHEER: SENATOR NORDQUIST, WOULD YOU PLEASE YIELD? [LB448]

SENATOR NORDQUIST: YES. [LB448]

SENATOR DAVIS: SO, SENATOR NORDQUIST, JUST FOR CLARIFICATION, THE NEW EMPLOYEES IN THE OMAHA PLAN THAT START AFTER THE MERGER IS PUT TOGETHER WILL BE UNDER A NEW PROPOSAL BUT THE OLD LIABILITY WILL STILL STAY WITH THE DISTRICT, CORRECT? [LB448]

SENATOR NORDQUIST: RIGHT. SO ALL WE'RE DOING IS WE'RE SETTING NEW BENEFITS STARTING JULY 1, 2015, AND THE STATE IS MANAGING THE MONEY. THAT'S ALL WE'RE DOING HERE. [LB448]

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SENATOR DAVIS: THANK YOU, SENATOR NORDQUIST. SENATOR KOLTERMAN, WOULD YOU YIELD TO A QUESTION? [LB448]

SENATOR KOLTERMAN: YES, I WILL. [LB448]

SENATOR DAVIS: SO, SENATOR KOLTERMAN, EXPLAIN TO ME AGAIN WHY YOU PREFER THIS AMENDMENT. [LB448]

SENATOR KOLTERMAN: MY AMENDMENT? [LB448]

SENATOR DAVIS: YES. [LB448]

SENATOR KOLTERMAN: WELL, BECAUSE IT TAKES THE LIABILITY AWAY FROM THE STATE AND CONTINUES TO KEEP THE LIABILITY IN OMAHA PUBLIC SCHOOL SYSTEMS. [LB448]

SENATOR DAVIS: BUT, SENATOR KOLTERMAN, YOU UNDERSTAND THAT THE LIABILITY FOR THE EXISTING PLAN THAT THEY'RE UNDER NOW IS GOING TO STAY WITH THE CITY OF OMAHA THROUGH PERPETUITY, CORRECT? [LB448]

SENATOR KOLTERMAN: CORRECT, BUT NOT FOR THE ARC. THE ARC IS WHAT I'M CONCERNED ABOUT AND I'VE SAID THAT FROM THE GIT-GO. IT'S...THE ARC, IT'S REMOTE THAT IT COULD HAPPEN, BUT I DON'T WANT US TO HAVE ANY LIABILITY. AND THIS WOULD KEEP THE ARC IN THEIR LIABILITY INSTEAD OF THE STATE. [LB448]

SENATOR DAVIS: AND I THINK ONE OF THE THINGS THAT WE NEED TO CONSIDER WHEN WE'RE TALKING ABOUT THIS IS THAT WE'RE TAKING THE MANAGEMENT OF THE FUNDS AWAY FROM THE CITY OF OMAHA, AND THAT'S AN IMPORTANT ASPECT TO THIS. I REALLY THINK THIS IS A GOOD BILL AS IT IS WRITTEN, WITH SENATOR NORDQUIST'S AMENDMENT. SENATOR NORDQUIST AND SENATOR...AND KATE ALLEN HAVE WORKED EXTREMELY HARD ON THIS. AND TO ANSWER A COUPLE OF OTHER QUESTIONS, YOU KNOW, I THINK SENATOR McCOY BROUGHT UP A QUESTION ABOUT WHY THERE WEREN'T ANY OPPONENTS TO THE BILL. WELL, I WENT BACK AND LOOKED AT THE RETIREMENT BILL THAT WE PUT THROUGH TWO YEARS AGO, WHICH RATHER SIGNIFICANTLY CHANGED THE BENEFIT PLAN FOR TEACHERS. WE HAD SUPPORTERS FROM NSEA, THE COUNCIL OF SCHOOL ADMINISTRATORS. THERE WERE NO OPPONENTS BECAUSE PEOPLE

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RECOGNIZED THAT WE NEEDED TO MAKE A CHANGE. AND IT TOOK A LOT OF POLITICAL WILL IN HERE AND A LOT OF HARD WORK ON THE PART OF SENATOR NORDQUIST AND THE RETIREMENT COMMITTEE TO GET THAT PUT THROUGH. YOU CAN SEE WHERE WE ARE TODAY WITH THE CHANGES THAT WERE MADE TWO YEARS AGO. THE PLAN IS WELL ON THE WAY TO BEING FUNDED TODAY. SO YOU KNOW, I THINK THIS GLOOM AND DOOM STUFF THAT WE'RE DEALING WITH IS JUST NOT REALLY CONSTRUCTIVE. I WANTED TO MAKE A COUPLE OF OTHER POINTS. SENATOR LARSON TALKED ABOUT THREE DECADES FROM NOW WE'LL BE OUT FROM UNDER IT. HONESTLY IT'S MORE LIKE SIX DECADES IF YOU THINK ABOUT IT BECAUSE A TEACHER THAT STARTS AT 22 IS GOING TO BE DRAWING RETIREMENT UNTIL SHE'S GONE. SO YOU KNOW, SHE OR HE, THAT COULD BE SOMEBODY WHO IS 90 OR 100 YEARS OLD. SO WE'VE GOT A LONG LIABILITY AHEAD OF US. I RECOGNIZE THE BENEFIT OF A DEFINED CONTRIBUTION PLAN. IT'S JUST THAT WE DON'T HAVE IT, AND I DON'T THINK WE CAN GET THERE WITHOUT A HUGE AND SIGNIFICANT CHANGE. IT'S GOING TO TAKE...IT WOULD TAKE A LOT OF WORK, A LOT OF MONEY THAT WE DON'T HAVE, A LOT OF TIME CERTAINLY THIS YEAR. THE LAST THING I'M GOING TO SAY IS, YOU KNOW, JUST A FEW...A MONTH OR SO AGO WE EXEMPTED \$800,000 OF PROPERTY IN OMAHA BECAUSE WE THOUGHT WE JUST HAD TO DO THAT TO SAVE A BUSINESS. WELL, THAT'S THE SAME PROPERTY THAT THOSE PEOPLE WOULD HAVE TO TAX IF THEY WERE GOING TO TRY TO HAVE TO BAIL THEMSELVES OUT FOR SOMETHING. COLLEAGUES, LEAVE THE BILL AS IT IS WITH SENATOR NORDQUIST'S AMENDMENT. IT'S IS A GOOD BILL. I'M NOT SURE THAT WE CAN DO ANYTHING IF SENATOR KOLTERMAN'S AMENDMENT IS PASSED. AND WITH THAT, I'LL YIELD THE REST OF MY TIME TO SENATOR NORDQUIST. [LB448]

SENATOR NORDQUIST: SENATOR NORDQUIST, YOU'RE YIELDED 1:15. [LB448]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. AT THIS POINT, I JUST DON'T KNOW WHAT MORE I CAN SAY TO SENATOR KOLTERMAN OR OTHERS THAT WITH THE AMENDMENT WE JUST ADOPTED, THERE IS NO LIABILITY ON THE STATE. I CAN SAY IT UNTIL I'M BLUE IN THE FACE. BUT IF PEOPLE JUST DON'T ACKNOWLEDGE THAT, I GUESS THEY JUST DON'T ACKNOWLEDGE THAT. BUT LET'S LOOK FOR A MINUTE AT WHAT SMART CHANGES TO OUR RETIREMENT PLANS DO. THE BILL THAT THE GOVERNOR VETOED THAT 30 OF US OVERRODE HIM ON, JULY 1, 2013, OUR ACTUARIALLY ACCRUED UNFUNDED LIABILITY WAS \$2.3 BILLION; ONE YEAR LATER, \$1.8 BILLION. WE REDUCED OUR UNFUNDED LIABILITY WITH THE PLAN CHANGES, THE SMART PLAN CHANGES WE MADE, BY ALMOST \$400 MILLION IN ONE YEAR. NOW GRANTED, SOME OF THAT WAS INVESTMENT RETURN. BUT MOST OF IT WAS

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THE CHANGES WE MADE TO THAT PLAN. AND THAT'S WHAT WE'RE TRYING TO DO HERE. WE HAD TO OVERRIDE A GOVERNOR'S VETO LAST TIME, AND IF WE HAVE TO FIGHT THIS FIGHT AGAIN TO GET THESE PLANS IN SHAPE, I'LL KEEP WORKING ON IT. BUT IF PEOPLE JUST DON'T WANT TO ACKNOWLEDGE THE CHANGES, THERE'S NOT MUCH ELSE I CAN DO. SENATOR KOLTERMAN'S AMENDMENT... [LB448]

SENATOR SCHEER: TIME, SENATOR. [LB448]

SENATOR NORDQUIST: ...IS A TAX INCREASE. THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR NORDQUIST, KOLTERMAN, AND DAVIS. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB448]

SENATOR McCOLLISTER: QUESTION, PLEASE. [LB448]

SENATOR SCHEER: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB448]

CLERK: 25 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB448]

SENATOR SCHEER: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR HADLEY, BRASCH, SCHILZ, MURANTE, HARR, RIEPE, SCHNOOR, HILKEMANN, AND CHAMBERS, GROENE, PLEASE CHECK IN. SENATOR RIEPE, BURKE HARR, CHAMBERS, AND HILKEMANN, PLEASE CHECK IN. THE HOUSE IS UNDER CALL. SENATOR HILKEMANN, PLEASE COME TO THE FLOOR. THE HOUSE IS UNDER CALL. ACCEPT CALL-IN VOTES TO CEASE DEBATE. [LB448]

CLERK: SENATOR PANSING BROOKS VOTING YES. SENATOR SMITH VOTING YES. SENATOR HADLEY VOTING YES. SENATOR KEN HAAR VOTING YES. SENATOR MORFELD VOTING YES. [LB448]

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SENATOR SCHEER: MR. CLERK, PLEASE RECORD. [LB448]

CLERK: 25 AYES, 2 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB448]

SENATOR SCHEER: DEBATE HAS CEASED. SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB448]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. FIRST, I WANT TO START BY SAYING THAT SENATOR NORDQUIST AGAIN HAS DONE A WONDERFUL JOB OF MANAGING THESE PLANS, AND THAT'S NOT MY CONCERN HERE AT ALL. IN FACT, I APPLAUD THEM. I JUST DO NOT SEE WHY TAXPAYERS THAT DON'T RESIDE IN OMAHA PUBLIC SCHOOLS SHOULD BE ON THE HOOK FOR ANY FINANCIAL LIABILITIES FOR THE ARC THAT COULD OCCUR, THAT COULD OCCUR. THERE'S A GOOD LIKELIHOOD IT MIGHT NEVER OCCUR. BUT AN ARC COULD OCCUR. FOR THOSE OF YOU THAT DON'T REALLY KNOW WHAT AN ARC IS, IT'S AN ACTUARIALLY REQUIRED CONTRIBUTION THAT WOULD HAVE TO BE MADE ON THE PART OF THE STATE IF THE BILL PASSES WITHOUT MY AMENDMENT. THE DIFFERENCE BETWEEN THE AMENDMENTS ARE IN SENATOR NORDQUIST'S AMENDMENT, IF AN ARC IS REQUIRED IT COMES BACK TO THE STATE THROUGH APPROPRIATIONS. IT HAS A HEARING. APPROPRIATIONS DECIDES WHETHER TO MOVE IT BACK TO THE BODY OR KILL IT. WHAT MY AMENDMENT DOES, IT TAKES IT COMPLETELY OUT OF THE HANDS OF THE LEGISLATURE AND IT ALLOWS OMAHA PUBLIC SCHOOLS TO HANDLE IT THROUGH A LEVY OVERRIDE WITHOUT A VOTE OF THE PEOPLE. SO IT'S REALLY A QUESTION OF WHO SHOULD PAY THE BILL IN THE EVENT, IN THE REMOTE EVENT THAT WE HAVE AN ARC. I STRONGLY BELIEVE THAT THE ARC BELONGS WITH THE PEOPLE WHO'S HAD THE PLAN UNTIL NOW. AND I WOULD ENCOURAGE YOU AND ASK YOU TO VOTE YES ON AM1705. THANK YOU. [LB448]

SENATOR SCHEER: THANK YOU, SENATOR KOLTERMAN. THE QUESTION IS, SHALL THE AMENDMENT TO LB448 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THERE'S BEEN A CALL FOR A RECORD VOTE. MR. CLERK. [LB448]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1725-1726.) 17 AYES, 18 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB448]

SENATOR SCHEER: THE AMENDMENT FAILS. I RAISE THE CALL. [LB448]

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CLERK: MR. PRESIDENT, SENATOR NORDQUIST WOULD MOVE TO AMEND WITH FA71. (LEGISLATIVE JOURNAL PAGE 1726.) [LB448]

SENATOR SCHEER: SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB448]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. THIS ACTUALLY GOES BACK TO THE FIRST AMENDMENT WE DID, WHICH WAS THE SUGGESTIONS FROM REVISOR'S OFFICE. AND IT CAME DOWN LATE LAST NIGHT, AND WE DIDN'T GET AS MUCH TIME TO REVIEW IT AND RUN IT BY EVERYBODY. BUT IN THE FIRST SECTION OF IT, THE CHANGES WE MADE TO CHANGING THE BOARD TO BOARD OF TRUSTEES, WE NEED TO GO BACK AND UNDO THAT. IT DOES NEED TO REMAIN BOARD OF EDUCATION FOR THAT SECTION OF STATUTE, NOT BOARD OF TRUSTEES, WHICH IS THE PENSION PLAN. SO JUST GOING BACK AND MAKING ONE CHANGE TO THAT PREVIOUS AMENDMENT. THANK YOU. [LB448]

SENATOR SCHEER: MR. CLERK FOR A PRIORITY MOTION. [LB448]

CLERK: MR. PRESIDENT, SENATOR LARSON HAS A PRIORITY MOTION. HE WOULD MOVE TO BRACKET THE BILL UNTIL MAY 31 OF...SENATOR, I NEED A...I DIDN'T SEE '16. I NEED A SESSION DATE, AND THAT'S PAST THE SESSION DATE. [LB448]

SENATOR LARSON: THE END OF NEXT SESSION, 4/15/16. [LB448]

CLERK: VERY GOOD, THANK YOU. MR. PRESIDENT, SENATOR LARSON WOULD MOVE TO BRACKET THE BILL UNTIL APRIL 15, 2016. [LB448]

SENATOR SCHEER: SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN. THIS IS UNANIMOUS CONSENT REQUEST. ARE THERE ANY OBJECTIONS TO THE MOTION? IF NOT, SO ORDERED. MOVING ON THE AGENDA, WE MOVE...MR. CLERK. INFORMATION, MR. CLERK? [LB448]

CLERK: MR. PRESIDENT, I HAVE ONE ITEM TO READ. A NEW RESOLUTION, LR348 BY SENATOR EBKE. THAT WILL BE LAID OVER. (LEGISLATIVE JOURNAL PAGE 1726.) [LR348]

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

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MR. PRESIDENT, THE NEXT BILL IS LB390 ON SELECT FILE. FIRST OF ALL, I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER138, LEGISLATIVE JOURNAL PAGE 1707.) [LB390]

SENATOR SCHEER: SENATOR HANSEN FOR MOTION. [LB390]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB390. [LB390]

SENATOR SCHEER: THE QUESTION IS THE ADOPTION OF E&R AMENDMENTS TO LB390. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. AMENDMENTS ARE ADOPTED. [LB390]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB390]

SENATOR SCHEER: SENATOR HANSEN FOR MOTION. [LB390]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB390 TO E&R FOR ENGROSSING. [LB390]

SENATOR SCHEER: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED. LB390 IS ADVANCED. [LB390]

CLERK: MR. PRESIDENT, LB390A. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB390A]

SENATOR SCHEER: SENATOR HANSEN FOR MOTION. [LB390A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB390A TO E&R FOR ENGROSSING. [LB390A]

SENATOR SCHEER: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB390A IS ADVANCED. MR. CLERK. [LB390A]

CLERK: MR. PRESIDENT, THE NEXT BILL, LB623. SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER130, LEGISLATIVE JOURNAL PAGE 1663.) [LB623]

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SENATOR SCHEER: SENATOR HANSEN FOR MOTION. [LB623]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB623. [LB623]

SENATOR SCHEER: THE QUESTION IS THE ADOPTION OF E&R AMENDMENTS TO LB623. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. THE AMENDMENTS ARE ADOPTED. [LB623]

CLERK: SENATOR KINTNER HAS FA64. (LEGISLATIVE JOURNAL PAGE 1567.) [LB623]

SENATOR SCHEER: SENATOR KINTNER, YOU'RE RECOGNIZED TO OPEN. [LB623]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, WE'RE BACK HERE TALKING ABOUT THIS BILL. AND I THINK WE KIND OF RUSHED THROUGH IT. WE'VE LOOKED AT SOME AMENDMENTS. I ESPECIALLY LIKED THE GROENE AMENDMENT THAT WE DID NOT ADOPT. AND I JUST THINK THAT WE NEED TO REALLY LOOK AT WHAT WE'RE DOING HERE. I THINK THERE'S A SINCERE DESIRE BY PEOPLE TO HELP PEOPLE, IN THIS CASE WHAT HAS BEEN DESIGNATED BY THE PRESIDENT AS DREAMERS. BUT IN THE MEANTIME, I THINK WE ARE CREATING A FEW MORE PROBLEMS THAN WE REALLY HAD GIVEN THOUGHT TO. I THINK THE RAMIFICATIONS OF WHAT WE'RE DOING HERE CAN VERY WELL BE PROBLEMATIC FOR YEARS TO COME. I'M VERY CONCERNED ABOUT OPENING A DOOR FOR PEOPLE WHO ARE NOT U.S. CITIZENS TO VOTE. WHEN YOU DO THAT SAME-DAY REGISTRATION, YOU COME IN THERE WITH A DRIVER'S LICENSE. AND IF IT DOESN'T SAY CLEARLY THAT YOU'RE NOT A CITIZEN, THAT'S A REAL PROBLEM. NOW SOME ENTERPRISING OPERATION COULD FIGURE THAT OUT, AND THAT WOULD BE REAL PROBLEMS FOR OUR STATE. ONE THING WE DO IN NEBRASKA IS WE VERY, VERY MUCH TAKE PRIDE IN OUR ABILITY TO RUN A FAIR, HONEST ELECTION THAT EVERYONE TRUSTS. THEY TRUST THAT WHEN THEY CAST THEIR VOTE LEGALLY, THERE'S NOT SOMEONE OVER HERE CASTING AN ILLEGAL VOTE AND CANCELING IT OUT. AND THAT'S ONE OF THE CONCERNS THAT WE HAVE HERE. THERE'S A COUPLE OTHER CONCERNS RIGHT HERE AND THAT IT OPENS THE DOOR FOR FURTHER LICENSES FOR OTHER PEOPLE THAT ARE NOT LEGAL RESIDENTS OF OUR STATE. YOU KNOW, IT'S BEEN STATED OVER AND OVER THAT WE REALLY CELEBRATE AND REJOICE IMMIGRATION IN OUR COUNTRY. IT'S WHAT MADE US WHO WE ARE. IT'S A MELTING POT OF PEOPLE, THE MELTING POT OF IDEAS. AND I THINK EVERY PERSON, ALL 49 OF US IN THIS CHAMBER, CELEBRATE LEGAL IMMIGRATION. AND WHEN WE PASS SOMETHING

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LIKE THIS, WE'RE THUMBING OUR NOSE, STICKING A FINGER IN THE EYE OF PEOPLE THAT HAVE GONE THROUGH THE PROCESS AND HAVE COME HERE LEGALLY. AND THEY HAVE COME HERE TO BUILD A BETTER LIFE FOR THEMSELVES. THEY'VE COME HERE TO LIVE THE AMERICAN DREAM. THEY WANT WHAT EVERY ONE OF OUR FAMILIES HAS. AND THERE'S ABSOLUTELY NOTHING WRONG WITH THAT. AND TO BE HONEST WITH YOU, IF THE GROUP OF PEOPLE THAT WE'RE TALKING ABOUT RIGHT HERE WHO THE PRESIDENT HAS CALLED THE DREAMERS...WHICH BY THE WAY IS A GREAT MARKETING TERM, AND I DON'T BEGRUDGE ANYONE FOR COMING UP WITH A GREAT MARKETING TERM. WE REALLY NEED SOME CONGRESSIONAL ACTION TO CLARIFY WHAT WE'RE GOING TO DO ABOUT PEOPLE THAT WERE BROUGHT HERE, THAT HAVEN'T DONE ANYTHING WRONG, THAT HAVE GONE TO SCHOOL OR ARE IN SCHOOL CURRENTLY HERE. AND WHAT ARE WE GOING TO DO WITH THEM AND DO IT IN A WAY THAT RESPECTS THE U.S. CONSTITUTION AND RESPECTS OUR STATE CONSTITUTION AND RESPECTS THE WAY WE CURRENTLY DO THINGS AND THAT WILL WITHSTAND A COURT CHALLENGE. THESE ARE THE CHALLENGES THAT WE HAVE BEFORE US HERE AS WE TRY TO TACKLE THIS. I'M ASKING EVERYONE TO SLOW DOWN, QUIT TRYING TO RUSH THIS BILL THROUGH, AND LOOK AT ALL THE RAMIFICATIONS OF WHAT WE ARE DOING. BECAUSE THERE IS A COURT ORDER RIGHT NOW THAT'S SETTING ASIDE THIS PROGRAM THEY'RE EVEN TALKING ABOUT, THAT'S A LITTLE PROBLEMATIC TOO. SO WE'RE RUSHING IN TO TAKE CARE OF THIS PROBLEM BEFORE THE COURT HAS EVEN RULED. NOW, WHAT IF WE DID THIS AND WE HAND OUT THE LICENSES AND THE COURT COMES BACK AND SAYS, NO, CAN'T DO IT, THESE PEOPLE DO NOT HAVE LEGAL STATUS? THEN WHAT DO YOU DO? I DON'T THINK WE'RE GOING TO SEND SENATOR McCOLLISTER OUT THERE TO COLLECT THEM ALL. I DON'T THINK SENATOR NORDQUIST IS GOING TO GO COLLECT THEM ALL. HOW DO WE GET THEM BACK? NO ONE EVER THOUGHT ABOUT THAT BECAUSE WE'RE RUSHING IT THROUGH RIGHT NOW, TRYING TO GET IT IN QUICK, SEVEN DAYS LEFT. AND I MIGHT SAY TRYING TO GET IT IN BEFORE THE CONSERVATIVES IN THIS BODY CAN MOUNT AN EFFECTIVE DEFENSE TO STOP IT. AND THAT'S POLITICS. THAT'S KIND OF WHAT WE'RE DOING HERE. WE DON'T TALK ABOUT IT MUCH, BUT THAT'S WHAT'S HAPPENING HERE. I THINK WE NEED TO SLOW THIS DOWN, LOOK AT ALL THE RAMIFICATIONS OF VOTING, OTHER...OF ANY INELIGIBLE PEOPLE NOW GETTING LICENSES, THE COURT CASE, AND WHAT HAPPENS IF WE HAVE TO GO COLLECT THESE LICENSES BACK? AND THERE'S THREE PRETTY SERIOUS PROBLEMS WE HAVE RIGHT THERE WITH IT. AND THAT'S WHAT I'M ASKING THIS BODY TO LOOK AT. YOU KNOW, I'M NOT SAYING THAT IF THIS BODY WANTS TO DO IT, THERE'S NOT A WAY TO SOLVE SOME OF THOSE PROBLEMS. IF THE BODY WANTS TO GIVE LICENSES TO PEOPLE LIKE DREAMERS WHO ARE CURRENTLY

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INELIGIBLE, WE CAN WORK A WAY...WE CAN DO THAT. WE CAN DO THAT SO IT...SO PEOPLE CAN'T VOTE WHEN THEY'RE NOT SUPPOSED TO. WE CAN DO IT IN A WAY THAT IF WE NEED TO GET THE LICENSES BACK, WE CAN GET THE LICENSES BACK. WE CAN DO IT IN A WAY THAT DOESN'T OPEN IT UP TO OTHER PEOPLE WHO ARE NONRESIDENTS AND ILLEGAL AND DON'T HAVE LEGAL STATUS IN OUR COUNTRY. WE COULD DO ALL THAT IN THIS BILL RIGHT NOW IF PEOPLE HAD THE WILL TO DO IT AND WE THOUGHTFULLY TOOK THE TIME, AMENDED IT CORRECTLY, LISTENED TO WHAT WAS BEING SAID, AND VOTED. THIS IS NOT AN INSURMOUNTABLE PROBLEM. WE COULD MAKE THIS BILL RIGHT. UP UNTIL...AT LEAST ON FIRST ROUND, THERE WAS ABSOLUTELY NO DESIRE AT ALL FROM THE BILL'S SPONSORS AND PRIORITIZER TO MAKE THE BILL RIGHT. WE'RE GOING TO RUN IT THROUGH. WE'RE GOING TO JAM IT DOWN THE GOVERNOR'S THROAT. WE'RE GOING TO OVERRIDE YOUR VETO, AND WE'RE GOING TO SHOW YOU WHO'S BOSS. THAT'S NOT THE WAY TO DO THINGS HERE. IF WE'RE GOING TO PASS A BILL, LET'S DO IT RIGHT. LET'S MAKE SURE THAT WE DON'T HAVE ANY OF THOSE PROBLEMS THAT ARE GOING TO COME BACK AND BITE US IN THE REAR END. AND IT'S CALLED GOOD LEGISLATION. IT'S CALLED GOOD LEGISLATING. IT'S CALLED DOING OUR JOBS CORRECTLY. AND I ENCOURAGE US TO DO THAT. AND I'LL WORK WITH YOU TO DO IT. THANK YOU, MR. PRESIDENT. [LB623]

SENATOR KRIST PRESIDING

SENATOR KRIST: THANK YOU, SENATOR KINTNER. YOU'VE HEARD THE OPENING ON FA64. THOSE WISHING TO SPEAK: SENATORS MELLO, McCOY, MURANTE, McCOLLISTER, NORDQUIST, AND BRASCH. SENATOR MELLO, YOU'RE RECOGNIZED. [LB623]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'M NOT GOING TO ENGAGE WITH SENATOR KINTNER'S FLOOR AMENDMENT OR ANY OF THESE OTHER AMENDMENTS THAT ARE OBVIOUSLY DILATORY POSSIBLY IN NATURE. I COULD POSSIBLY FILE A MOTION TO SUGGEST THAT THEY'RE DILATORY PER OUR RULES, BUT I WON'T BECAUSE I KNOW ESSENTIALLY WE'RE GOING TO GO TO A CLOTURE VOTE ON LB623. I HAD MY LIGHT ON INITIALLY TO TALK ABOUT WHAT WAS HAPPENING ON LB448 PREVIOUSLY, AFTER THE VOTE WAS TAKEN TO INCREASE PROPERTY TAXES IN OMAHA THAT FAILED. AND ESSENTIALLY SENATOR LARSON DECIDED TO BRACKET THE BILL. SENATOR NORDQUIST CHOSE NOT TO TAKE UP THAT BRACKET. AND THE REALITY OF WHAT JUST HAPPENED, COLLEAGUES--THIS IS MOSTLY FOR THE NEW MEMBERS IN REGARDS TO SOME OF THE FACT AND

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FICTION THAT APPEARED TO BE HAPPENING ON LB448 FOR MEMBERS WHO ARE NOT MEMBERS OF THE RETIREMENT COMMITTEE. BUT THE REALITY IS THAT THE BENEFITS THAT ARE CURRENTLY BEING PAID OUT THROUGH THE OMAHA SCHOOL EMPLOYEES RETIREMENT SYSTEM WILL STAY THE SAME. AND I THINK THERE WAS AN OPPORTUNITY IN REGARDS TO...AND MAYBE WE COULD HAVE ONLY EXPLAINED IT SO MANY TIMES, SO MANY DIFFERENT WAYS. AND I APPRECIATED SENATOR NORDQUIST TRYING TO ADDRESS THE ISSUE OF TRYING TO...EVEN THOUGH THERE WASN'T A REQUIREMENT THAT THE STATE WAS GOING TO BE LIABLE FOR ANY ACTUARIALLY REQUIRED CONTRIBUTION, EVEN WITH SENATOR NORDQUIST'S AMENDMENT THAT WE ADOPTED THAT SAID THAT ARGUABLY THE STATE HAS NO OBLIGATION BESIDES HOLDING A PUBLIC HEARING THAT THE APPROPRIATIONS COMMITTEE WAS GOING TO HOLD, I APPRECIATED HIS HARD WORK OVER THE SESSION TRYING TO NEGOTIATE A BENEFITS REDUCTION IN RESPECTS TO THIS QUASI-MERGER OF THE OMAHA SCHOOL EMPLOYEES RETIREMENT PLAN WITH THE STATE RETIREMENT PLAN. AND AS I MENTIONED BEFORE, OUR INABILITY AND INACTION ON TAKING ON LB448 GIVES OMAHA TAXPAYERS THE ABILITY TO SUE THE STATE FOR THE INEQUITY IN REGARDS TO USING OMAHA SALES AND INCOME TAX DOLLARS IN THE FUTURE TO PAY FOR THE STATE RETIREMENT ARC AND NOTHING FOR THE OMAHA ARC. THAT IS WHAT WE HAVE BEEN TALKING ABOUT IN COMMITTEE IN RESPECTS TO TRYING TO STAVE OFF A POTENTIAL LAWSUIT OVER THIS ISSUE BECAUSE THE REALITY IS WITHOUT A STATUTE CHANGE, FUTURE RETIREMENT COMMITTEES ARE NOT REQUIRED TO CONSIDER DOING ANYTHING FOR THE OMAHA PLAN. AND SO TO SOME EXTENT, I GUESS, AS AN OMAHA TAXPAYER I MAYBE SHOULD THANK SENATOR LARSON FOR GIVING MY TAXPAYERS AND MY NEIGHBORS IN SOUTH OMAHA THE ABILITY TO SUE THE STATE ARGUABLY TO RECOUP FUTURE INCOME AND SALES TAX DOLLARS THAT WOULD COME BACK TO COVER THOSE COSTS. BUT I THINK, MORE IMPORTANTLY, WE MISSED A REAL OPPORTUNITY AT FURTHER REFORMING OUR PENSION SYSTEM. AND I UNDERSTAND FRIENDS LIKE SENATOR McCOY AND SENATOR LARSON. WE HAVE A GENERAL DISAGREEMENT ON PHILOSOPHICAL VIEWS ON RETIREMENT IN THE SENSE THAT I THINK THAT YOU CAN BUILD A RETIREMENT SYSTEM THAT GUARANTEES LONG-TERM BENEFITS AND BE ABLE TO DO IT IN A FISCALLY RESPONSIBLE WAY. AND THEY'RE PHILOSOPHICALLY OPPOSED TO THOSE KINDS OF SYSTEMS. GOOD PEOPLE CAN DISAGREE ON THAT SUBJECT. WE DO IT ALL THE TIME. BUT I THINK, COLLEAGUES, WHEN YOU SEE A NEGOTIATION, AND USUALLY THEY'RE HARD-FOUGHT NEGOTIATIONS WHEN YOU'RE DEALING WITH SCHOOL DISTRICTS, UNIONS, ADMINISTRATORS, TAXPAYERS. COLLEAGUES, THAT WAS A REAL OPPORTUNITY WE MISSED. AND I DON'T KNOW IF WE'RE GOING TO SEE AN OPPORTUNITY LIKE THAT HAPPEN AGAIN. BECAUSE IF THE

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LEGISLATURE WASN'T WILLING TO REDUCE BENEFITS AND, IN RETURN, SIMPLY HAVE A PUBLIC HEARING TO CONSIDER MEETING THE ACTUARIALLY REQUIRED CONTRIBUTION, I DON'T KNOW WHO IN THIS BODY THINKS THEY CAN GET A BETTER NEGOTIATION IN REGARDS TO LABOR CONTRACTS IN THE FUTURE. I DON'T KNOW IF SENATOR KINTNER OR SENATOR LARSON OR ANYONE WHO'S GOING TO BE COMING BACK IN TWO YEARS HAS THAT ABILITY TO SIT DOWN WITH THE LABOR UNION AND NEGOTIATE WITH THEM IN THE SENSE OF WHAT WE'RE GOING TO DO HERE, COLLEAGUES, IS WE'RE GOING TO REDUCE YOUR BENEFITS; IN RETURN, WE'RE GOING TO HAVE A PUBLIC HEARING AND EVERYONE IS GOING TO AGREE TO THAT. [LB448 LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR MELLO: I DON'T KNOW IF WE'RE GOING TO GET TO THAT POINT AGAIN. MAYBE WE CAN. AND MY HOPE IS MAYBE THE FUTURE LEGISLATURE WILL CONSIDER A WAY TO REFORM THE OSERS PLAN INTO THE STATE PLAN AND BE ABLE TO GET THAT GOOD OF A BARGAIN ON BEHALF OF THE STATE. I DON'T KNOW IF THAT'S GOING TO HAPPEN AGAIN. BUT IF ANYTHING, I WANTED TO LET EVERYONE KNOW REALLY WHAT WE JUST DID BY LETTING THAT BILL GET BRACKETED, AND I PROBABLY SHOULD HAVE MADE A MOTION TO STOP THAT BUT SENATOR NORDQUIST ASKED ME NOT TO IN THE SENSE OF JUST LET SLEEPING DOGS LIE IN THIS SENSE. AND I GUESS THAT'S A CLARION CALL FOR THE SENATORS COMING BACK IN A COUPLE YEARS, TO URGE YOU TO RECONSIDER WHAT WE DID. AND HOPEFULLY YOU CAN FIND A SIMILAR NEGOTIATION IF THAT EVER COMES BACK AGAIN ON THE TABLE. THANK YOU, MR. PRESIDENT. [LB623]

SENATOR KRIST: THANK YOU, SENATOR MELLO. SENATOR McCOY, YOU'RE RECOGNIZED. [LB623]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE IN OPPOSITION, AS I DID ON GENERAL FILE, ON A WHOLE HOST OF GROUNDS TO LB623. I WAS ONE OF TWO NO VOTES ON THIS BILL COMING OUT OF THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. I HAVE BEEN OPPOSED TO THIS ISSUE FOR QUITE SOME TIME, AS I HAVE BEEN TO AN ISSUE THAT HASN'T BEEN DEBATED IN THIS LEGISLATURE FOR A WHILE, AND THAT WOULD BE IN-STATE TUITION FOR ILLEGAL IMMIGRANTS AND BENEFITS IN GENERAL TO ILLEGAL IMMIGRANTS, WHICH IS WHY I OPPOSED PRENATAL COVERAGE TO ILLEGAL IMMIGRANTS BACK IN 2012 WHEN THAT WAS ONE OF

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THE HOT BUTTON ISSUES THAT WE FACED HERE IN THE LEGISLATURE. I JUST COME AT THIS FROM THE PHILOSOPHICAL STANDPOINT OF WE ARE THE GREAT MELTING POT OF THE WORLD. OUR NATION IS THE BEACON FOR FREEDOM AND LIBERTY AROUND THE WORLD, AS WE KNOW. I HAVE THE NEAT OPPORTUNITY THIS COMING WEEKEND, HERE MEMORIAL DAY WEEKEND AS WE'RE ON A LONG BREAK, TO TAKE OUR SON RYAN WHO JUST TURNED TEN. HE AND I WILL TRAVEL TO NEW YORK TO A VERY GOOD FRIEND OF OURS WHO GRADUATES FROM UNITED STATES MILITARY ACADEMY AT WEST POINT. AND WE'RE GOING TO HAVE THE OPPORTUNITY AFTER THAT GRADUATION ON SATURDAY TO SPEND A COUPLE OF DAYS IN NEW YORK. AND WE WERE TALKING THE OTHER NIGHT ABOUT GOING TO SEE THE STATUE OF LIBERTY. OUR SON RYAN HAS NEVER BEEN TO NEW YORK. AND I CAN'T WAIT TO SHOW HIM THE STATUE OF LIBERTY, TO GO THROUGH ELLIS ISLAND WHERE SO MANY MEMBERS OF OUR FAMILY, THAT WAS THEIR FIRST REALIZATION THAT THEY WERE GOING TO BE ABLE TO COME TO AMERICA. AND THAT'S BEEN A HUGE PART OF OUR FAMILY'S HISTORY AS IT IS FOR A LOT OF US WHO HAVE IMMIGRANT TIES TO OUR ROOTS HERE IN NEBRASKA OR ELSEWHERE ACROSS THE COUNTRY, WHEREVER OUR FAMILIES ENDED UP AFTER IMMIGRATING TO THE UNITED STATES. AND WE'VE TALKED ABOUT MANY TIMES WITH OUR KIDS THE THINGS THAT OUR FAMILY WENT THROUGH TO COME HERE, THE SACRIFICES THEY HAD TO MAKE. IN ONE CASE, ONE OF MY GREAT-GREAT-GREAT-GRANDFATHERS CAME HERE ALMOST TEN YEARS BEFORE THE REST OF THE FAMILY CAME TO AMERICA, MISSED OUT ON ALMOST TEN YEARS OF HIS CHILDREN'S LIVES WHILE THEY REMAINED IN THE OLD COUNTRY BEFORE THEY IMMIGRATED. NOW THE REASON I MENTION THAT TODAY IS IT IS RELEVANT TO LB623, IN MY MIND, BECAUSE SO MANY PEOPLE AROUND THE WORLD ARE STANDING IN LINE TODAY TO COME TO AMERICA LEGALLY. NOW THE REASON THEY'RE STANDING IN LINE IS BECAUSE, UNLIKE SOME WHO COME HERE TO THE UNITED STATES ILLEGALLY WHERE THE BORDER MIGHT BE A FENCE, IT MIGHT JUST BE SOME SAND IN THE DESERT BETWEEN MEXICO AND ARIZONA OR TEXAS, BUT THOSE RESIDENTS OF ANOTHER COUNTRY, WHETHER IT BE MEXICO, CENTRAL AMERICA, SOUTH AMERICA, OR ELSEWHERE AROUND THE WORLD, THEY DON'T HAVE AN OCEAN THAT SEPARATES THEM FROM THE U.S. AS MANY OF OUR IMMIGRANTS DID. MANY OF OUR IMMIGRANTS CAME THROUGH ELLIS ISLAND BECAUSE THEY WERE ON A SHIP, AN OCEAN-GOING VESSEL. IT'S A LITTLE DIFFICULT TO GET HERE ILLEGALLY IF YOU'VE GOT TO CROSS SEVERAL THOUSAND MILES OF WATER TO DO IT. THAT'S WHY I'M SO PASSIONATE ON THIS ISSUE. WE HAVE ALWAYS WELCOMED, HAD OPEN ARMS... [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

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SENATOR McCOY: ...OPEN ARMS TO THOSE WHO WANT TO COME FROM ALL OVER THE WORLD TO AMERICA. BUT AT SOME POINT, LADIES AND GENTLEMEN, WE HAVE TO SAY WE STAND FOR A COUNTRY THAT BELIEVES IN THE RULE OF LAW. AND THAT'S WHY I WILL ALWAYS, ALWAYS, AS LONG AS I'M HERE, STAND IN OPPOSITION TO BILLS LIKE LB623 AND OTHERS, BECAUSE WE HAVE TO RESPECT THE RULE OF LAW. AND A PRESIDENT'S EXECUTIVE ORDER THAT COULD EASILY BE RESCINDED IS NO REASON FOR US TO PUT THIS IN STATUTE. IF THERE ISN'T A RESPECT FOR LAW WHEN IT COMES TO IMMIGRATION, WHAT DO WE HAVE TO KEEP US AMERICA AND THE LAND OF THE FREE? THANK YOU, MR. PRESIDENT. [LB623]

SENATOR KRIST: THANK YOU, SENATOR McCOY. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB623]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD AFTERNOON. I RISE IN CONTINUED OPPOSITION TO LB623. AND I THINK IT WAS TELLING, BOTH IN COMMITTEE AND ON GENERAL FILE DEBATE, THAT THE STORIES WE HEARD, PARTICULARLY FROM SENATOR BRASCH, WHOSE PARENTS IMMIGRATED TO THE UNITED STATES, AND FROM ME, WHOSE GRANDPARENTS IMMIGRATED TO THE UNITED STATES, WE UNDERSTAND THE DESIRE PERSONALLY FROM OUR FAMILIES. WE UNDERSTAND THE DESIRE FOR PEOPLE TO WANT TO COME TO THE UNITED STATES. AND IT IMPACTS OUR LIVES. AND WE SPENT SOME TIME ON GENERAL FILE TALKING ABOUT THE PACKINGHOUSES IN SOUTH OMAHA. AND MY GRANDMOTHER WORKED AT ONE OF THOSE PACKINGHOUSES. I'VE HEARD THE STORIES. FOR ME, IT'S PERSONABLE, IT'S PERSONAL, IT'S RELATABLE. I GET IT. I UNDERSTAND. BUT SENATOR BRASCH AND I BOTH OPPOSE LB623 FOR MANY OF THE REASONS OUTLINED BY SENATOR McCOY. ONE OF THE MOST PASSIONATE ISSUES THAT MY CONSTITUENTS TALK ABOUT IS THE ISSUE OF GIVING BENEFITS TO ILLEGAL IMMIGRANTS. AND NO MATTER HOW WE SLICE IT, THEY MAY HAVE...DACA RECIPIENTS MAY HAVE MAY HAVE DEFERRED ACTION AT THE MOMENT, BUT IT DOESN'T CHANGE THE FACT THAT THEY ARE NOT CITIZENS OF THE UNITED STATES AND THAT THEY WERE BROUGHT HERE ILLEGALLY. AND TO A CERTAIN EXTENT, THIS ISN'T THEIR FAULT. THAT POINT HAS BEEN MADE AND IT'S ACCURATE. A SIGNIFICANT PORTION OF THE PROBLEM IS OUR GOVERNMENT'S INABILITY TO DEAL WITH THE IMMIGRATION ISSUE IN A COMPREHENSIVE WAY. AND AS A RESULT, WE HAVE PROBLEMS AND RIPPLE EFFECTS ACROSS OUR SOCIETY, NOT JUST WITH RESPECT TO DRIVER'S LICENSES. THAT'S A MICROCOSM. BUT ACROSS THE BOARD, WE'RE LEFT TO PICK UP THE PIECES. THAT'S WHY YOU'LL NEVER HEAR ME CHALLENGING THE INTEGRITY OF PEOPLE LIKE SENATORS McCOLLISTER

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AND NORDQUIST, BECAUSE I UNDERSTAND WHERE THEY'RE COMING FROM. AND I SYMPATHIZE BECAUSE I BELIEVE THEY ARE APPROACHING THIS ISSUE WITH A DEGREE OF SINCERITY. BUT IT'S NOT AN APPROACH THAT I CAN SUPPORT, BECAUSE UNTIL WE FIX THE PROBLEM, WE ARE GOING TO BE BACK IN THIS LEGISLATURE ON ISSUE AFTER ISSUE TALKING ABOUT HOW TO PICK UP THE PIECES OF A BROKEN SYSTEM. AND UNFORTUNATELY, LB623 IS A BAND-AID TO THAT PROBLEM, BUT IT DOESN'T REALLY ADDRESS THE PROBLEM. AND I DON'T THINK THAT THE MESSAGE NEEDS TO BE CONVEYED AND IT SHOULD NOT BE CONVEYED THAT, AS SENATOR McCOY SAID, THAT WE'RE UNWELCOMING AS A NATION. THAT'S FAR FROM THE TRUTH. THAT'S CERTAINLY NOT THE MESSAGE THAT I WANT TO CONVEY OR BELIEVE. [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR MURANTE: BUT THE BILL CREATES PROBLEMS. IT DOES IDENTIFY A PROBLEM, BUT IT CREATES PROBLEMS IN ITS WAKE. AND I THINK SENATOR GROENE HAS AN AMENDMENT THAT'S COMING UP. I CERTAINLY DON'T FIND THAT TO BE DILATORY IN NATURE. IN FACT IT SEEMS IN LINE WITH WHAT OTHER STATES ARE DOING, WHICH WILL HELP TO MITIGATE SOME OF THE DAMAGE CAUSED BY LB623. EVEN IF THAT AMENDMENT IS ADOPTED, I'M NOT SURE I COULD SUPPORT THE BILL. BUT PERHAPS WE NEED SOME SORT OF LEGISLATION RESOLUTION TO SEND A MESSAGE TO CONGRESS TO GET SOMETHING DONE ON THIS SUBJECT MATTER BECAUSE OUR SYSTEM, IT DOESN'T MAKE SENSE. AND UNTIL IT'S ADDRESSED, WE'RE GOING TO HAVE ISSUE AFTER ISSUE... [LB623]

SENATOR KRIST: TIME. [LB623]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. [LB623]

SENATOR KRIST: THANK YOU, SENATOR MURANTE. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB623]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I RISE IN SUPPORT OF LB623 AND AGAINST FA64 WHICH I DO BELIEVE IS DILATORY, IS A DILATORY AMENDMENT. IN FACT I PRIORITIZED THIS BILL, I THINK IT'S SO IMPORTANT. SENATOR KINTNER WAS RIGHT. IMMIGRATION LAW IS MADE IN WASHINGTON, AND IT IS BROKEN. CONGRESS IS BROKEN. WE HAVE NO IMMIGRATION POLICY, AND THE STATES SUFFER AS A RESULT. BECAUSE OF THAT LACK OF ATTENTION, WE ARE PUSHED TO DEAL WITH THIS

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ISSUE AND OTHER IMMIGRATION ISSUES. PERHAPS WHEN SENATOR McCOY IS IN WASHINGTON HE CAN PERHAPS GET CONGRESS TO ACT ON SOME OF OUR IMMIGRATION ISSUES. THE RULE OF LAW SEEMS TO BE A CENTRAL TOPIC RELATED TO THIS BILL. AND I'D OFFER THE FOLLOWING, IT'S FROM BUSINESS INSIDER, "IN 1986, CONGRESS AND REAGAN ENACTED A SWEEPING OVERHAUL THAT GAVE LEGAL STATUS TO UP TO 3 MILLION IMMIGRANTS WITHOUT AUTHORIZATION TO BE IN THIS COUNTRY, IF THEY HAD COME TO THE U.S. BEFORE 1982. SPOUSES AND CHILDREN WHO COULD NOT MEET THAT TEST DID NOT QUALIFY, WHICH INCITED PROTESTS THAT THE NEW LAW WAS BREAKING UP FAMILIES." I RECALL THAT. "EARLY EFFORTS IN CONGRESS TO AMEND THE LAW TO COVER FAMILY MEMBERS FAILED." SO, IN 1987, PRESIDENT REAGAN'S IMMIGRATION AND NATURALIZATION SERVICE COMMISSIONER ANNOUNCED THAT MINOR CHILDREN OF PARENTS GRANTED AMNESTY BY THE LAW WOULD GET PROTECTION FROM DEPORTATION. I SHOULD ALSO REMEMBER, MY COLLEAGUES, THAT H.W. BUSH DID A VERY SIMILAR ACTION. SO TO CLAIM THAT PRESIDENT OBAMA DID UNLAWFULLY ALLOW DACA STUDENTS TO REMAIN IN THE COUNTRY IS JUST NOT TRUE, JUST NOT TRUE. IT'S NOT UNPRECEDENTED. THESE DACA STUDENTS AND IMMIGRANTS HAVE LAWFUL STATUS AND IT WAS NOT CORRECT FOR GOVERNOR HEINEMAN TO ELIMINATE THE OPPORTUNITY FOR THEM TO DRIVE. DACA RECIPIENTS ARE FOLLOWING THE LAW. THE LAW INCLUDES STATUTES ADOPTED BY THE CONGRESS, THE CONSTITUTION, THE CODE OF FEDERAL REGULATIONS, AND EXECUTIVE ORDERS MADE BY THE PRESIDENT WHO'S IN CHARGE OF THE EXECUTIVE DEPARTMENTS. THE DACA RECIPIENTS ARE OBEYING THESE LAWS. PLEASE VOTE GREEN FOR LB623. [LB623]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER. SENATOR NORDQUIST, YOU ARE RECOGNIZED. [LB623]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT, MEMBERS. I'M GOING TO START JUST TO MAKE SURE, IF THERE'S ANY DEBATE, DISCUSSION TODAY, THAT EVERYONE HAS A CRYSTAL-CLEAR UNDERSTANDING OF COURT ACTIONS THAT ARE HAPPENING RIGHT NOW REGARDING DEFERRED ACTION, FROM THE DEPARTMENT OF HOMELAND SECURITY'S WEB SITE--IF YOU WANT THE LINK I'LL SEND IT TO YOU--BUT TO DEPARTMENT OF HOMELAND SECURITY.GOV (SIC--DHS.GOV), SPECIFICALLY FROM FEBRUARY 17, 2015. THE COURT'S ORDER--THIS IS FROM THE COURT RULING REGARDING DAPA AND THE EXPANSION OF DACA--THE COURT'S ORDER DOES NOT AFFECT EXISTING DACA. INDIVIDUALS MAY CONTINUE TO COME FORWARD TO REQUEST INITIAL GRANT OF DACA OR RENEWAL OF DACA PURSUANT TO THE GUIDELINES ESTABLISHED IN 2012. SO LET'S JUST TAKE THAT ISSUE COMPLETELY OFF THE TABLE. THE CURRENT DACA

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PROGRAM, THE DREAMERS THAT WE'RE TALKING ABOUT IS NOT IN ANY WAY IN JEOPARDY BY ANY COURT ACTION. I BELIEVE IT'S A GOOD OPPORTUNITY, SENATOR MURANTE MENTIONED CONGRESS NEEDS TO GET ITS ACT TOGETHER AND DO SOMETHING ABOUT IMMIGRATION. MAYBE WE SHOULD SEND THEM A RESOLUTION TO ADDRESS IT. HA, WELL, JUST SO HAPPENED THAT LAST YEAR WE DID THAT. WE PASSED A BIPARTISAN RESOLUTION IN THIS LEGISLATURE, LR399, AND IT SAID: WHEREAS, THE LEGISLATURE RECOGNIZES THAT OUR FEDERAL IMMIGRATION LAWS ARE LONG OUTDATED, CAUSING HARM TO FAMILIES, BUSINESSES, AND COMMUNITIES; AND WHEREAS, COMMON-SENSE REFORMS THAT MODERNIZE OUR OUTDATED IMMIGRATION LAWS AND THAT ARE SENSIBLE, FAIR, AND PRACTICAL ARE NECESSARY TO PROTECT OUR BORDERS AND CREATE A STRONG FOUNDATION FOR OUR ECONOMY AND SOCIETY; AND WHEREAS, IMMIGRATION HAS ALWAYS BEEN AN IMPORTANT PART OF THE SOCIAL AND ECONOMIC FABRIC OF THE UNITED STATES, AND IT IS IN THE BEST INTEREST OF ALL OF OUR NATION'S IMMIGRATION LAWS TO BE KEPT UP-TO-DATE; AND WHEREAS, ALTHOUGH COMPREHENSIVE IMMIGRATION REFORM IS A FEDERAL AND NOT A STATE MATTER, THE STATE OF NEBRASKA HAS LEGITIMATE INTERESTS IN THE PASSAGE OF EFFECTIVE IMMIGRATION LAWS AT THE FEDERAL LEVEL; AND WHEREAS, NEBRASKA'S TOWNS AND CITIES HAVE EXPERIENCED SIGNIFICANT GROWTH IN IMMIGRATION POPULATION IN THE LAST TWO YEARS (SIC--DECADES) WHICH HAS HELPED THE STATE MAINTAIN ITS POPULATION; AND WHEREAS, NEBRASKA COMMUNITY LEADERS, EDUCATORS, BUSINESS OWNERS, CATTLEMEN, FARMERS, AND THE IMMIGRANT COMMUNITY HAVE RECOGNIZED THAT WHILE SOME CHALLENGES ARE CREATED BY INTEGRATING NEW IMMIGRANT NEBRASKANS, THE POSITIVE IMPACTS OF IMMIGRATION, INCLUDING ECONOMIC DEVELOPMENT, TAX COLLECTION, AND CULTURAL DIVERSITY, EXCEED THE COSTS OF RESOLVING THESE CHALLENGES, DEMONSTRATED BY THE FACT THAT MANY COMMUNITIES WITH SIGNIFICANT IMMIGRANT POPULATIONS ARE THRIVING UNLIKE MANY OF THOSE COMMUNITIES WHICH HAVE NOT ATTRACTED IMMIGRANTS; AND WHEREAS, NEBRASKA POPULATION TRENDS INDICATE A FUTURE SHORTAGE OF NEEDED AND QUALIFIED LABOR IN AGRICULTURE AND THE SKILLED TRADES AND A SHORTAGE OF PROFESSIONALLY TRAINED WORKERS IN OUR RURAL COMMUNITIES; AND WHEREAS, PENDING LEGISLATION IS BEFORE THE U.S. CONGRESS WHICH WOULD ACCOMPLISH COMPREHENSIVE IMMIGRATION REFORM. NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE, SECOND SESSION, THE LEGISLATURE RECOMMENDS THAT THE NEBRASKA CONGRESSIONAL DELEGATION TAKE AFFIRMATIVE ACTION TO ENACT COMPREHENSIVE IMMIGRATION REFORM TO UPDATE OUR IMMIGRATION SYSTEM; THAT SUCH REFORM ENACTED BY

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CONGRESS SHOULD RECOGNIZE THE NEED TO PROTECT THE BORDERS OF THE UNITED STATES, MAINTAIN RESPECT FOR THE LAW, EMBODY FAIRNESS, AND PROTECT FAMILIES; THAT SUCH REFORM SHOULD RECOGNIZE THE IMPORTANT ROLE THAT IMMIGRANT AMERICANS PLAY AS ENTREPRENEURS, WORKERS, TAXPAYERS, AND FAMILY MEMBERS; THAT SUCH REFORM SHOULD PROTECT AGRICULTURE, SMALL BUSINESSES, AND WORKING NEBRASKANS AND FACILITATE INCREASES IN THE LABOR MARKET AND THE PROFESSIONS NECESSARY TO PROTECT RURAL COMMUNITIES FROM FURTHER ECONOMIC DECLINE; THAT THE LEGISLATURE RECOMMENDS THAT IN ORDER TO ENSURE ADEQUATE LABOR RESOURCES... [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR NORDQUIST: ...TO SUPPORT ECONOMIC GROWTH AND STABILITY, THE HOUSE OF REPRESENTATIVES SHOULD PASS H.R. 15, THE BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT, AND APPROVE...AS APPROVED BY THE U.S. SENATE, OR ALTERNATIVELY SHOULD ENACT SIMILAR LEGISLATION IN 2014 WHICH EMBODIES THE PRINCIPLES AND NEEDS OUTLINED IN THIS RESOLUTION; THAT A COPY OF THIS RESOLUTION BE DELIVERED TO THE PRESIDENT OF THE UNITED STATES, THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, TO THE PRESIDENT OF THE UNITED STATES SENATE, AND TO EACH MEMBER OF THE NEBRASKA CONGRESSIONAL DELEGATION. THIS LEGISLATURE SPOKE LOUD AND CLEAR THAT WE WANT COMPREHENSIVE IMMIGRATION REFORM. WE CALLED ON OUR MEMBERS OF CONGRESS TO STEP UP JUST ABOUT A YEAR AGO. IT WOULD HAVE BEEN LAST APRIL WHEN WE ADJOURNED, WE PASSED THIS PRIOR TO ADJOURNMENT. IT'S A MESSAGE THAT OUR FEDERAL DELEGATION SHOULD GET AND SHOULD LISTEN TO LOUD AND CLEAR. LB623 IS CERTAINLY THE RIGHT STEP FOR OUR ECONOMY. IN ABSENCE OF COMPREHENSIVE IMMIGRATION REFORM, WE CAN ENSURE THAT WE GIVE DRIVER'S LICENSES... [LB623]

SENATOR KRIST: TIME, SENATOR. [LB623]

SENATOR NORDQUIST: ...TO YOUNG NEBRASKANS. THANK YOU. [LB623]

SENATOR KRIST: THANK YOU, SENATOR NORDQUIST. THOSE STILL WISHING TO SPEAK: SENATOR BRASCH, GROENE, PANSING BROOKS, AND KINTNER. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB623]

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SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. AS I LOOK AROUND IN THIS CHAMBER TODAY, I SEE MANY DISTRACTED SENATORS DOING MULTITASKING, OTHER OBJECTS. YOUR MINDS MIGHT BE MADE UP. YOU MIGHT BE DISCUSSING ANOTHER BILL. BUT THIS IS AN IMPORTANT DAY FOR ME. IT'S MAY 19. AND SENATOR MURANTE DISCUSSED MY PARENTS' IMMIGRATION, AND McCOY ALSO MADE MENTION OF IT. MAY 19 IS MY MOTHER'S BIRTHDAY. IT'S ALSO THE DAY SHE DIED. BEFORE I CAME TO THE LEGISLATURE THIS MORNING, I WENT TO FAIRVIEW CEMETERY. AND AMONGST ALL OF THOSE ORTHODOX CROSSES, I VISITED MY MOTHER'S, WISHED HER A HAPPY BIRTHDAY. I LOOKED AROUND AND I SAW THE STONES AND THE CROSSES FOR OTHER SCHERBAKS, FOR THE SCHEWCOWS, FOR MR. AND MRS. YALNICK, FOR THE SCHOPOVALS, FOR THE STROKANS, FOR THE PAVELKOS, FOR THE SINICIAS, KUSHILINSKIS, AND MANY, MANY OTHER IMMIGRANTS WHO LIE AT REST THERE. I KNEW THEIR SMILING FACES, THE ENTHUSIASM, THE JOY, AND THE GREAT PRIDE THEY HAD COMING TO THIS COUNTRY, COMING THROUGH ELLIS ISLAND WHERE, WITHOUT A DOUBT, IF THEY EVEN HAD A SNIFFLE, THEY WOULD GET SENT BACK HOME. THEY MADE THEIR HOME HERE. THEY WAITED UNTIL A SPONSOR, A CHURCH SPONSORED MY FOLKS. AND WHEN SENATOR COOK BROUGHT ME BACK A GREEK ORTHODOX CROSS THAT SHE...AS A GIFT FOR MY OFFICE WHEN SHE SPENT TIME IN THE UKRAINE, THAT WAS VERY, VERY MEANINGFUL BECAUSE THESE IMMIGRANTS, LAW WAS OF THE HIGHEST ORDER. AND I KNOW THE SECOND HOUSE IS WATCHING TODAY BECAUSE I DID RECEIVE MANY E-MAILS AND CALLS AND COMMENTS. AND ONE CALL SAID...OR E-MAIL, EXCUSE ME, SAID, DID YOUR PARENTS NEVER BREAK ANY LAWS? I DON'T THINK SO, POSSIBLY. I DID HEAR A STORY JUST RECENTLY FROM BOB AND DON'S PLUMBING OUT IN HAVELOCK WHEN WE HAD FLOODING IN OUR BASEMENT HERE IN LINCOLN. THEY TALKED ABOUT HOW MY MOTHER NEEDED A RIDE OUT IN HAVELOCK FROM THE CAR SHOP TO HER HOME. AND BOB AND DON'S HAS WORKED ON HER PLUMBING FOR DECADES. AND THEY SAID IF YOU WOULD COME, SIT IN THIS BAR AND WAIT UNTIL I'M DONE WITH THIS JOB, JUST TEN MINUTES, I'LL GIVE YOU A RIDE HOME. HE SAID MY MOTHER REFUSED TO GO SIT IN A BAR. SHE WAS LEGAL AGE AND EVERYTHING, BUT THEY WERE VERY LAW ABIDING. AND TO ANSWER YOUR QUESTION, SECOND HOUSE, PERHAPS THEY DID, BUT THEY WOULD NOT BREAK OUR IMMIGRATION LAW. THEY RESPECTED THIS COUNTRY AND THE LAWS THAT WERE IN IT, AS DID THE MANY, MANY OTHERS. AND MOVING FORWARD, WHAT ARE WE TELLING THE 4.4 MILLION IMMIGRANTS ALSO WAITING? I DON'T KNOW THEIR NAMES, BUT I DO KNOW THEIR HEARTS. AND I DO KNOW THAT THEY WANT TO LEAVE A COUNTRY TO COME TO OURS, MANY FOR VARIOUS REASONS THAT ARE NOT KNOWN TO ME. BUT LEGAL IMMIGRATION IS THE LAW OF THE LAND. I COULD LOOK INTO THE

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FACES OF THE DACA STUDENTS. AND, YES, I UNDERSTAND. I UNDERSTAND THE HARDSHIP THIS HAS BEEN AND THE DIFFICULT SITUATION. I CAN LOOK INTO YOUR EYES AND I CAN VISIT WITH YOU AND TALK ABOUT THIS LAW. BUT I ALSO CAN EXPLAIN TO YOU FIRSTHAND AS I LOOK INTO THE PAPERS OF MY FOLKS WHEN THEY CAME HERE, IT'S NOT AN EASY JOURNEY FOR ANYONE. [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR BRASCH: BUT WE ARE A LAW OF COUNTRY (SIC). AND TO ANSWER SENATOR McCOLLISTER'S QUESTION OR TO RESPOND ON THAT, THE DACA, UNDER THE IMMIGRATION AND NATIONALITY ACT, THEY DO NOT HAVE LAWFUL STATUS. UNDER THE FEDERAL REAL ID ACT AND ARGUABLY UNDER OUR LAW, DACA RECIPIENTS HAVE A LAWFUL STATUS BUT IT IS LIMITED TO ONLY GOVERNMENT-ISSUED IDs AND LICENSES. THERE IS A DIFFERENCE BETWEEN LAWFUL STATUS, LEGAL PRESENCE, LAWFUL PRESENCE, BUT THEY ARE NOT HERE WITH UNLIMITED PRIVILEGES. [LB623]

SENATOR KRIST: TIME, SENATOR. [LB623]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. [LB623]

SENATOR KRIST: THANK YOU, MR. BRASCH. SENATOR GROENE, YOU'RE RECOGNIZED. [LB623]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. AS I'VE SAID, I DON'T HOLD ANY BLAME FOR THESE YOUNG PEOPLE WHO WERE BROUGHT HERE BY THEIR PARENTS. THEY WENT THROUGH OUR PUBLIC SCHOOLS. THEY CONSIDER THEMSELVES CITIZENS, AND I'M SURE THEY STAND UP AND SAY THE AMERICAN PLEDGE OF ALLEGIANCE, WHICH IS THE LAW OF OUR LAND, OF OUR STATE, WHEN IT'S PLAYED IN THE MORNINGS. THEY PROBABLY STAND UP MORE OFTEN THAN SOME OF THE KIDS WHO TAKE IT...WHO DON'T UNDERSTAND WHAT A PRIVILEGE IT IS TO BE A CITIZEN OF THIS STATE AND THIS COUNTRY. BUT WHEN I LOOK AT THE ORIGINAL, AND I DID LOOK AT THE ORIGINAL LB623, THERE IS NO MENTION IN HERE OF DACA. THERE'S NO MENTION IN THIS BILL ABOUT SEPARATING THESE YOUNG PEOPLE FROM ANY OTHER ILLEGAL ALIENS, ILLEGAL...I SHOULD SAY CITIZENS OF ANOTHER COUNTRY THAT ARE VISITING US FOR A LONG PERIOD OF TIME. THERE IS NO DIFFERENTIATION. IT GOES BACK TO THE 2005 LAW. IT DOESN'T EVEN MENTION THE MEMORANDUM FROM THE HOMELAND SECURITY SECRETARY. I REALLY DON'T KNOW WHO THEY'RE

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TRYING TO GIVE A LICENSE TO. AND I UNDERSTAND ALL WE'RE TALKING ABOUT IS DACA. BUT EXCUSE MY SKEPTICISM. I THINK A LOT OF THINGS COULD BE SLIPPED INTO THIS BILL. IT SAYS LAWFUL STATUS, AS SENATOR BRASCH SAID AND WE ALL DISCUSSED AND WENT OVER THE COURT CASE, THE FEDERAL COURT IN NEBRASKA. THE JUDGE RULED THAT THEY HAVE LEGAL PRESENCE, NOT LEGAL STATUS. THERE'S A DIFFERENCE. THE ORIGINAL LANGUAGE, ALL IT TALKS ABOUT IS LEGAL STATUS. AND LEGAL STATUS IS SOMEBODY HERE WHO CAME LAWFULLY THROUGH THE IMMIGRATION PROCESS AND IS IN BETWEEN THAT TIME THAT THEY ARRIVED ON OUR SHORES AND STUDIED AND TOOK THE TEST, CITIZEN TEST TO BECOME 100 PERCENT CITIZENS, THEY CAN GET A LEGAL STATUS DRIVER'S ID, OR THE PERSON WHO'S IN POLITICAL ASYLUM IN OUR COUNTRY. AND THERE'S OTHER INDIVIDUALS THAT WE ALLOW IN OUR COUNTRY BECAUSE THEY WERE ALLIES OF OURS IN WARS THAT WE DID NOT WIN. SO WE BRING THEM HERE, A FEW OF THEM. THOSE FOLKS DESERVE A CHANCE TO BE CITIZENS. THEY'VE EARNED IT BY THE LOYALTY TO OUR COUNTRY AS THEY FOUGHT BESIDE US. AGAIN, I CAN'T HOLD ANYTHING AGAINST THESE KIDS. I CAN'T DO IT, COULD NOT SEND THEM INTO A FOREIGN...TO THEM WHICH IS A FOREIGN COUNTRY, BACK TO IT ANY MORE THAN ANYBODY ELSE. BUT I CANNOT STOMACH ANYTHING THAT MIGHT GIVE AN...SOMEBODY WHO BROKE OUR LAWS PRIVILEGES IN OUR COUNTRY. AND AS LB623 STANDS, THAT COULD EASILY HAPPEN. SO AGAIN, WHEN WE GET TO IT, I'M REPRESENTING THE AMENDMENT, A VERSION OF THE AMENDMENT I DROPPED THE OTHER DAY. WE FIXED IT. THE CONCERNS THAT WERE STATED ON THE FLOOR BY SENATOR NORDQUIST AND OTHERS ABOUT THE IDENTIFICATION, USE AS AN IDENTIFICATION CARD AND SOME LANGUAGE ON THE PRIVILEGE CARD. IT IS NOT A DRIVER'S LICENSE. IT'S A DRIVER'S PRIVILEGE CARD. AND MAKE SURE THAT IF THAT STATUS IS REVOKED, THAT THE LICENSE IS REVOKED. AND THAT ALSO, IT ONLY APPLIES TO THOSE, TO THE DATE OF THAT MEMORANDUM AND NO ONE AFTER THAT, THAT ANY MORE ADDED TO THE LIST BY OUR PRESIDENT OR ANOTHER PRESIDENT WOULD HAVE TO GO THROUGH THIS SAME DEBATE ON THE FLOOR, OR THE SAME ATTEMPT TO ADD THEM TO THE DRIVER'S PRIVILEGE CARD. [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR GROENE: SO, WE'LL TALK ABOUT MY AMENDMENT WHEN WE GET THERE. BUT READ THE ORIGINAL E&R AMENDMENT, FOLKS. THERE'S NOTHING IN THERE THAT WOULD...IF YOU READ THIS WITHOUT THE DISCUSSION ON THE FLOOR THAT WOULD TELL YOU ANYTHING ABOUT DACA KIDS. IT SAYS NOTHING. IT IS A BLANK CHECK. SO, THANK YOU. [LB623]

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SENATOR KRIST: THANK YOU, SENATOR GROENE. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB623]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. WELL, THERE'S SO MANY THINGS TO TALK ABOUT AND TRY TO CORRECT. FIRST OFF, IF YOU LOOK UNDER THE FEDERAL LAWS OF THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS, THERE ARE ALL SORTS OF THINGS THAT...IF YOU WERE UNDER THE AGE OF 31 AS OF JUNE 15, 2012, YOU CAN ASK FOR DEFERRED ACTION FOR CHILDHOOD ARRIVALS. IT GOES THROUGH ALL SORTS OF THINGS AND INCLUDES: HAVE NOT BEEN CONVICTED OF A FELONY, SIGNIFICANT MISDEMEANOR, THREE OR MORE OTHER MISDEMEANORS, AND DO NOT POSE A THREAT TO NATIONAL SECURITY OR PUBLIC SAFETY. SO SENATOR GROENE'S COMMENTS ARE NOT CORRECT ON THAT. YOU CANNOT HAVE SOMEBODY JUST COMMITTING CRIMES AND APPLYING AND BEING ABLE TO BE PART OF THE ABILITY TO GET A LICENSE. THE OTHER THING THAT I WANTED TO TALK ABOUT WAS SENATOR KINTNER TALKED ABOUT WORRYING ABOUT PEOPLE THAT MIGHT BE ABLE TO VOTE. WE ALL RECEIVED A HANDOUT FROM SENATOR McCOLLISTER WHICH WAS WRITTEN TWO WEEKS AGO BY SECRETARY OF STATE JOHN GALE. AND IT GOES INTO ALL SORTS OF INFORMATION ABOUT WHETHER OR NOT A DACA YOUTH WHO QUALIFIED FOR A NEBRASKA DRIVER'S LICENSE WOULD BECOME ELIGIBLE TO REGISTER TO VOTE UNDER NEBRASKA LAW. I HOPE YOU ALL STILL HAVE THIS SHEET OF...THIS LETTER BECAUSE IT GOES INTO QUITE SIGNIFICANT DETAIL. BUT I'LL READ WHAT I CAN: UNDER LB623, DACA YOUTH WOULD BE RECEIVING A DRIVER'S LICENSE USING NONCITIZEN DOCUMENTATION. SHOULD A DACA APPLICANT, OR ANY OTHER NONCITIZEN, COMPLETE A VOTER REGISTRATION FORM USING THEIR DRIVER'S LICENSE FOR ID, THE APPLICATION UPON FILING WOULD BE DEEMED INELIGIBLE, SINCE THE DMV DATABASE WOULD DISCLOSE NONCITIZEN DOCUMENTATION. THE VOTER REGISTRATION PROCESSION IS CRYSTAL-CLEAR THAT NONCITIZENS ARE NOT QUALIFIED TO REGISTER TO VOTE. THE U.S. HELP AMERICA VOTE ACT OF 2002 REQUIRED THE FIRST TWO QUESTIONS ON THE REGISTRATION FORM TO BE THESE: (1) ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA? (2) ARE YOU AT LEAST 18 YEARS OF AGE OR WILL YOU BE 18 YEARS OF AGE ON OR BEFORE THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF NOVEMBER OF THIS YEAR? THESE QUESTIONS, WITH CORRESPONDING OR YES OR NO CHECK BOXES. IN ADDITION TO THESE FEDERALLY REQUIRED QUESTIONS, THE NEBRASKA VOTER REGISTRATION FORM REQUESTS THESE ITEMS OF INFORMATION: (1) NAME, DATE OF BIRTH, PLACE OF BIRTH, NEBRASKA DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER; (2) A PARAGRAPH IN RED INK THAT REQUIRES AN APPLICANT'S OATH THAT THEY SWEAR TO THE TRUTH

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OF FOUR REPRESENTATIONS, ONE BEING NUMBER 4, I AM A CITIZEN OF THE UNITED STATES; (3) THEY ARE THEN FURTHER WARNED THAT AN APPLICANT WHO MAKES A FALSE STATEMENT IS "GUILTY OF A CLASS IV FELONY," AND THAT THE PENALTY FOR A CLASS IV FELONY IS "UP TO FIVE YEARS IMPRISONMENT, A FINE OF UP TO \$10,000, OR BOTH." IT WOULD CONSTITUTE A FELONY OFFENSE UNDER EITHER OR BOTH FEDERAL AND STATE LAW FOR ANY NONCITIZEN, INCLUDING DACA YOUTH, TO REGISTER TO VOTE WHEN THE BOXES CHECKED ARE FRAUDULENT. NEBRASKA HAS A NUMBER OF RESIDENTS WHO ARE NONCITIZENS," SECRETARY OF STATE GALE GOES ON TO SAY. "THEY MAY BE IN NEBRASKA AS LEGAL RESIDENTS BASED ON THEIR LEGAL STATUS AS FOREIGN STUDENTS, AS POLITICAL REFUGEES, LEGAL ALIENS, OR OTHER SIMILAR STATUS. HOWEVER, NONE OF THEM ARE ALLOWED BY LAW TO REGISTER TO VOTE." HE GOES ON TO SAY, FROM MY KNOWLEDGE OF OUR ELECTION HISTORY, I AM NOT AWARE THAT NEBRASKA HAS EVER EXPERIENCED ANY SYSTEMATIC VOTER REGISTRATION FRAUD FROM THE TIME NEBRASKA BEGAN REQUIRING VOTER REGISTRATION STATEWIDE. AND FURTHER, HE SAID, THE USE OF NONCITIZEN DOCUMENTATION FOR THE LICENSE WOULD BE IMMEDIATELY KNOWN WHEN THE DMV DATABASE IS CROSS-CHECKED. THE FALSE SWEARING IN NEEDED TO COMPLETE SUCH AN APPLICATION WOULD LIKELY RESULT IN A FELONY CRIMINAL CHARGE. [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. FURTHER, IF YOU LOOK AT...THERE WAS INFORMATION FROM THE DEPARTMENT OF MOTOR VEHICLES WHERE DIRECTOR RHONDA LAHM SENT OUT INFORMATION REGARDING THE ISSUANCE OF DRIVER'S LICENSE AND VOTER REGISTRATION. THERE IS NO NEED TO INCLUDE DACA STATUS IDENTIFICATION ON A STATE-ISSUED DRIVER'S LICENSE. WHEN A LICENSE APPLICATION IS REQUESTED BY AN INDIVIDUAL FOR THE FIRST TIME, CITIZEN STATUS IS DETERMINED. EVERY APPLICANT IS REQUIRED TO STATE IF HE OR SHE IS NOT A CITIZEN. THE DMV EXAMINING STAFF KNOWS IF A PERSON ANSWERING THE QUESTION IS TELLING THE TRUTH BASED ON THE IDENTIFICATION DOCUMENTS PRESENTED. A CITIZEN WOULD PROVIDE A BIRTH CERTIFICATE, PASSPORT, OR OTHER APPROVED DOCUMENT. A NONCITIZEN WOULD PROVIDE A DOCUMENT ISSUED BY THE U.S. CITIZENSHIP AND IMMIGRATION SERVICE. THE DMV LICENSING SYSTEM IS PROGRAMMED TO REMOVE THE VOTER REGISTRATION DATA FIELDS WHEN AN APPLICANT INDICATES HIS OR HER CITIZENSHIP STATUS. THIS PREVENTS ANY OPPORTUNITY FOR THE DMV EXAMINER TO ENTER VOTER REGISTRATION DATA FOR NONCITIZENS... [LB623]

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SENATOR KRIST: TIME, SENATOR. [LB623]

SENATOR PANSING BROOKS: ...EVEN BY MISTAKE. THANK YOU, MR. PRESIDENT.
[LB623]

SENATOR KRIST: THANK YOU, SENATOR PANSING BROOKS. SENATOR KINTNER,
YOU ARE RECOGNIZED. [LB623]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I'M GLAD I GOT TO
HEAR SENATOR PANSING BROOKS. I'M NOW CONVINCED THAT IF ANYBODY GETS
A DREAMER'S DRIVER'S LICENSE AND SOMEHOW THINKS THAT THEY'RE A
CITIZEN AND CAN VOTE, THEY WILL BE DETERRED FROM VOTING. THEY WILL BE
DETERRED FROM VOTING. I THINK IF YOU ARE LOOKING TO DEFRAUD THE
SYSTEM, THAT'S PROBABLY NOT GOING TO DEFER YOU OR DETER YOU. IT MIGHT
DEFER YOU SLIGHTLY, BUT IT WON'T DETER YOU, I DON'T BELIEVE. THAT IS
DESIGNED TO KEEP MISTAKES FROM HAPPENING. I DON'T THINK WE HAVE ANY
SYSTEM IN PLACE TO STOP FRAUD, OR EVEN WORSE, SYSTEMATIC FRAUD.
SENATOR HILKEMANN, WILL YOU YIELD TO A QUESTION? [LB623]

SENATOR KRIST: SENATOR HILKEMANN, WILL YOU YIELD? [LB623]

SENATOR HILKEMANN: YES, SENATOR KINTNER. [LB623]

SENATOR KINTNER: DO YOU THINK THAT THESE DEFERRED ACTION PEOPLE, AS
DECLARED BY OUR PRESIDENT, SHOULD RECEIVE A DRIVER'S LICENSE IN THE
STATE OF NEBRASKA? [LB623]

SENATOR HILKEMANN: I BELIEVE THAT IF THEY MEET THE CRITERIA, WHICH
MEANS THEY ARE IN SCHOOL AND THAT THEY HAVE A JOB WHICH IS PAYING
SOCIAL SECURITY, THAT THEY CAN BE IN THE MILITARY, AND THAT THEY CAN
BE QUALIFIED TO BE PHYSICIANS AND LAWYERS IN THIS STATE THAT WE
SHOULD NOT CREATE A BARRIER FOR THEM TO CONTINUE TO WORK IN THIS
STATE WHICH...AND TO DRIVE A CAR BECAUSE IT'S VERY DIFFICULT TO CARRY
OUT GOING TO SCHOOL, WORKING WITHOUT BEING ABLE TO DRIVE A CAR
WHEN THEY CAN DRIVE IT IN 49 OTHER STATES. [LB623]

SENATOR KINTNER: SENATOR, YOU'VE EMBRACED THIS POLITICIAN THING
NICELY. SO I'M GOING TO...IS THAT A YES? YES, OKAY. [LB623]

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SENATOR HILKEMANN: I SUPPORTED IT ON GENERAL FILE, AND I PLAN TO SUPPORT IT IN SELECT. [LB623]

SENATOR KINTNER: AND ON WHAT LAW IS THAT BASED? WHAT U.S. LAW IS THAT BASED UPON? [LB623]

SENATOR HILKEMANN: WELL, SENATOR, I FIND IT INTERESTING THAT 49 STATES HAVE INTERPRETED THE LAW THAT IS ALLOWING THEM TO DRIVE IN IOWA, IN KANSAS, IN COLORADO,... [LB623]

SENATOR KINTNER: BUT WAIT. MY QUESTION IS THOUGH... [LB623]

SENATOR HILKEMANN: ...IN WYOMING. [LB623]

SENATOR KINTNER: ...WHAT LAW ARE THEY INTERPRETING? DID CONGRESS PASS IT IN 2012, 2010, 2008? WAS IT SIGNED BY OBAMA OR WAS IT A BUSH SIGNING? WHAT LAW ARE THEY USING HERE? [LB623]

SENATOR HILKEMANN: WELL, SENATOR, THEY ARE USING AN EXECUTIVE ORDER THAT WAS ISSUED BY THE PRESIDENT OF THE UNITED STATES WHO AT THE PRESENT TIME IS THE CHIEF EXECUTIVE OF THIS COUNTRY. [LB623]

SENATOR KINTNER: DO YOU RECOGNIZE LAWS PASSED BY EXECUTIVE ORDER, OR DO YOU THINK WE HAVE A CONSTITUTION THAT SAYS OUR CONGRESS SHOULD PASS LAWS AND OUR PRESIDENT SHOULD SIGN THEM? [LB623]

SENATOR HILKEMANN: WELL, SENATOR, I THINK THERE ARE SOME TIMES WHEN OUR SYSTEM OF GOVERNMENT IN WASHINGTON IS SO BROKEN THAT UNLESS WE HAVE SOME...SOMETIMES EXECUTIVE DECISIONS NEED TO BE MADE. [LB623]

SENATOR KINTNER: WHAT DOES OUR CONSTITUTION SAY ABOUT THAT? HAVE YOU EVER LOOKED AT IT? [LB623]

SENATOR HILKEMANN: WELL, OUR CONSTITUTION SAYS THAT THE PRESIDENT OF THE UNITED STATES IS THE PRESIDENT OF THE UNITED STATES AND IS THE CHIEF PRESIDING OVER THIS COUNTRY. WHETHER WE AGREE WITH HIS DECISIONS OR NOT, HE IS STILL THE PRESIDENT OF THE UNITED STATES. [LB623]

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SENATOR KINTNER: OKAY. WELL, GREAT. THANK YOU, SENATOR HILKEMANN. I APPRECIATE YOU INDULGING ME. [LB623]

SENATOR HILKEMANN: YOU'RE WELCOME. [LB623]

SENATOR KINTNER: APPRECIATE IT. SENATOR McCOLLISTER, WILL YOU YIELD TO A QUESTION, WHEREVER YOU ARE? [LB623]

SENATOR KRIST: SENATOR McCOLLISTER, WILL YOU YIELD? AND ONE MINUTE. [LB623]

SENATOR McCOLLISTER: YES, I WILL, IF YOU ARE LOOKING FOR SENATOR McCOLLISTER. [LB623]

SENATOR KINTNER: McCOLLISTER. HOW'S THAT? DID I GET IT? HEY, YOU KNOW WHAT, WE ONLY HAVE A MINUTE. BUT I WANT TO BRING YOU BACK TO THE MIKE NEXT TIME I TALK. THE QUESTION I'M GOING TO ASK YOU IS YOU SAID WE'RE FOLLOWING THE LAW. AND WHEN WE COME BACK TO THE MIKE NEXT TIME, I'D LIKE YOU TO TELL ME WHAT LAW WE ARE FOLLOWING. THAT'S MY QUESTION. MR. PRESIDENT, THANK YOU. [LB623]

SENATOR KRIST: THANK YOU, SENATOR KINTNER, SENATOR HILKEMANN, AND SENATOR McCOLLISTER. SENATOR McCOY, YOU ARE RECOGNIZED. [LB623]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. WELL, LET'S TALK ABOUT LR399 FOR A MOMENT. SENATOR NORDQUIST, I'M SURE YOU RECALL THAT DEBATE, AS I DO, LAST YEAR. YOU KNOW, SENATOR NORDQUIST READ LR399. AND FOR THE BENEFIT OF THOSE NEW MEMBERS OF THE LEGISLATURE, LET ME JUST IMPART TO YOU JUST A LITTLE BIT ABOUT WHAT OCCURRED ON THAT DEBATE. LET ME ACTUALLY READ FROM PAGE 1607 OF OUR LEGISLATIVE JOURNAL. LR399 WAS ADOPTED WITH 20 AYES, 3 NAYS, 1 PRESENT AND NOT VOTING, AND 25 EXCUSED AND NOT VOTING LAST YEAR. I BELIEVE SENATOR NORDQUIST SAID THIS PASSED WITH BIPARTISAN SUPPORT. I'M NOT SURE I'D CALL 20 AYES, 3 NAYS, AND 25 EXCUSED AND NOT VOTING BIPARTISAN SUPPORT. NOW, YES, EVEN THOUGH WE ARE NONPARTISAN, THERE WERE THOSE THAT WERE PART OF THE 20 AYES THAT WERE OF BOTH POLITICAL PARTIES. BUT AS THE ANY OF YOU REMEMBER WHO WERE HERE LAST YEAR ON APRIL 10, THAT WAS A BITTER, BITTER FIGHT. AND THE ONLY REASON I LET GO OF THAT

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FIGHT WAS BECAUSE THERE WAS NO WAY UNDER THE PROCESS WHEREBY WE HAVE IN THE LEGISLATURE WITH LEGISLATIVE RESOLUTIONS AT THE END OF A SESSION, THERE IS EFFECTIVELY NO WAY TO FILIBUSTER. THERE'S NO WAY FOR A CLOTURE VOTE TO BE TAKEN. I WOULD HAVE STOOD HERE UNTIL MIDNIGHT. BUT IT WOULD SERVE NO PURPOSE BECAUSE AT THE END OF THAT TIME THERE WAS NO WAY TO SAY IT'S GOING TO TAKE 33 TO PASS IT. BUT YOU HAD, OUT OF PROTEST, A GREAT NUMBER OF MEMBERS OF THIS BODY WHO JUST LEFT THE CHAMBER AND CHECKED THEMSELVES OUT BECAUSE WE WERE ATTEMPTING TO GET BELOW WHAT A QUORUM WOULD BE SO WE COULD ADJOURN HAVING NOT TAKEN ACTION ON THIS RESOLUTION. SO THIS ISSUE HAS BEEN AROUND FOR, NOT JUST THE ISSUE OF ILLEGAL IMMIGRATION BUT THE ISSUE OF OUR LEGISLATURE DEALING WITH THIS ISSUE, FOR A WHILE. WOULD SENATOR NORDQUIST YIELD, PLEASE? [LB623]

SENATOR KRIST: SENATOR NORDQUIST, WILL YOU YIELD? [LB623]

SENATOR NORDQUIST: YES. [LB623]

SENATOR McCOY: THANK YOU, SENATOR. I WANT TO CONTINUE WITH A CONVERSATION WE HAD ON GENERAL FILE ON THIS SUBJECT IN REFERENCE TO DACA AND DAPA, D-A-P-A. AND YOU TOLD ME ON GENERAL FILE, AND I WANT TO MAKE SURE THAT FOR RECORD THAT NOTHING HAS CHANGED OR YOU DIDN'T HAVE A...UPON FURTHER THOUGHT ON THE ISSUE, HAD A DIFFERENCE OF OPINION FROM WHAT YOU TOLD ME ORIGINALLY. YOU TOLD ME THAT IF WE WERE TO PASS HYPOTHETICALLY LB623, IT WAS TO BECOME LAW AND DRIVER'S LICENSES WERE GIVEN TO THESE INDIVIDUALS UNDER DACA, IF THE COURT CHALLENGE DOESN'T STAND UP TO DAPA, THAT WE WOULD ALSO BE REQUIRED, BECAUSE WE CAN'T SELECT BETWEEN DIFFERENT GROUPS THAT ARE DEFERRED ACTION, WE WOULD BE REQUIRED TO GIVE DRIVER'S LICENSES TO ALSO THOSE WHO WOULD COME UNDER THE DAPA DESIGNATION, CORRECT? [LB623]

SENATOR NORDQUIST: THE...FIRST OF ALL, I WOULD SAY THAT IS UNLIKELY THAT THE COURT CHALLENGE DOESN'T HOLD UP. SENATOR KINTNER SPENT THREE HOURS ON GENERAL FILE TELLING US HOW THERE WAS NO WAY THAT THAT WASN'T GOING TO...THAT THE DAPA WAS GOING TO STAND, THAT THE COURT WOULD KEEP THE OVERTURNING OF THAT. SO IT'S... [LB623]

SENATOR McCOY: BUT THAT'S NOT WHAT I... [LB623]

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SENATOR NORDQUIST: ...HIGHLY UNLIKELY. BUT TO ANSWER YOUR QUESTION, WE ARE SPECIFICALLY REFERENCING THE REAL ID ACT... [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR NORDQUIST: ...SECTIONS (2)(B) AND THEN (i) THROUGH (ix). AND (2)(B) IS EVIDENCE OF LAWFUL STATUS. AND ONE OF THOSE PROVISIONS THAT WE ARE REFERENCING SAYS, "HAS APPROVED DEFERRED ACTION STATUS." SO ANYONE, FOR WHATEVER REASON, BECAUSE WE CANNOT ARBITRARILY DRAW A LINE THROUGH THIS FEDERAL LAW THAT WE ARE REFERENCING, ONLY THOSE THAT HAVE APPROVED DEFERRED ACTION STATUS CAN GET A DRIVER'S LICENSE, AS WELL AS OTHER PROVISIONS. AND I CAN READ THOSE ON MY OWN TIME OR SHARE THOSE WITH ANYBODY. BUT WHAT WE'RE TALKING ABOUT WITH THIS BILL IS SPECIFICALLY SAYING IF YOU HAVE APPROVED DEFERRED ACTION STATUS, THEN YOU QUALIFY. [LB623]

SENATOR McCOY: HOW, IF... [LB623]

SENATOR KRIST: TIME, SENATORS. TIME, SENATORS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB623]

SENATOR KINTNER: WELL, THANK YOU, VERY MUCH. WILL SENATOR McCOLLISTER YIELD TO A QUESTION THAT I ALREADY GAVE YOU? [LB623]

SENATOR KRIST: SENATOR McCOLLISTER, WILL YOU YIELD? [LB623]

SENATOR McCOLLISTER: YES, I WILL. [LB623]

SENATOR KINTNER: IF YOU WERE SMART, YOU'D PROBABLY CHECK WITH SENATOR EBKE, WHO IS ALMOST A CONSTITUTIONAL SCHOLAR. WERE YOU SMART ENOUGH TO CHECK WITH HER BY ANY CHANCE? [LB623]

SENATOR McCOLLISTER: YEAH, WE DID CHECK. AND OF COURSE... [LB623]

SENATOR KINTNER: (LAUGH) [LB623]

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SENATOR McCOLLISTER: ...IT'S THE REAL ID ACT THAT WAS REFERENCED BY SENATOR NORDQUIST. AND WHEN THE PRESIDENT MADE HIS DECLARATION, THE ORDER WAS PROCESSED AND THAT WAS THE FORMAT IN WHICH IT WAS PROCESSED. [LB623]

SENATOR KINTNER: WHEN THE PRESIDENT MADE HIS DECLARATION, WHAT WAS THE PRESIDENT'S DECLARATION THAT WE'RE REFERRING TO HERE? [LB623]

SENATOR McCOLLISTER: WELL, WHEN THE CONGRESS HAS AN ACT--AND WE'VE TALKED ABOUT THAT BEFORE--THE PRESIDENT UNILATERALLY MADE THE DECLARATION THAT THOSE PEOPLE IN DEFERRED ACTION WOULD NOT BE THROWN OUT OF THE COUNTRY. AND HE DID THAT THROUGH THE REAL ID ACT. [LB623]

SENATOR KINTNER: ARE YOU DEFENDING OUR LAWLESS PRESIDENT? [LB623]

SENATOR McCOLLISTER: HE IS NOT LAWLESS. AS YOU MAY RECALL ME SAYING, BOTH PRESIDENT BUSH AND REAGAN DID SIMILAR ACTIONS. SO THE ACTION TAKEN BY PRESIDENT OBAMA WAS NOT UNPRECEDENTED. [LB623]

SENATOR KINTNER: OKAY, THANK YOU VERY MUCH. I THINK WHAT WE ARE REFERRING TO, THE PRESIDENT WAS TOO LAZY. AS I UNDERSTAND IT, THE PRESIDENT WAS EVEN TOO LAZY TO DO AN EXECUTIVE ORDER. IT WAS SECRETARY NAPOLITANO THAT ISSUED IT. AND THE PRESIDENT CAN'T EVEN BE LAWLESS ON HIS OWN. HE'S GOT TO GET SOMEONE ELSE TO BE LAWLESS FOR HIM--UNBELIEVABLE. I GOT TO TELL YOU SOMETHING. I GUESS I COULD START REMEMBERING PRESIDENTS AROUND JOHNSON WHEN I WAS SIX YEARS OLD, SEVEN YEARS OLD. AND I REMEMBER NIXON VERY WELL AND FORD AND CARTER, WHO I THOUGHT WAS A DISASTER, AND THEN REAGAN AND BUSH AND CLINTON AND THEN WE HAD ANOTHER BUSH AND THEN WE GOT TO THIS PRESIDENT. AND I'VE NEVER SEEN ANYTHING LIKE IT. I'VE NEVER SEEN ANYTHING SO BRAZEN IN MY LIFE. THIS PRESIDENT JUST, AH, CONGRESS WON'T DO IT SO I'LL DO IT. I'VE NEVER SEEN ANYONE JUST THUMB THEIR NOSE AT THE CONSTITUTION, AND THEN TO HEAR PEOPLE IN THIS BODY THINK IT IS OKAY. YOU KNOW, SENATOR EBKE HAS A RESOLUTION TO TRY TO GET SOME CONTROL AROUND THE FEDERAL GOVERNMENT, WHICH I FIND A LITTLE BIT IRONIC HERE. BUT STATES ARE STEPPING OUT ALL OVER THE PLACE AND TRYING TO TAKE STEPS TO REIN IN FEDERAL ABUSES, TO REIN IN OUR LAWLESS PRESIDENT, TO REIN IN WHAT SOME PEOPLE WOULD CALL A DO-NOTHING CONGRESS. AND

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CONSIDERING WHAT THE CONGRESS COULD DO TO US, SOMETIMES I'M VERY HAPPY THEY DO NOTHING. AND, YOU KNOW, WE'RE NOT A LEGISLATURE THAT DOES A VERY GOOD JOB OF ASSERTING OUR RIGHT AS A STATE. WE DON'T SAY MUCH OF ANYTHING. BUT THERE ARE A LOT OF STATES THAT ARE JUST SAYING NO. NO, WE'RE NOT GOING TO HELP YOU DO THESE ILLEGAL ACTIONS. WE ARE NOT GOING TO HELP YOU WITH THESE MARGINALLY CONSTITUTIONAL, IF NOT UNCONSTITUTIONAL, LAWS. AND, YEAH, I THINK THAT SLAPPING ILLEGAL IMMIGRANTS IN THE FACE, ENABLING AT BEST MARGINALLY LAWLESS PRESIDENT, IF NOT TOTALLY LAWLESS PRESIDENT, BY JUST SAYING, HEY, YOUR SECRETARY JUST ISSUED A DECLARATION AND... [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR KINTNER: ...WE'LL HELP YOU DO IT. I DON'T KNOW...I DON'T THINK THAT'S WHAT OUR FOUNDING FATHERS ENVISIONED. I THINK THE FOUNDING FATHERS HAVE KIND OF GAVE IT TO THE STATES TO KEEP THE FEDERAL GOVERNMENT IN LINE. YOU KNOW, WE CREATED THE FEDERAL GOVERNMENT. THE FEDERAL GOVERNMENT DID NOT CREATE THE STATES. WE SHOULD BE THEIR MASTERS. REMEMBER IN THE CONSTITUTION, WE USED TO, THE LEGISLATURES USED TO PICK THE SENATORS BECAUSE THEY WANTED THE SENATORS TO REPRESENT THE PEOPLE IN A LEGISLATURE THAT'S CLOSE TO THE PEOPLE. THANK YOU, GEORGE NORRIS. THAT WAS A CONSTITUTIONAL AMENDMENT WHEN THEY WERE THE PROGRESSIVE ERA. AND WE THOUGHT WE SHOULD ELECT EVERYBODY. BUT WE USED TO LITERALLY PICK THEM IN THESE BODIES BECAUSE WE WANTED SOMEONE WHO DOESN'T PANDER TO THE PEOPLE THOUGH VOTES. [LB623]

SENATOR KRIST: TIME, SENATOR. [LB623]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. [LB623]

SENATOR KRIST: THANK YOU, SENATOR KINTNER. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB623]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. WELL, AS WE...I GUESS AS I TALKED ON GENERAL FILE, I AM OPPOSED TO THIS LEGISLATION. YOU KNOW, I AGREE, LISTENING BACK TO WHAT SENATOR GROENE SAID, HE WAS ABSOLUTELY CORRECT. BUT WE HAVE TO FOLLOW THE RULE OF THE LAW, AND I GUESS THAT'S WHERE I STAND ON THE ISSUE. AND THAT'S WHERE I WILL

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ALWAYS STAND. AND I DON'T KNOW HOW WE CAN CONVINCING OTHERS TO THINK OTHERWISE. BUT IT KIND OF SEEMS THAT...I DON'T KNOW, THE APPEARANCE IS THAT WE PICK AND CHOOSE WHICH LAWS TO ENFORCE, WHICH ONES NOT TO ENFORCE, WHO TO SUPPORT, WHO NOT TO SUPPORT. SO THAT'S WHERE I STAND. I AM OPPOSED TO IT. AND I WILL YIELD THE REST OF MY TIME TO SENATOR KINTNER, IF HE SO CHOOSES. [LB623]

SENATOR KRIST: SENATOR KINTNER, YOU ARE YIELDED 3:30. [LB623]

SENATOR KINTNER: OKAY, THANK YOU. I ACTUALLY HAVE THE MEMO FROM JANET NAPOLITANO...WELL, SHE HAS A FEW OTHER NAMES PEOPLE CALL HER, BUT WE'LL STOP THERE. I'VE GOT...THIS IS WHAT SHE DID. THE PRESIDENT DIDN'T EVEN HAVE THE GUTS TO DO AN EXECUTIVE ORDER. IT'S NOT EVEN AN ORDER. REALLY, I DON'T KNOW IF THEY DO ORDERS FROM JANET NAPOLITANO, SECRETARY OF HOMELAND SECURITY, JUNE 15, 2012. IT'S JUST A MEMORANDUM. LET ME SEE WHAT IT SAYS HERE. OKAY, LET ME JUST READ IT HERE. BY MEMORANDUM, I AM SETTING FORTH HOW IN EXERCISE OF OUR PROSECUTORIAL DISCRETION...BOY, I GOT TO LOOK AT THE U.S. CONSTITUTION TO FIND OUT WHERE PROSECUTORIAL DISCRETION OF THE DEPARTMENT OF HOMELAND SECURITY...I'M NOT SURE THAT OUR FOUNDING FATHERS RISKED THEIR LIFE AND SACRED HONOR FOR PROSECUTORIAL DISCRETION. MAYBE THEY DID. I'M NOT SURE. WE'LL HAVE TO GO CHECK THAT. OKAY. HOMELAND SECURITY SHOULD ENFORCE THE NATION'S IMMIGRATION LAWS AGAINST CERTAIN YOUNG PEOPLE WHO WERE BROUGHT IN THIS COUNTRY--SHOULD NOT, I SHOULD ADD--AND KNOW ONLY THIS COUNTRY AS HOME, AND KNOW THIS COUNTRY AS HOME. AS A GENERAL MATTER, THESE INDIVIDUALS LACKED THE INTENT TO VIOLATE THE LAW. SO THEY DIDN'T HAVE INTENT TO VIOLATE THE LAW. THAT MEANS THEY'RE LAW-ABIDING CITIZENS. SO I'VE GOT TO TELL THE OFFICER, HEY, OFFICER, I WASN'T GOING 95 MILES PER HOUR. I INTENDED TO GO 70. AND THE HOMELAND SECURITY SECRETARY SAYS RIGHT HERE, THAT'S OKAY BECAUSE I DIDN'T HAVE INTENT. WOW, WE HAVE SUNK LOW. THANK YOU, MR. PRESIDENT. [LB623]

SENATOR KRIST: THANK YOU, SENATOR SCHNOOR AND SENATOR KINTNER. THOSE STILL WISHING TO SPEAK: SENATOR BRASCH, McCOY, McCOLLISTER, GROENE, AND KINTNER. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB623]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES, FOR YOUR ATTENTION. THIS IS IMPORTANT. REVIEWING

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STATISTICS FROM A WEB PAGE EARLIER, WITH THE U.S. IMMIGRATION IMMIGRANTS AND IMMIGRANTS OF THE UNITED STATES, MIGRATIONPOLICY.ORG, I'M DISAPPOINTED TO READ THAT IN 2013, 47 PERCENT OF IMMIGRANTS, OR 19.3 MILLION, WERE NATURALIZED U.S. CITIZENS. THE REMAINING 53 PERCENT OR 22.1 MILLION INCLUDES LAWFUL PERMANENT RESIDENTS, UNAUTHORIZED ILLEGAL IMMIGRANTS, AND LEGAL RESIDENTS ON TEMPORARY VISAS, SUCH AS STUDENTS AND TEMPORARY WORKERS. THE SCALES ARE TIPPING WHERE IT SEEMS THERE ARE LESS LEGAL HERE IN OUR COUNTRY. AND CORRECT, SENATOR McCOLLISTER, CONGRESS, NEEDS TO ACT ON THIS AND THEY HAVEN'T ACTED ON IT. BUT I DON'T BELIEVE IT'S UP TO THE STATES TO MAKE INDEPENDENT IMMIGRATION POLICIES HERE, ESPECIALLY WHEN WE STILL HAVE 4.4 MILLION INDIVIDUALS WHO WANT TO IMMIGRATE LEGALLY INTO THIS COUNTRY. AT ONE POINT BEING A COUNTRY OF LAW MATTERED. IT WAS IMPORTANT. AND IT WAS IMPORTANT TO INDIVIDUALS THAT CAME HERE. IT'S IMPORTANT TO THE LEGISLATURE. THAT'S WHY WE MEET EVERY YEAR FOR EITHER 60 SESSION DAYS OR 90 SESSION DAYS, SO WE CAN MAKE GOOD PUBLIC POLICY. IT HAS NOT BEEN OUR POLICY HERE TO OVERRIDE IMMIGRATION LAWS, THE LEGAL ONES. AND WHEN NEBRASKA WAS THE ONLY STATE TO NOT REACT TO THE PRESIDENTIAL DACA LAW IN GRANTING THE DRIVER'S LICENSES, IT'S STATING WE ARE A STATE THAT STILL BELIEVES IN LAW. NOW, THAT WAS BY PRESIDENTIAL ORDER THAT I BELIEVE IS UNPRECEDENTED IS WHAT I HAVE READ. AND IF YOU READ THE RECENT ARTICLE IN THE HILLSDALE BULLETIN, THAT THERE IS PAGES OF WHY WE CANNOT LOOK AT BECOMING A LAWLESS COUNTRY. ONCE AGAIN, I DO UNDERSTAND IMMIGRATION. ENGLISH WAS MY SECOND LANGUAGE. I WAS THEIR FIRST CHILD BORN IN THIS COUNTRY. THEY WERE HERE THREE YEARS. AND IT WAS VERY IMPORTANT TO THEM TO LEARN THE LANGUAGE, TO FIND EMPLOYMENT, YOU KNOW, AS IT IS FOR OTHERS. BUT IT WAS MOST IMPORTANT THAT THEY WERE LAW ABIDING. THERE'S A REASON FOR THIS, I BELIEVE, AND IF WE ARE GOING TO CONTINUE TO SAY CLOSE ENOUGH--THAT'S CLOSE ENOUGH. YOU KNOW, THEY CAME HERE SOMEHOW. THEY MADE IT THROUGH THE BORDER. THEY DID WHAT THEY NEED TO DO. AND I AGREE, THESE ARE GOOD YOUNG PEOPLE. I HAVE NO ILL WILL TOWARDS WHAT THEY HAVE... [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR BRASCH: ...IN THEIR IMMIGRATION STORY AND THEIR LIVES. HOWEVER, THERE IS A DIFFERENCE. WE HAVE IMMIGRATION LAWS. WE HAVE INDIVIDUALS THAT WANT TO COME HERE LEGALLY. THERE IS A LINE. THERE IS A SYSTEM, AND I BELIEVE WE NEED TO CONTINUE TO RESPECT THAT SYSTEM. WE

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CAN CONTINUE GIVING BENEFITS TO INDIVIDUALS THAT ARE HERE AS OUR GUESTS, AS GROENE WOULD PUT IT. BUT THEY ARE NOT TOURISTS. THEY'RE NOT JUST PASSING BY. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB623]

SENATOR KRIST: THANK YOU, SENATOR BRASCH. SENATOR McCOY, YOU'RE RECOGNIZED. [LB623]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR NORDQUIST YIELD, PLEASE? [LB623]

SENATOR KRIST: SENATOR NORDQUIST, WOULD YOU YIELD? I DON'T SEE HIM IN THE CHAMBER, SENATOR McCOY. [LB623]

SENATOR McCOY: OKAY. WELL, I'LL CONTINUE WITH WHAT I WAS GOING TO HAVE A DIALOGUE WITH HIM ABOUT. I HAVE IN FRONT OF ME THE REAL ID ACT FROM 2005, THE FEDERAL LAW, AND IT SPECIFICALLY TALKS ABOUT THOSE WHO HAVE APPROVED DEFER ACTION STATUS. NOW LET ME DESCRIBE TO YOU WHY THAT IS IMPORTANT, MEMBERS, AND WHY THIS IS SIGNIFICANT WITH WHAT WE'RE TALKING ABOUT, BECAUSE TODAY WE'RE TALKING ABOUT DRIVER'S LICENSES FOR RECIPIENTS OR THOSE WHO HAVE A DACA DESIGNATION. BUT ANOTHER EXECUTIVE ORDER THAT PRESIDENT OBAMA HAS ISSUED THAT, AS HAS BEEN MENTIONED, 26 STATES ARE ENJOINED TO BLOCK. THE STATE OF NEBRASKA IS ONE OF THOSE 26 STATES. AND SO FAR, A FEDERAL JUDGE IN TEXAS HAS PUT A STAY ON, UP TO THIS POINT, FROM TAKING ACTION, WOULD INCLUDE BETWEEN 4 (MILLION) AND 5 MILLION, BETWEEN 4 (MILLION) AND 5 MILLION INDIVIDUALS WHO WOULD BE PART OF DAPA, OR PARENTS OF THOSE WHO ARE LEGAL RESIDENTS OR WHO ARE CITIZENS. SO LET ME GO THROUGH THAT AGAIN. ESSENTIALLY WITH DACA ACROSS THE COUNTRY, WE'RE TALKING ABOUT 100,000 INDIVIDUALS. DAPA, THE OTHER EXECUTIVE ORDER THAT PRESIDENT OBAMA HAS ISSUED WHICH HASN'T TAKEN EFFECT AND I HOPE DOES NOT, I HOPE WE ARE ABLE TO BLOCK THAT IN COURT, AND WE ARE PART OF THAT LAWSUIT, WOULD AFFECT 4 (MILLION) TO 5 MILLION. AND YOU'VE HEARD SENATOR NORDQUIST, IN RESPONSE TO SEVERAL QUESTIONS THAT I'VE ASKED HIM OVER THE COURSE OF GENERAL FILE AND SELECT FILE, OUTLINE TO YOU THAT WE AS A STATE WOULD NOT HAVE THE ABILITY TO DRAW A DISTINCTION, IF THIS EXECUTIVE ORDER WERE TO PROCEED, WOULD NOT HAVE THE ABILITY TO DRAW A DISTINCTION BETWEEN THOSE, AND GIVE ONLY DRIVER'S LICENSES TO THOSE WHO WOULD FALL UNDER THIS BILL, LB623. BUT INSTEAD WE WOULD BE

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REQUIRED TO GIVE DRIVER'S LICENSES TO ALL THOSE WHO HAVE DEFERRED ACTION. LET ME TELL YOU WHY THAT'S SIGNIFICANT, BECAUSE THE ONLY REQUIREMENT IN DAPA, IF YOU LOOK IT UP, IS TO HAVE BEEN IN THE UNITED STATES FOR A MINIMUM OF FOUR YEARS, AND TO BE PARENTS OF THOSE WHO ARE EITHER A LEGAL RESIDENTS OR A LEGAL PERMANENT ALIEN OR A CITIZEN. SO THE QUESTION I WAS GOING TO ASK NORDQUIST IF HE WOULD BE IN THE CHAMBER IS IF AN INDIVIDUAL COMES HERE ILLEGALLY, AN ADULT, TO THE STATE OF NEBRASKA AND HAS A CHILD HERE, WHO WOULD, OF COURSE, BE A UNITED STATES CITIZEN, AND IS HERE FOR MORE THAN FOUR YEARS, IF THIS EXECUTIVE ORDER STANDS THAT PRESIDENT OBAMA HAS ISSUED, WOULD WE IN NEBRASKA, WOULD THE DEPARTMENT OF MOTOR VEHICLES BE FORCED TO GIVE THAT INDIVIDUAL A DRIVER'S LICENSE? AND THE ABSOLUTE ANSWER IS YES. LADIES AND GENTLEMEN, THAT'S WHY THIS BILL IS VERY DANGEROUS IN MY MIND. EVEN IF I COULD RECONCILE MYSELF TO THE FACT THAT THOSE WHO WOULD RECEIVE THE DRIVER'S LICENSES UNDER THIS BILL DIDN'T CHOOSE TO COME HERE ILLEGALLY, MAY HAVE BEEN BROUGHT HERE AS INFANTS, YOUNG CHILDREN. YOU TRUST YOUR PARENTS. THEY BROUGHT THEM HERE. [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR McCOY: BY PASSING THIS BILL, WE ARE OPENING THE DOOR, MEMBERS, TO GIVING DRIVER'S LICENSES TO PARENTS WHO DID CHOOSE TO COME HERE ILLEGALLY AS ADULTS. YOU KNOW, SENATOR NORDQUIST WAS ASKED A QUESTION ON GENERAL FILE. WELL, SENATOR NORDQUIST, DO YOU SUPPORT DRIVER'S LICENSES FOR ILLEGALS? JUST A BLANKET, FOR ILLEGAL IMMIGRANTS, DO YOU SUPPORT DRIVER'S LICENSES? AND SENATOR NORDQUIST SAID NO. BUT I WOULD PROPOSE TO YOU THAT GIVING DAPA RECIPIENTS DRIVER'S LICENSES IS THE ABSOLUTE FARTHEST STEP YOU COULD GET TOWARDS JUST ALLOWING ALL ILLEGAL IMMIGRANTS TO HAVE A DRIVER'S LICENSE. DO WE REALLY WANT TO GO DOWN THIS ROAD, MEMBERS? DOES THIS NOT CONCERN MORE OF YOU? IT SHOULD. THANK YOU, MR. PRESIDENT. [LB623]

SENATOR KRIST: THANK YOU, SENATOR McCOY. SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB623]

SENATOR McCOLLISTER: I'LL BE BRIEF, MR. PRESIDENT, THANK YOU. MEMBERS, THERE'S BEEN A LOT OF DISCUSSION ABOUT LEGAL PRESENCE AND LEGAL STATUS, LAWFUL STATUS. AND THOSE ARE IMPORTANT TOPICS TO DEFINE. AND IN THIS BILL, LB623, THOSE TERMS ARE DEFINED AND FINALLY RESOLVED

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BECAUSE THOSE ISSUES HAVE BEEN SWIRLING AROUND AND CAUSE US CONTINUING PROBLEMS. SENATOR McCOY HAS BEEN TALKING ABOUT THE TEXAS LAWSUIT. AND I'VE GOT SOME INFORMATION HERE THAT I'D BE HAPPY TO SHARE WITH HIM, THAT IT SHOULD BE NOTED THAT THE RECENT TEMPORARY INJUNCTION FROM TEXAS DISTRICT COURT DID NOT APPLY TO THE 2012 DACA PROGRAM, DEMONSTRATING THE CONTINUING NEED FOR NEBRASKA TO ADDRESS THIS ISSUE. THIS IS FROM THE JUSTICE FOR OUR NEIGHBORS AND I'LL BE HAPPY TO GIVE THIS TO SENATOR McCOY. IT REFERENCES THE COURT ACTION SO WE CAN PULL THAT ARGUMENT AWAY FROM THIS DISCUSSION. THANK YOU, MR. PRESIDENT. [LB623]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB623]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. MAYBE I'M DENSE, BUT I'M GOING READ YOU WHAT THIS BILL SAYS: THE LEGISLATURE FINDS AND DECLARES THAT SECTION 202(c)(2)(B)(i) THROUGH (ix) OF THE FEDERAL ID ACT OF 2005, PUBLIC LAW 109-13, ENUMERATES CATEGORIES OF INDIVIDUALS WHO MAY DEMONSTRATE LAWFUL STATUS--LAWFUL MEANS IT IS IN OUR NATIONAL STATUTES, IN OUR NATURAL STATUTES--"FOR THE PURPOSE OF ELIGIBILITY FOR A FEDERALLY SECURE MOTOR VEHICLE OPERATOR'S LICENSE OR STATE IDENTIFICATION CARD. THE LEGISLATURE FURTHER FINDS AND DECLARES THAT IT WAS THE INTENT OF THE LEGISLATURE IN 2011 TO ADOPT THE ENUMERATED CATEGORIES BY THE PASSAGE OF LAWS 2011, LB215." THAT WAS A REAL ID LAW THAT THEY...THAT WAS LAWFUL STATUS INDIVIDUALS: THE LEGISLATURE DECLARES THAT THE PASSAGE OF THIS LEGISLATIVE BILL IS FOR THE LIMITED PURPOSE OF REAFFIRMING THE ORIGINAL LEGISLATIVE INTENT OF LAWS 2011, AND ENUMERATED IN SECTION 2,002 (SIC) THROUGH 4 (SIC) OF THE FEDERAL REAL ID ACT OF 2005. THAT WAS LAWFUL STATUS IN OUR UNITED STATES STATUTES. LAWFUL STATUS MAY BE SHOWN AS A VALID...AND THEN IT GOES INTO IT. THAT'S THE OLD LAW. THEN THEY ADDED DOWN BELOW ON THE SECOND PAGE: THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES...SUCH AS ONE OF THE TYPES OF FORM I-797 USED BY THE UNITED STATES CITIZENSHIP AND IMMIGRATION...THAT THE APPLICANT HAS LAWFUL STATUS. THE COURTS HAVE SAID THEY DON'T HAVE LAWFUL STATUS; THEY HAVE LAWFUL PRESENCE. THIS BILL DOES NOT COVER THEM. THIS COVERS...I DON'T WANT TO USE THE WORD, BUT THIS BILL EXPLOITS THOSE KIDS. IT USES THEM, WHO I WANT TO HELP, TO GET A FOOT IN THE DOOR TO GIVE LICENSES TO ILLEGAL IMMIGRANTS LIKE A LOT OF STATES HAVE ALREADY DONE. THAT'S WHAT THIS BILL IS. IT'S A FOOT IN THE DOOR. I DON'T WANT TO EXPLOIT THESE

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KIDS. MY AMENDMENT WILL STRAIGHTEN THAT OUT, THAT THIS DRIVER'S ID CARD IS ONLY FOR THOSE KIDS WHO ARE HERE AT NO FAULT OF THEIR OWN. THIS BILL DOESN'T EVEN MENTION THEM. IT DOESN'T MENTION THE 2011...FROM THE HOMELAND SECURITY SECRETARY MEMORANDUM. IT DOESN'T MENTION THAT. IT MENTIONS LAWFUL STATUS, THOSE THAT ARE GIVEN STATUS HERE, NONCITIZENS, THROUGH LAWS THAT YOU CAN FIND IN OUR FEDERAL STATUTES. THERE IS NO LAW THAT GIVES DACA KIDS LAWFUL STATUS IN OUR FEDERAL STATUTES. MY AMENDMENT WILL DESCRIBE WHO THEY ARE, AND WHY WE'RE GIVING THEM...IF WE CAN GET TO THAT AMENDMENT, AND WE ARE GOING TO DO IT CORRECTLY. WE'RE GOING TO FOLLOW THE RULE OF LAW. THIS THING DOES NOT DO IT. THIS EXPLOITS THEM. IT USES THOSE KIDS TO OPEN THE DOOR. THANK YOU. [LB623]

SENATOR KRIST: THANK YOU, SENATOR GROENE. SENATOR KINTNER, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB623]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, WE HAVE...MY COUNT, WE HAVE TEN SENATORS ON THE FLOOR RIGHT NOW. SO WE'RE NOT HERE CHANGING MINDS. BUT I DO THINK IT'S IMPORTANT TO TALK ABOUT THIS, AT LEAST LET THE PEOPLE AT HOME AND ANYONE THAT MAY READ ABOUT THIS IN THE MEDIA AS TO WHAT WE'RE DOING HERE AND WHY THIS IS IMPORTANT AND WHY THIS IS REALLY A BAD BILL. BUT WE GET A LOT OF BAD BILLS HERE. I'M KIND OF IN THE BAD BILL BUSINESS HERE. I DIDN'T KNOW I WOULD DO THAT. WHEN I BECAME A SENATOR, I GOT IN THE BAD BILL BUSINESS. AND, YES, THERE ARE SOMETIMES SOME GOOD BILLS. I DON'T THINK WE'LL SEE ANY IN THE NEXT SEVEN DAYS, BUT THERE ARE GOOD BILLS. WE JUST HAVEN'T SEEN VERY MANY. SO I WAS READING FROM THE MEMORANDUM, HOMELAND SECURITY. REMEMBER NOW, WE'VE ALREADY ESTABLISHED THIS. THE PRESIDENT OF THE UNITED STATES DID NOT ORDER...MAKE AN EXECUTIVE ORDER. HE WAS TOO LAZY. HIS DIRECTOR OF HOMELAND SECURITY AT THE TIME, JANET NAPOLITANO DID NOT...I DON'T KNOW IF SHE'S GOT ANY POWER TO AN EXECUTIVE ORDER. WHAT SHE DID DO WAS A MEMORANDUM FOR THE ACTING COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION, THAT'S WHO GETS THIS. IT'S NOT EVEN THE PRESIDENT SETTING LAW THAT WE'RE EXPECTED TO FOLLOW. IT'S THE DIRECTOR OF HOMELAND SECURITY WHO ISN'T EVEN THE DIRECTOR OF HOMELAND SECURITY ANYMORE. AND THAT'S WHAT WE ARE FOLLOWING? SOMEHOW I MISSED THAT IN THE U.S. CONSTITUTION. IT'S CERTAINLY NOT IN THE BILL OF RIGHTS, THAT A DIRECTOR OF HOMELAND SECURITY CAN ISSUE A MEMORANDUM AND THE PEOPLE OF THIS BODY THINK IT'S THE U.S. CONSTITUTION. I DON'T KNOW. I WOULDN'T BE SURPRISED IF SOME

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PEOPLE READ THIS MORE THAN THEY'VE READ THE CONSTITUTION. I DON'T KNOW. I WAS SURPRISED TO FIND THIS. I BET YOU SOMEONE ELSE WHO KNEW THIS WAS HERE. LET ME FINISH READING IT. AS WE GET DOWN TO LIKE THE THIRD SENTENCE IT SAYS: HOWEVER, ADDITIONAL MEASURES ARE NECESSARY TO ENSURE THAT ENFORCEMENT RESOURCES ARE NOT EXPENDED ON THESE LOW-PRIORITY CASES BUT, INSTEAD, APPROPRIATELY FOCUSED ON PEOPLE WHO MEET OUR ENFORCEMENT PRIORITIES. AS I UNDERSTAND, ENFORCEMENT PRIORITIES NOW ARE PRETTY MUCH, YOU BREAK A LAW AND IT'S A REALLY, REALLY BAD LAW, WE'LL SEND YOU HOME AFTER WE PROSECUTE YOU. YOU KNOW, THE ONLY THING WE'RE DOING NOW, AS I UNDERSTAND, WE ARE JUST GETTING...STOPPING SOME BAD PEOPLE AND WE'RE STOPPING SOME ILLEGAL IMMIGRATION AT THE BORDERS. AND EVERY TIME WE STOP SOMEBODY WE CALL THAT SOMEBODY THAT WE CAUGHT AND RELEASED, BUT THAT'S NOT TRUE. NOW LET ME READ THE VERY END OF THIS: THIS MEMORANDUM CONFERS NO SUBSTANTIVE RIGHTS, IMMIGRATION STATUS OR PATHWAY TO CITIZENSHIP. ONLY THE CONGRESS, ACTING THROUGH ITS LEGISLATIVE AUTHORITY, CAN CONFER THESE RIGHTS. IT REMAINS FOR OUR EXECUTIVE BRANCH, HOWEVER, TO SET FORTH A POLICY FOR THE EXERCISE OF DISCRETION WITHIN THE FRAMEWORK OF EXISTING LAW. I HAVE DONE SO HERE. SIGNED, JANET NAPOLITANO. SO BASED UPON THIS, BASED UPON WHAT I'M HOLDING IN MY HAND, A MEMORANDUM, WE'RE GOING TO MAKE A LAW. I WOULD MUCH RATHER US MAKE LAWS BASED ON THE U.S. CONSTITUTION AND OUR STATE CONSTITUTION. [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR KINTNER: WE'VE WALKED THROUGH THIS BILL, UP ONE SIDE, DOWN THE OTHER SIDE. WE POINTED TO THE PROBLEMS IN IT. WE POINTED TO WHAT IT DOESN'T DO. AND, YOU KNOW, I THINK THAT SOMETIMES WE'RE IN SUCH A HURRY TO DO SOMETHING, WE DON'T REALLY LOOK AT ALL THE RAMIFICATIONS OF WHAT WE ARE DOING. I THINK SOMETIMES YOU'VE GOT TO SLOW DOWN AND DO THAT. AND I THINK THAT'S IMPORTANT TO LOOK AT WHAT'S LEFT IN THE WAKE OF OUR LAWMAKING HERE. AND I WOULD ENCOURAGE EVERYONE TO TAKE A LOOK AT THIS MEMORANDUM IF YOU GET A CHANCE, LOOK AT WHAT WE ARE BASING A LAW OFF OF. AND SEE IF YOU THINK THAT THIS IS THE WAY WE OUGHT TO BE MAKING LAWS. THANK YOU, MR. PRESIDENT. [LB623]

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SENATOR KRIST: THANK YOU, SENATOR KINTNER. THOSE STILL WISHING TO SPEAK: SENATOR PANSING BROOKS, SENATOR BRASCH, SCHNOOR, AND RIEPE. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB623]

SENATOR PANSING BROOKS: QUESTION. [LB623]

SENATOR KRIST: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB623]

CLERK: 16 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB623]

SENATOR KRIST: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS MELLO, SENATORS WATERMEIER, HANSEN, SENATOR EBKE, SENATOR CHAMBERS, SENATOR LARSON, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR KINTNER, COULD YOU CHECK IN FOR ME, PLEASE. THANK YOU. SENATORS WATERMEIER, MORFELD, SENATOR CRAWFORD, COULD YOU RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. WE CAN PROCEED. YES, PLEASE PROCEED. HOW WOULD YOU LIKE TO PROCEED, SENATOR PANSING BROOKS? [LB623]

SENATOR PANSING BROOKS: ROLL CALL, REGULAR. [LB623]

SENATOR KRIST: OKAY. WE'RE DOING CALL-IN VOTES, AND THE VOTE IS WHETHER TO CEASE DEBATE. [LB623]

CLERK: SENATOR BURKE HARR VOTING YES. [LB623]

SENATOR KRIST: OKAY, ONE MORE TIME, WE ARE VOTING ON WHETHER TO CEASE DEBATE. THE VOTE IS TO CEASE DEBATE, AND WE'RE ACCEPTING CALL-INS. [LB623]

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CLERK: SENATOR GLOOR VOTING YES. SENATOR KUEHN VOTING YES. SENATOR CRAWFORD VOTING YES. SENATOR LARSON VOTING NO. SENATOR EBKE VOTING YES. SENATOR HANSEN VOTING YES. SENATOR SCHEER VOTING YES. SENATOR SULLIVAN VOTING YES. SENATOR MELLO VOTING YES. SENATOR GARRETT VOTING YES. SENATOR HADLEY VOTING YES. [LB623]

SENATOR KRIST: PLEASE RECORD, MR. CLERK. [LB623]

CLERK: 25 AYES, 5 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB623]

SENATOR KRIST: DEBATE DOES CEASE. SENATOR KINTNER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT, AND WE'LL LEAVE THE HOUSE UNDER CALL. [LB623]

SENATOR KINTNER: ALL RIGHT. WELL, THANK YOU VERY MUCH. I'VE GOT A PAGE OFF OF THE HOMELAND SECURITY WEB SITE HERE, JUST FREQUENTLY ASKED QUESTIONS. I'M GOING TO JUST KIND OF GO THROUGH WHAT DEFERRED ACTION IS. THEY ACTUALLY PUT SOME HELPFUL INFORMATION ON THERE IF YOU WANT TO READ IT. AND I'LL THANK SENATOR GROENE'S STAFF FOR FINDING IT FOR ME. IT SAYS: DEFERRED ACTION IS A DISCRETIONARY DETERMINATION TO DEFER A REMOVAL ACTION OF AN INDIVIDUAL AS AN ACT OF PROSECUTORIAL DISCRETION. SO YOU HAVE A PERSON THAT SHOULD BE REMOVED FROM OUR COUNTRY BASED UPON THE LAWS THAT CONGRESS PASSED. AND WHAT THEY'RE DOING IS THEY'VE JUST DETERMINED THAT WE'RE NOT GOING TO ENFORCE THAT LAW BECAUSE THEY SAY THEY HAVE DISCRETION. THAT'S NOT A REPUBLIC. THAT'S NOT A REPUBLIC AT ALL. WE HAVE LAWS. THE CONGRESS PASSES THESE LAWS. THE PRESIDENT SIGNS THESE LAWS. AND THEN WE HAVE AN ADMINISTRATION THAT SAYS, NAH, WE DON'T LIKE THAT ONE, AND WE'RE GOING TO NOT EVEN DO AN EXECUTIVE ORDER. WE DON'T WANT TO SIGN THAT. IT'S KIND OF MESSY. WE'LL JUST HAVE A LITTLE BIT LOWER LEVEL DIRECTOR ISSUE A MEMORANDUM SAYING THAT, YOU KNOW, IT'S JUST A DISCRETIONARY DETERMINATION, AND WE'RE GOING TO DEFER THE REMOVAL ACTION OF AN INDIVIDUAL. WELL, WHAT GIVES THEM THE RIGHT TO HAVE REMOVAL ACTION? WELL, THAT'S A LAW BY CONGRESS SIGNED BY THE PRESIDENT. I THINK EVERY MEMBER IN HERE SHOULD FIND IT OFFENSIVE WHEN WE HAVE AN ADMINISTRATION THAT JUST SAYS WE DON'T CARE. WHAT IF THE GOVERNOR OF THIS STATE DID THAT WITH OUR LAWS? OH, MY GOSH, THIS PLACE WOULD GO BALLISTIC. IT'S THE PRESIDENT, LET HIM GO. WE WOULDN'T TOLERATE IT FROM OUR OWN GOVERNOR. WE PASS LAWS, HE SIGNS THOSE

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LAWS, AND WE EXPECT OUR GOVERNOR TO ENFORCE THE LAWS. THANK GOODNESS WE HAVE GOVERNORS THAT ENFORCE THE LAWS. BUT, NO, IT DOESN'T WORK THAT WAY IN WASHINGTON BECAUSE WASHINGTON IS ALL DIFFERENT. AND WE DON'T HOLD THEM TO A STANDARD THAT WE WOULD HOLD OURSELVES. LET'S KEEP READING HERE. I SHOULD GIVE EVERYONE AT HOME A CHANCE TO THROW UP IF THEY NEED TO, OR GET SOMETHING TO EAT. WELL, LET'S...OKAY, I'LL CONTINUE. FOR THE PURPOSES OF FUTURE...INADMISSIBLY BASED UPON UNLAWFUL PRESENCE, AN INDIVIDUAL WHOSE CASE HAS BEEN DEFERRED IS NOT CONSIDERED TO BE UNLAWFULLY PRESENT DURING A PERIOD IN WHICH DEFERRED ACTION IS IN EFFECT. SO THAT MEANS IF WE GET A PRESIDENT WHO BELIEVES IN THE CONSTITUTION, THAT STATUS COULD BE REVOKED. AND THEY COULD BE SUBJECT TO PROSECUTION. AN INDIVIDUAL WHO HAS RECEIVED DEFERRED ACTION IS AUTHORIZED BY DHS TO BE PRESENT IN THE UNITED STATES AND IS, THEREFORE, CONSIDERED BY DHS TO BE LAWFULLY PRESENT DURING THE PERIOD THAT DEFERRED ACTION IS IN EFFECT. BOY, CAN ANYONE GO LOOK IN OUR LAWS, CAN ANYONE LOOK IN OUR CONSTITUTION AND SEE IF... [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR KINTNER: ...IF "LAWFULLY PRESENT" IS IN THERE? MAYBE IT IS. MAYBE THERE'S AN ATTORNEY HERE SMARTER THAN ME THAT'S READ IT MORE THAN I HAVE AND CAN RECALL THAT. AND WE'RE GOING TO CONTINUE READING HERE. HOWEVER, DEFERRED ACTION DOES NOT CONFER LAWFUL STATUS UPON AN INDIVIDUAL. SO YOU'RE NOT GETTING LAWFUL STATUS. WE'RE NOT TALKING ABOUT PEOPLE WITH LAWFUL STATUS. WE'RE TALKING ABOUT LAWFUL PRESENCE. AND SENATOR GROENE, I THINK, HAS BROUGHT THAT UP. THANK YOU, SENATOR GROENE. SO ANYWAY, GOING BACK TO...HOWEVER, DEFERRED ACTION DOES NOT CONFER A LAWFUL STATUS UPON AN INDIVIDUAL NOR DOES IT EXCUSE ANY PREVIOUS OR SUBSEQUENT PERIODS OF UNLAWFUL PRESENCE. THAT'S GOBBLEDYGOOK. YES, IT DOES. LET'S GO TO A VOTE. THANK YOU FOR LISTENING. THANK YOU, MR. PRESIDENT. [LB623]

SENATOR KRIST: THANK YOU, SENATOR KINTNER. YOU'VE HEARD THE CLOSING ON FA64. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB623]

CLERK: 7 AYES, 32 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB623]

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SENATOR KRIST: THE AMENDMENT IS NOT ADOPTED. LIFT THE CALL. ITEMS, MR. CLERK? [LB623]

CLERK: THANK YOU, MR. PRESIDENT. NOTICE OF HEARING FROM TRANSPORTATION COMMITTEE ON LR338. MR. PRESIDENT, I HAVE A UNANIMOUS CONSENT REQUEST FROM SENATOR SMITH AS CHAIR OF THE TRANSPORTATION COMMITTEE, AND THAT'S TO SWITCH THEIR STARTING TIME FOR THEIR HEARING FROM 10:00 A.M. TO 8:00 A.M. ON MAY 21. (LEGISLATIVE JOURNAL PAGE 1727.)

SENATOR KRIST: SEEING NO OBJECTION.

CLERK: MR. PRESIDENT, A COMMUNICATION FROM THE GOVERNOR TO THE CLERK. (READ COMMUNICATION RE LB294, LB360, LB360A, AND LB575, LEGISLATIVE JOURNAL PAGE 1728.) [LB294 LB360 LB360A LB575]

SENATOR KRIST: THANK YOU.

CLERK: MR. PRESIDENT, SENATOR GROENE, AM1647. I HAVE A NOTE YOU WISH TO WITHDRAW THAT, SENATOR. [LB623]

SENATOR GROENE: I DO. [LB623]

CLERK: SENATOR GROENE WOULD MOVE TO AMEND WITH AM1706. (LEGISLATIVE JOURNAL PAGE 1728.) [LB623]

SENATOR KRIST: SENATOR GROENE, YOU'RE RECOGNIZED. [LB623]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I JUST GAVE YOU A HANDOUT THAT'S FROM THE U.S. CITIZEN AND IMMIGRATION SERVICE. THIS IS WHY I'M DROPPING MY AMENDMENT. I WANT TO MAKE IT CLEAR I'M NOT PLAYING ANY GAMES HERE. I THINK THESE KIDS SHOULD BE TREATED DIFFERENTLY THAN ILLEGAL IMMIGRANTS OR CITIZENS OF OTHER COUNTRIES, AS I CALL THEM, WHO ARE VISITING HERE FOR AN EXTENDED STAY. BUT THEY ARE ALL CITIZENS OF ANOTHER COUNTRY. THESE KIDS HAD NO CHOICE. WHEN YOU LOOK, THERE'S A PROBLEM WITH THE ORIGINAL LANGUAGE. WHEN YOU LOOK AT THE ORIGINAL LANGUAGE, IT SAYS, DEMONSTRATE LAWFUL STATUS; THAT THE APPLICANT HAS LAWFUL STATUS. THEY DON'T HAVE LAWFUL STATUS. THERE'S NOWHERE IN THE STATUTES OF THE UNITED STATES GOVERNMENT WHERE THEY

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HAVE LAWFUL STATUS. THEY HAVE A MEMORANDUM FROM THE HOMELAND SECURITY DIRECTOR. THIS IS FROM THE U.S. CITIZEN AND IMMIGRATION SERVICE ON GENERAL INFORMATION, ALL REQUESTS, THERE'S WHAT IS DEFERRED ACTION FOR CHILDHOOD ARRIVALS? ON QUESTION ONE, I HAVE HIGHLIGHTED, HOWEVER, DEFERRED ACTION DOES NOT CONFER LAWFUL STATUS UPON AN INDIVIDUAL. LB623 ONLY REFERS TO LAWFUL STATUS. IT DOESN'T COVER DACA KIDS, THIS BILL DOESN'T. I'VE BEEN ADVISED BY THOSE WHO DON'T WANT TO GIVE THIS TO THE KIDS, JUST SHUT UP, GROENE. ONCE THE DMV SEES THIS LAW AND SEES THIS, THEY WILL NOT ISSUE THOSE CARDS. THEY CAN'T BY STATUTE. THE ATTORNEY GENERAL LOOKS AT THIS AND SAYS YOU CAN'T ISSUE THESE CARDS TO THESE KIDS UNDER LAWFUL STATUS OF THE FEDERAL GOVERNMENT. THEY DON'T HAVE LAWFUL STATUS. SO WE WORKED WITH THE DMV, ASKED THEM A LOT OF QUESTIONS, AND CAME UP WITH OUR AMENDMENT, AM1706. AND THE HIGHLIGHTS OF IT, WE LEFT THE ORIGINAL LANGUAGE IN FROM SENATOR NORDQUIST'S BILL. AND I WANT TO MAKE IT CLEAR, I DON'T THINK SENATOR NORDQUIST IS TRYING TO EXPLOIT THESE KIDS. I THINK HE REALLY THOUGHT...AS MANY BILLS AS THAT MAN COMES FORWARD WITH AND WHAT HE'S INVOLVED WITH, APPROPRIATIONS, RETIREMENT COMMITTEE, I UNDERSTAND. AND I'M A JUST A ROOKIE HERE. BILLS ARE BROUGHT TO YOU WITH IDEALS, AND YOU DON'T HAVE A CHANCE TO LOOK INTO THEM YOURSELF. I DON'T THINK HE HAD ANY INTENT AT ALL TO DO WHAT THIS THING ACTUALLY WOULD DO. PAGE 3 IN LINE 29 WE ADD: DPC-DRIVING PRIVILEGE CARD. A CARD ISSUED IN ACCORDANCE WITH SECTION 4 OF THIS ACT WHICH AUTHORIZES THE PERSON TO OPERATE A MOTOR VEHICLE AS PROVIDED IN THIS SECTION OTHER THAN SUBDIVISIONS...(5) AND (13) OF THIS SECTION, BUT WHICH MAY NOT BE ACCEPTED BY A GOVERNMENT ENTITY AS PROOF OF PERSONAL IDENTIFICATION, AND WHICH IS TEMPORARY PURSUANT TO SECTION. THAT'S ONE OF THE THINGS WE FIX THAT PEOPLE HAD A CONCERN ABOUT OUR FIRST TRY AT THIS AMENDMENT. THIS HAS CHANGED. BEFORE, IT HAD IDENTIFICATION WHICH MADE NO SENSE, I AGREED. AS I SAID ABOUT SENATOR NORDQUIST, I DIDN'T CATCH THAT IN THAT AMENDMENT. BUT THEY OUGHT TO BE ABLE TO USE THIS CARD TO GO TO A BANK, CHECK INTO A HOTEL, BUY A SIX-PACK IF THEY'RE OLD ENOUGH. BUT THEY SHOULD NOT BE ABLE TO USE IT TO REGISTER TO VOTE, TO APPLY FOR HHS BENEFITS OR ANY OTHER GOVERNMENT THAT'S RESERVED FOR CITIZENS. "THE DEPARTMENT SHALL ONLY ISSUE A DRIVING PRIVILEGE CARD TO A PERSON PRESENTING UNEXPIRED DOCUMENTS CLAIMING LAWFUL PRESENCE." THAT'S ISSUED BY IMMIGRATION SERVICE. IT'S NOT A LAWFUL STATUS DOCUMENT; IT'S A LAWFUL PRESENCE DOCUMENT--ONLY REFERS TO DACA KIDS: CLAIMING LAWFUL PRESENCE UNDER THE PROGRAM OF THE UNITED STATES CITIZENSHIP AND IMMIGRATION

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SERVICES KNOWN AS DEFERRED ACTION FOR CHILDHOOD ARRIVALS AS IT EXISTED ON JANUARY 1, 2015. THAT DATE IS IMPORTANT. IT ONLY APPLIES TO DACA KIDS. THERE'S NOTHING IN THE ORIGINAL BILL TO SAY THINGS COULDN'T BE ADDED. THEY'RE TALKING ABOUT THE PARENTS OF U.S. CITIZENS, KIDS THAT WERE BORN HERE, DOING THAT NEXT. YOU WANT TO GET A DRIVER'S PRIVILEGE CARD FOR THEM, YOU COME BACK TO THE LEGISLATURE. THIS CLARIFIES IT'S ONLY FOR THE DACA KIDS: THE DRIVING PRIVILEGE CARD SHALL BE VISUALLY DISTINCTIVE FROM ANY OTHER OPERATOR'S LICENSE, SHALL BE MARKED ON THE FRONT WITH THE LETTERS DPC--DRIVER'S PRIVILEGE CARD--SHALL BE MARKED WITH A RESTRICTION INDICATING THE CARD IS FOR DRIVING PRIVILEGES ONLY, AND SHALL BE LISTED ON THE BACK OF THE CARD UNDER CLASS CODE DPC--DRIVER'S PRIVILEGE CARD: NOT VALID NEBRASKA GOVERNMENT ENTITY IDENTIFICATION. THAT WILL BE ON THE BACK SIDE. WE HAD SOME OF THAT LANGUAGE ON THE FRONT SIDE. IT ADDED A LOT OF COST TO THE DMV TO CREATE THIS CARD. THIS KEEPS THE COST DOWN BECAUSE WE'RE ONLY USING A FEW CHARACTERS ON THE FRONT. BUT IT'S UNDER WHERE...IT WOULD BE UNDER THE CODE WHERE YOU HAVE YOU WEAR GLASSES OR SOME OTHER HANDICAP THAT GIVES YOU DIFFERENT DRIVER'S PRIVILEGES OR DIFFERENT ISSUES. THEN WE ADD FURTHER ON INTO THE BILL: EXCEPT THAT IF THE APPLICANT PRESENTS UNEXPIRED DOCUMENTS CLAIMING LAWFUL PRESENCE UNDER THE PROGRAM OF THE UNITED STATES CITIZEN, IMMIGRATION SERVICES KNOWN AS DEFERRED ACTION FOR CHILDHOOD ARRIVALS AS IT EXISTED ON JANUARY 1, 2015, THE APPLICANT MAY ONLY BE ISSUED A DRIVER'S PRIVILEGE CARD. SOME OTHER LANGUAGE: EXCEPT THAT IF THE APPLICANT PRESENTS UNEXPIRED DOCUMENTS CLAIMING LAWFUL PRESENCE UNDER THE PROGRAM OF THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES KNOWN AS DEFERRED ACTION FOR CHILDHOOD ARRIVALS AS IT EXISTED ON JANUARY 1, THE APPLICANT MAY ONLY BE ISSUED A DRIVER'S PRIVILEGE CARD. WE REPEAT, LIKE MOST LAWS DO. BUT LATER ON...IN THE ORIGINAL BILL, IT JUST SAID IF THEY LOSE THEIR STATUS, THEY HAD TO MAIL IT BACK IN. OTHERWISE, IT WASN'T EXPIRED, ONLY IF THEY MAILED IT BACK IN. WE ADD, IN SECTION (4) ON PAGE 7, "THE DEPARTMENT MAY SUMMARILY CANCEL THE LICENSE OR CARD AND SEND NOTICE OF THE CANCELLATION TO THE LICENSEE OR CARDHOLDER." IF THE DEPARTMENT HAS INFORMATION THAT AN INDIVIDUAL HAS AN OPERATOR'S LICENSE OR A STATE IDENTIFICATION CARD ISSUED BASED ON APPROVED LAWFUL STATUS GRANTED UNDER THIS SECTION THROUGH...OF THE...AND THE BASIS FOR THE APPROVED LAWFUL STATUS IS DETERMINED (SIC--TERMINATED) OR THAT AN INDIVIDUAL NO LONGER HAS LAWFUL PRESENCE AS DOCUMENTED UNDER SECTION. THAT WAS THEIR LANGUAGE. WE ADDED THE LAWFUL PRESENCE...THE "LAWFUL

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STATUS." WE COULD HAVE STRUCK THAT LANGUAGE BUT WE LEFT IT IN THERE BECAUSE OF GOOD INTENTIONS OF THE ORIGINAL BILL, BUT IT WASN'T NECESSARY. THIS DOES NOT EXPLOIT THOSE YOUNG PEOPLE FOR OTHER PURPOSES. THIS JUST TAKES CARE OF THEM. THAT'S WHAT WE'VE BEEN TOLD ON THIS FLOOR, THAT WE ARE TRYING TO HELP THESE KIDS. THE OTHER LAW WOULD HAVE BEEN IN THE COURTS QUICKLY, AND THE KIDS WOULD HAVE BEEN DELAYED. AND THEY WOULD HAVE PROBABLY LOST THEIR DRIVER'S PRIVILEGE CARDS, AT NO FAULT OF THEIR OWN. AND THIS ACT BECOMES OPERATIVE ON OCTOBER 1, 2015. DMV DOESN'T LIKE THAT, THEY WANT MORE TIME. BUT THEY CAN MAKE A PAPER ONE LIKE WE GET IN THE MAIL UNTIL THE HARD COPY COMES. AND THE FEE FOR THE DRIVING PRIVILEGE CARD SHALL BE THE SAME AS THE FEE ESTABLISHED BY THE SUBSECTION OF THE REGULAR LICENSES. THEY HAVE ENOUGH MONEY IN THE CASH RESERVE TO COVER THIS. THEY'RE TALKING \$100,000. THE ORIGINAL BILL WAS \$30,000 OR \$40,000. THIS ONE IS \$100,000. WE ASKED IF THE FUNDING WAS GENERAL FUND AND THEY SAID, WELL, THEY DON'T LIKE IT. THEY DON'T WANT TO ADD ANOTHER LICENSE, BUT THEY HAVE ENOUGH MONEY IN THE CASH FUND, RESERVE FUNDS OF THEIR OPERATION OF THEIR DEPARTMENT THAT CAN HANDLE IT. THIS AMENDMENT WILL DO WHAT WAS INTENDED AND WHAT WE WANT TO DO FOR THESE KIDS. AND IT WILL DO IT PROPERLY AND IT WILL NOT EXPLOIT THEM AND IT WILL DO THE HONORABLE THING BY THEM. I AM GOING TO GET A LOT OF GRIEF FROM MY CONSERVATIVE FRIENDS BY STANDING UP HERE AND SAYING THIS. THEY WANT TO THROW EVERYBODY OUT THE DOOR, AND I DON'T BLAME THEM. I WISH OUR FEDERAL GOVERNMENT...I WISH EVERYBODY HERE, WHEN THEY SEEN SENATOR FISCHER, SENATOR SASSE, OUR REPRESENTATIVES, THE FIRST THING OUT OF YOUR MOUTH WAS, FIX THE BORDER, FIX THE BORDER BECAUSE UNTIL WE START DOING THAT, THERE'S GOING TO BE HARD FEELINGS... [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR GROENE: ...ABOUT IMMIGRATION IN THIS COUNTRY, BECAUSE A LOT OF PEOPLE WANT TO DO THE RIGHT THING BY CERTAIN PEOPLE. BUT THAT'S NATIONAL POLITICS, AND RIGHT NOW BEFORE US WE'VE GOT SOME KIDS, I DON'T KNOW IF IT'S 500 OR 1,000 OR HOW MANY IN THIS STATE, THEY'RE GOOD KIDS, GOOD YOUNG PEOPLE, MOST OF THEM. THERE'S SOME OF THEM IN THE STATE PEN, TOO, BECAUSE EVERY SUBSET OF A POPULATION HAS THE GOOD AND THE BAD. IT'S CALLED HUMAN NATURE. BUT THIS FIXES IT. AND THERE'S ORGANIZATIONS OUT IN THAT HALLWAY DON'T WANT THIS AMENDMENT. THEY WANT TO MAKE SURE THEY CAN...ALL OR THEIR ILLEGAL PEOPLE THAT THEY'VE HAD TAKING JOBS FROM AMERICANS WORK FOR THEM, THEY WANT TO GIVE

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THEM A DRIVER'S LICENSE. BUT WE ARE HERE TO DO THE RIGHT THING. SO
THANK YOU. [LB623]

SENATOR KRIST: THANK YOU, SENATOR GROENE. YOU'VE HEARD THE OPENING
ON AM1706. THOSE WISHING TO SPEAK: SENATOR BRASCH, SCHNOOR,
NORDQUIST, GROENE, AND KEN HAAR. SENATOR BRASCH, YOU'RE RECOGNIZED.
[LB623]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU,
COLLEAGUES. I WAS HAPPY TO SEE THAT THE QUESTION HAD BEEN CALLED BY
SENATOR PANSING BROOKS. AND THE ONLY REASON I WAS HAPPY WAS THERE
WAS PROBABLY LESS THAN A DOZEN SENATORS IN THE ROOM AT THAT TIME.
AND THIS IS A VERY IMPORTANT PUBLIC POLICY-CHANGING LAW HERE.
HOWEVER, I WAS ALSO CONCERNED BECAUSE THIS AMENDMENT, IT STARTED AT
4:11. I LOOKED AT THE CLOCK SPECIFICALLY. BACK IN THE DAY THAT WASN'T SO
VERY LONG AGO, WHEN I WAS A NEW SENATOR HERE, WHICH MANY OF YOU
ARE, AND SOMEONE CALLED THE QUESTION BEFORE HOURS OF DEBATE ON
IMPORTANT POLICY, SOMEONE ELSE WOULD GET ON THE MIKE AND SAY HOW
DARE YOU CALL, BECAUSE IT HAPPENED TO ME. WE HAD ONLY DEBATED
SOMETHING A FEW HOURS, AND ONE OF THE SENIOR LONGTIME SENATORS
HERE, I DIDN'T KNOW IT AT THE TIME, BUT THEY THOUGHT, WELL, SHE'S NEW
AND SHE WON'T GET INTO AS MUCH TROUBLE. SO IT'S ONLY BEEN FOUR HOURS
OR SO. LET HER CALL THE QUESTION. BUT I GOT A GOOD LASHING ON THE MIKE
BECAUSE OF IT. BUT IT SEEMS 18 NEW SENATORS HERE WANT TO FAST TRACK
EVERYTHING. LET'S GO, GO, GO. IS IT A HALF HOUR? WHEN DO WE CALL THE
QUESTION? TWENTY MINUTES? THIS...WE NEED TO BE VERY THOROUGH,
BECAUSE IT IS NOT CUT AND DRY. AND, YES, SENATOR GROENE, I UNDERSTAND
HIS AMENDMENT IS TRYING TO PUT FURTHER QUALIFICATIONS AND DEFINE THE
GROUP THAT WILL DRIVE, COULD DRIVE, HOW LONG SHOULD DRIVE, AND THAT
IS ADMIRABLE. BUT WE ARE TRYING TO WORK ON A LAW HERE THAT CHANGES
PUBLIC POLICY, BECAUSE IT IS NOT SIMPLE. UP UNTIL THIS POINT IN OUR
HISTORY ON IMMIGRATION, THAT INDIVIDUALS WHO CAME HERE THAT WE
ALLOWED TO BE HERE WERE THOSE WHO WERE HERE FOR POLITICAL ASYLUM
PURPOSES; BATTERED SPOUSES, PARENTS, AND CHILDREN; VICTIMS OF SEVERE
FORMS OF TRAFFICKING IN PERSONS; AND THERE WAS A SPECIFIC LIST. THOSE
WERE FOR PEOPLE ESCAPING HARMFUL SITUATIONS. AND WE WERE GRANTING
THEM A TEMPORARY LAWFUL STATUS IN OUR COUNTRY, A PRESENCE. AND IT IS
COMPLICATED BECAUSE, AS SENATOR PANSING BROOKS WAS SAYING EARLIER,
THAT THERE ARE...HERE'S FROM THE UNLAWFUL PRESENCE SECTIONS, AND I
WON'T READ ALL OF THEM. BUT IT TALKS ABOUT DETERMINING WHEN AN

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ALIEN ACCRUES UNLAWFUL PRESENCE. AND IT SAYS ALIENS PRESENT IN
LAWFUL STATUS AS PAROLEES, LAWFUL PERMANENT RESIDENTS, LAWFUL
TEMPORARY RESIDENTS, CONDITIONAL PERMANENT RESIDENTS, ALIENS
GRANTED CANCELLATION OR REMOVAL OF SUSPENSION OF DEPORTATION,
LAWFUL NONIMMIGRANTS, OTHER TYPES OF LAWFUL STATUS. THE LIST GOES
ON. THERE'S TWO PAGES OF SPECIFIC SITUATIONS. AND MOST OF THEM, UNTIL
CURRENTLY BY PRESIDENTIAL ORDER, WERE INDIVIDUALS NEEDING TO ESCAPE
EMERGENCY SITUATIONS, NEEDING TO MAKE...AND THAT WAS ALLOWED AND
NOW WE'RE SAYING THAT SOMEONE HAS BROKEN THE LAW... [LB623]

SENATOR KRIST: ONE MINUTE. [LB623]

SENATOR BRASCH: ...AND THEY BROUGHT CHILDREN, ALSO ILLEGALLY,
ILLEGALLY AND ILLEGALLY, INTO OUR COUNTRY. BUT THEY'RE STILL ILLEGAL,
OR MAYBE PERHAPS NOT. THEY'RE TRYING TO STAY HERE, BUT THIS HAS
BYPASSED OUR LEGAL SYSTEM, VERY SIMPLY, BYPASSED THE LAW. DO WHAT
YOU MUST, AND WE WILL MAKE IT RIGHT. IF THAT'S HOW WE ARE GOING TO
WORK THINGS MOVING FORWARD, THERE'S A LOT OF OTHER LAWS THAT WOULD
FALL UNDER THIS UMBRELLA. THANK YOU, MR. PRESIDENT, AND THANK YOU,
COLLEAGUES. [LB623]

SENATOR KRIST: THANK YOU, SENATOR BRASCH. SENATOR SCHNOOR, YOU'RE
RECOGNIZED. [LB623]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. SENATOR NORDQUIST, WOULD
YOU YIELD TO A QUESTION, PLEASE? [LB623]

SENATOR KRIST: SENATOR NORDQUIST, WILL YOU YIELD? [LB623]

SENATOR NORDQUIST: YES. [LB623]

SENATOR SCHNOOR: SENATOR NORDQUIST, WE'VE HEARD A LOT IN OUR DEBATE
HERE ABOUT DACA, THE TERM "DACA." BUT WHEN I LOOK IN THE BILL THAT
YOU HAVE PRESENTED, THAT IS NOT IN THERE ANYWHERE, BUT IT DOES REFER
TO THE REAL ID ACT. ARE THOSE TWO THE SAME OR ARE THEY DIFFERENT?
[LB623]

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SENATOR NORDQUIST: SENATOR, AS I HAVE SAID ON THE FLOOR MULTIPLE TIMES ON GENERAL FILE, AND JUST RECENTLY WITH SENATOR McCOY JUST A FEW MINUTES AGO, THAT THE REAL ID ACT LAYS OUT EVIDENCE OF LAWFUL STATUS, AND ONE OF THOSE COMPONENTS IS HAVING APPROVED DEFERRED ACTION STATUS. CHILDREN THAT ARE DACA RECIPIENTS HAVE APPROVED DEFERRED ACTION STATUS. SO THAT IS THE CATCH-ALL FOR IF YOU HAVE APPROVED DEFERRED ACTION STATUS, YOU ARE ELIGIBLE UNDER OUR BILL TO GET A DRIVER'S LICENSE; THAT YOU HAVE EVIDENCE OF LAWFUL STATUS UNDER THE REAL ID ACT AND THE DEPARTMENT OF MOTOR VEHICLES WILL ISSUE YOU A DRIVER'S LICENSE WHEN YOU PRESENT YOUR APPROPRIATE DOCUMENTATION. [LB623]

SENATOR SCHNOOR: WELL, I GUESS IF THE REAL ID ACT ALREADY TALKS ABOUT ISSUING DRIVER'S LICENSE, WHY ARE WE EVEN DISCUSSING THIS? [LB623]

SENATOR NORDQUIST: BECAUSE THAT'S A FEDERAL LAW, AND THE FEDERAL GOVERNMENT DOESN'T ISSUE DRIVER'S LICENSES IN NEBRASKA. WE HAVE TO ESTABLISH OUR OWN PROCESSES FOR THAT. [LB623]

SENATOR SCHNOOR: NOW, EVERYBODY'S BEEN TALKING ABOUT ILLEGAL IMMIGRANTS. CAN YOU, IN FACT, BE IN COMPLIANCE WITH EVERYTHING IN THE REAL ID ACT AND UNDER DEFERRED ACTION STATUS AND STILL BE AN ILLEGAL IMMIGRANT? [LB623]

SENATOR NORDQUIST: IF YOU HAVE APPROVED DEFERRED ACTION, YOU CAN...YOU CERTAINLY HAVE THE RIGHT TO, I GUESS, TO CALL THOSE INDIVIDUALS ILLEGAL IMMIGRANTS. THEY DO HAVE AUTHORIZATION, THOUGH, TO BE HERE, WHETHER YOU WANT TO SAY THAT'S AUTHORIZATION OR LEGAL PRESENCE. SOME STATES CALL IT LEGAL STATUS, SOME STATES CALL IT LEGAL PRESENCE, SOME CALL IT LAWFUL PRESENCE. BUT NO MATTER WHAT, THEY HAVE AUTHORIZATION TO BE HERE. BUT, YES, THEY ARE UNDOCUMENTED. THEY ARE NOT CITIZENS OR THEY ARE NOT HERE ON ANY OTHER FORM OF IMMIGRATION STATUS. THEY HAVE DEFERRED ACTION. SO THE ANSWER IS YES, YOU CAN RECEIVE DEFERRED ACTION, BE AN UNDOCUMENTED IMMIGRANT, AND BE COVERED UNDER THE REAL ID ACT. [LB623]

SENATOR SCHNOOR: OKAY. AND THEN...I GUESS THAT'S THE ARGUMENT THAT EVERYBODY IS GIVING. THEY CAN...ALL OF THESE THINGS CAN HAPPEN. THEY CAN STILL BE HERE ILLEGALLY, STILL BE AN UNDOCUMENTED IMMIGRANT, AND

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WE STILL ARE WILLING TO GIVE THEM DRIVER'S LICENSES. I GUESS THAT'S WHAT I DON'T UNDERSTAND. AND SO THANK YOU, SENATOR NORDQUIST. SO JUST AS SENATOR GROENE HAD SAID EARLIER, YOU KNOW, OUR HARDWORKING AMERICAN CITIZENS WHO MAY BE WITHOUT JOBS, YOU KNOW, WE, UNFORTUNATELY, HAVE SOME BUSINESSES THAT ARE WILLING TO EMPLOY THESE ILLEGAL IMMIGRANTS. AND THEN IF WE GIVE THEM A DRIVER'S LICENSE, THAT WILL JUST HELP THEM, AND IT WILL...IT WILL JUST HELP THEM BUSINESSES THAT... [LB623]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: ONE MINUTE. [LB623]

SENATOR SCHNOOR: ...THANK YOU, SIR...THAT ARE UNWILLING TO HELP OUR OWN CITIZENS, WHICH IS SAD. SO I WILL CONTINUE TO BE OPPOSED TO THIS. AND I'D ASK EVERYBODY JUST TO THINK LONG AND HARD OF WHO ARE WE TRYING TO HELP. I MEAN, I'M ALL FOR HELPING THE NEEDY AND HELPING OUR CITIZENS THAT ACTUALLY NEED IT, THAT ARE WILLING TO WORK AND WILLING TO TRY AND HELP THEMSELVES. BUT WHEN WE START HELPING THOSE THAT AREN'T EVEN CITIZENS, I GUESS THAT'S WHERE I FEEL I HAVE TO DRAW THE LINE. SO I WOULD ENCOURAGE EVERYBODY TO SUPPORT SENATOR GROENE'S AMENDMENT. AND I GUESS THAT WILL BE ALL. THANK YOU, SIR. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR NORDQUIST AND SCHNOOR. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB623]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT, MEMBERS. I'LL TELL YOU WHO WE'RE TRYING TO HELP. WE'RE TRYING TO HELP ABOUT 2,700 YOUNG INDIVIDUALS WHO HAVE BEEN IN OUR STATE FOR NEARLY THEIR ENTIRE LIVES. MANY OF THEM CAME HERE WHEN THEY WERE UNDER THE AGE OF ONE. MANY OF THEM CAME HERE AS TODDLERS. THEY ARE AS MUCH NEBRASKAN AS ANYONE IN THIS BODY, AND I WILL STAND BEHIND THAT STATEMENT NO MATTER WHAT. WE ARE HERE WORKING ON BEHALF OF THESE KIDS WHO DESERVE AND SHOULD EXPECT THEIR LEGISLATURE TO REMOVE THE BARRIERS TO THEIR SUCCESS. AND THEIR ABILITY...THEIR INABILITY TO GET A DRIVER'S LICENSE IS WHAT'S STANDING IN THE WAY OF THEIR SUCCESS. THESE ARE BRILLIANT KIDS. MANY OF THEM ARE GOING ON TO PROFESSIONAL SCHOOLS. MANY OF THEM HAVE PURSUED MASTER'S DEGREES. MANY OF THEM ARE IN COLLEGE RIGHT NOW. YOU KNOW WHO ELSE WE'RE HELPING? WE ARE HELPING

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NEBRASKA BUSINESSES WHO KNOW THAT THIS IS AN ECONOMIC PLUS TO OUR STATE. THAT'S WHY THE STATE CHAMBER OF COMMERCE, THE OMAHA CHAMBER OF COMMERCE, THE LINCOLN CHAMBER OF COMMERCE CAME OUT IN SUPPORT OF IT. THAT'S WHY THE LINCOLN PAPER, SCOTTSBLUFF PAPER, GRAND ISLAND PAPER, AND, WHICH ONE AM I MISSING, KEARNEY PAPER WROTE EDITORIALS IN SUPPORT OF IT, BECAUSE WE'RE ALSO HELPING RURAL NEBRASKA. WE'RE HELPING COMMUNITIES THAT OTHERWISE WOULD BE DYING OFF IF IT WASN'T FOR THE INFLUX OF YOUNG IMMIGRANTS TO THEIR COMMUNITY. THAT'S WHO WE'RE HELPING WITH THIS BILL. THAT'S WHY WE'RE PASSIONATELY PUSHING FOR LB623. I BELIEVE IN MY TIME ON THE MIKE WITH SENATOR SCHNOOR I SPOKE AS CLEARLY AS I COULD ABOUT THE ISSUES AT HAND. THIS ISSUE HAS BEEN THOROUGHLY VETTED BY IMMIGRATION EXPERTS, PEOPLE WHO LITIGATE ON THIS ISSUE, PEOPLE WHO REPRESENT IMMIGRATION IMMIGRANTS WHO ARE GOING THROUGH THE PROCESS, PEOPLE WHO KNOW WHAT HAS BEEN HAPPENING AT THE DMV, PEOPLE WHO HAVE DEPOSED MEMBERS OF THE DMV. IT HAS BEEN REVIEWED BY THE TRANSPORTATION COMMITTEE AND THEIR LEGAL COUNSEL. SO ANY INSINUATION THAT THIS BILL WOULD NOT BE IMPLEMENTED JUST DOESN'T MAKE SENSE. THE OPPONENTS WOULDN'T BE FIGHTING IT SO HARD. AND AS SENATOR KINTNER SAID, WE PASS LAWS AND WE EXPECT ADMINISTRATIONS TO IMPLEMENT THEM. WE COULD NOT BE MORE CRYSTAL-CLEAR IN THE DEBATE ON THIS BILL ON GENERAL FILE AND SELECT FILE AND THE INTENT OF THIS BILL. THE DEPARTMENT OF MOTOR VEHICLES WILL IMPLEMENT THIS BILL. THERE IS NO WAY THAT THEY WOULDN'T. IF THEY, FOR SOME REASON, CHOOSE NOT TO, THERE WOULD BE A LAWSUIT FILED INSTANTLY BECAUSE THE LEGISLATIVE INTENT ON THIS BILL, AND IF ANYONE WHO'S GOING TO VOTE FOR THIS BILL THINKS OTHERWISE, THAT WE ARE NOT INTENDING TO GIVE DRIVER'S LICENSES AS THE REAL ID ACT SAYS TO ANYONE WHO HAS APPROVED DEFERRED ACTION STATUS, THEY SHOULD PROBABLY STAND UP AND CLARIFY THAT. BUT MY UNDERSTANDING, TALKING TO EVERYBODY WHO'S SUPPORTING THIS BILL, THEY KNOW THAT THAT'S THE INTENT. THAT IS THE LEGISLATIVE INTENT WITH LB623. THIS BILL WILL BE IMPLEMENTED. I WILL OPPOSE SENATOR GROENE'S AMENDMENT, AND I ENCOURAGE ALL OF YOU TO AS WELL. ONE ISSUE WITH IT IS THE FISCAL IMPACT. THERE'S...AGAIN, THIS AMENDMENT IS VERY SIMILAR TO IN STRUCTURE TO WHAT WAS FILED ON GENERAL FILE. SO AT THIS POINT, IT'S A MATTER OF BURNING TIME IN THE LEGISLATURE. BUT A SIMILAR BILL, LB983--I DON'T KNOW WHO INTRODUCED IT--BUT THE FISCAL NOTE ON THAT...IT'S RELATED TO A CDL DRIVER'S LICENSE CARD CHANGE, ONE-TIME COMPUTER PROGRAM EXPENSE TO BE INCURRED FOR THE DEVELOPMENT OF A NEW CARD TYPE, WHICH IS ESSENTIALLY WHAT WE'RE DOING WITH SENATOR GROENE'S AMENDMENT, A

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NEW CARD. THAT HAD A \$138,000 FISCAL NOTE. WELL, WHERE'S THAT \$138,000 COME FROM? IT COMES FROM THE LICENSE, HAS A CASH FUND THAT IT WOULD COME OUT OF. [LB623]

SENATOR SCHEER: ONE MINUTE. [LB623]

SENATOR NORDQUIST: AND WE ALL PAY INTO THAT WHEN WE GET OUR DRIVER'S LICENSES, AND WE'RE NOT CHARGING THESE DEFERRED ACTION RECIPIENTS ANY MORE. SO ESSENTIALLY, THAT MONEY IS GOING TO COME OUT OF THE POCKETS OF NEBRASKANS AT SOME POINT WHEN THEY GO TO RENEW THEIR LICENSES. WHETHER THERE IS EXCESS IN THAT ACCOUNT OR NOT, I DON'T KNOW. BUT CERTAINLY AT SOME POINT THOSE FEES WILL HAVE TO KEEP UP WITH THE COST OF IT. SO THIS IS AN EXPENSE THAT DOESN'T SERVE A PURPOSE. SENATOR PANSING BROOKS SPOKE PERFECTLY CLEAR ABOUT THE RED HERRING THAT'S OUT THERE, VOTER REGISTRATION. SHE DISPELLED THOSE ISSUES. OUR DEPARTMENT OF HEALTH AND HUMAN SERVICES VERIFIES BEFORE APPROVING ANY BENEFITS. SO SENATOR GROENE'S REASONS FOR THIS AMENDMENT JUST DON'T HOLD WATER ON VOTER REGISTRATION AND APPLYING FOR PUBLIC BENEFITS. RIGHT NOW EVEN...RIGHT NOW WITH THE IMMIGRANT POPULATION THAT DOES GET A DRIVER'S LICENSE THAT HAVE DEFERRED ACTION, THOSE INDIVIDUALS ARE NOT... [LB623]

SENATOR SCHEER: TIME, SENATOR. [LB623]

SENATOR NORDQUIST: ...MISUTILIZING GOVERNMENT BENEFITS. THANK YOU. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR NORDQUIST. SENATOR GROENE, YOU'RE RECOGNIZED. [LB623]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. JUST AN ASSUMPTION AFTER TALKING TO DMV, I THINK MY OFFICE IS THE FIRST PEOPLE THAT TALKED TO THEM ABOUT HOW THIS WOULD BE BEST CONDUCTED, THIS VOTER...NOT VOTER, THIS DRIVER'S PRIVILEGE CARD, AND THAT'S WHAT WE DID. WE TALKED AND HARASSED DMV BECAUSE THEIR BOSS WILL PROBABLY VETO IT NO MATTER WHAT. SO THEY DIDN'T COME TO US; WE WENT TO THEM. AS I SAID, DEFERRED STATUS IS ONE THING. THAT'S WHAT THE REAL ID REFERS TO. THAT'S WHAT THIS, THE E&R AMENDMENT TO LB623, REFERS TO. THAT IS NOT WHAT THE JUDGE SAID. THERE IS A COMPLETE DIFFERENCE BETWEEN DEFERRED

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STATUS. IF YOU'RE DEFERRED STATUS, YOU CAN FIND A STATUTE PASSED BY CONGRESS THAT REFERS TO YOU. YOU'RE POLITICAL EXILE. YOU HAVE COME HERE LEGALLY THROUGH IMMIGRATION, ELLIS ISLAND, WENT THROUGH A CONSULATE IN CENTRAL AMERICA, AND YOU GOT IN LINE. THERE IS A TIME PERIOD BY THE TIME YOU ENTERED A COUNTRY UNTIL YOU TAKE YOUR CITIZENSHIP PLEDGE. THAT'S DEFERRED STATUS. YOU'RE A FOREIGN EXCHANGE STUDENT. THAT'S DEFERRED STATUS, ALL IN STATUTE. THESE YOUNG FOLKS ARE NOT IN STATUTE. IT'S A MEMORANDUM FROM THE SECRETARY OF HOMELAND SECURITY. THEY DO NOT FIT UNDER THIS BILL AS WRITTEN. I WANT TO MAKE SURE THEY'RE TREATED RIGHT. EVERYTHING SENATOR NORDQUIST SAID I AGREE WITH. WE WANT THESE 2,300 KIDS TO GET A DRIVER'S LICENSE. WHY NOT MAKE SURE IT'S DONE AS GOOD AS POSSIBLE, BULLETPROOF, BE HELD UP IN COURT BY THOSE...AGAINST THOSE WHO DON'T WANT TO GIVE THEM A STATUS, A DRIVER'S PRIVILEGE CARD. I HEARD NOTHING FROM SENATOR NORDQUIST OR ANYONE ELSE THAT ALSO SUPPORTS THIS, AS I DO, THESE KIDS, THAT THIS WOULD HARM THEIR BILL. WHY NOT MAKE IT RIGHT? WHY NOT DO IT, PINPOINT IT, DO IT AS CORRECT AS YOU CAN DO IT? THE A BILL ON THE ORIGINAL ONE WAS \$31,000. I GOT AN ESTIMATE ANYWHERE FROM \$80,000 TO \$120,000 ON OUR CARD. IT CAN COME OUT OF THE CASH FUNDS. I STOOD HERE AND TOLD YOU I WOULDN'T DO AN A BILL OUT OF GENERAL FUNDS, AND I WON'T. THIS IS NOT GENERAL FUNDS. AND THIS IS ONE ISSUE I MIGHT HAVE CHANGED MY MIND. I'M GOING TO TAKE A LOT OF ABUSE FROM CONSERVATIVES BECAUSE I STAND UP FOR THESE KIDS. BUT I WILL NOT STAND UP FOR SOMEBODY WHO BROKE OUR LAWS; DID NOT STAND IN LINE, AS SENATOR BRASCH SAID, AT THE CONSULATE; DID NOT WAIT PATIENTLY TO COME TO OUR COUNTRY'S SHORES. THESE KIDS HAD NO CHOICE. THAT'S A WHOLE DIFFERENT ISSUE WITH ME. SO I WANT TO MAKE SURE IT'S DONE RIGHT, THAT IT ONLY COVERS THESE YOUNG PEOPLE--2,300 OF THEM. MY AMENDMENT DOES THAT. NOW, MAKE AN ACCUSATION IF YOU WANT THAT I'M TRYING TO DESTROY THIS BILL. I'M NOT. THIS THING DOES IT RIGHT, DOES IT CORRECTLY, DOES IT LEGALLY. IT HONORS THESE KIDS. IT DOES NOT EXPLOIT THEM, HOPING THAT SOMEDAY WE CAN SNEAK SOME OTHER ILLEGALS IN TO THE SAME STATUTE. BUT THAT'S WHAT THIS THING DOES. IT'S A WIDE-OPEN DOOR. YOU CAN GO HOME TO YOUR HOME DISTRICT AND DEFEND THIS, BUT YOU CAN'T DEFEND THIS. THIS FIXES IT. PUT A LOT OF TIME AND EFFORT INTO THIS AMENDMENT. THAT'S WHAT WE DO DOWN HERE. [LB623]

SENATOR SCHEER: ONE MINUTE. [LB623]

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SENATOR GROENE: SOMETIMES IT'S WASTED. SOMETIMES IT ACTUALLY CREATES BETTER LAW. SO I WOULD LIKE YOUR SUPPORT ON THIS, BECAUSE IT MAKES THIS LAW BETTER AND YOU CAN DEFEND IT. YOU CAN DEFEND IT, MY FELLOW CONSERVATIVES, THAT IT WAS DONE CORRECTLY, IF YOU DECIDE TO VOTE ON THIS. BUT LET'S DO IT RIGHT EITHER WAY. THIS AMENDMENT FIXES THINGS THAT NEED TO BE FIXED. THIS THING HERE, I CAN'T FIND DACA ANYWHERE COVERED IN THIS LAW, ABSOLUTELY DOESN'T COVER IT. ALL IT TALKS ABOUT IS LAWFUL STATUS. AND AS I STATED EARLIER, DACA DOES NOT IMPLY LAWFUL STATUS. I'M NOT A LAWYER, BUT I CAN FIGURE THAT ONE OUT. AND I CAN SEE REALLY CLEAR WHY IT DIDN'T TAKE THAT JUDGE LONG IN OUR NEBRASKA COURT TO SAY...TO MAKE THAT RULING SHE DID THAT BASICALLY SAYS THAT. LAWFUL PRESENCE DOES NOT EQUAL LAWFUL STATUS. WE ARE BOUND BY THE LAW OF THAT COURT. [LB623]

SENATOR SCHEER: TIME, SENATOR. [LB623]

SENATOR GROENE: THANK YOU. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR GROENE. MR. CLERK. [LB623]

CLERK: MR. PRESIDENT, SENATOR KINTNER WOULD MOVE TO AMEND SENATOR GROENE'S AMENDMENT. (FA72, LEGISLATIVE JOURNAL PAGE 1728.) [LB623]

SENATOR SCHEER: SENATOR KINTNER, YOU'RE ACKNOWLEDGED TO OPEN ON YOUR AMENDMENT. [LB623]

SENATOR KINTNER: THANK YOU SO MUCH, MR. PRESIDENT. WHAT THIS AMENDMENT DOES IS IT MAKES THE EFFECTIVE--AND I HAVEN'T TALKED TO SENATOR GROENE ABOUT THIS--BUT IT MAKES THE EFFECTIVE DATE JANUARY 1, 2017. THAT WILL GET US THROUGH ANY LEGAL PROCEEDINGS. AND I THINK THAT'S PROBABLY A PRUDENT WAY TO GO ABOUT THIS. ALSO, WE'LL KIND OF...BY THAT TIME, WE'LL HAVE A NEW PRESIDENT, NEW CONGRESS, AND THERE WILL BE SOME DIFFERENT WINDS BLOWING. AND AT THAT POINT THERE MAY BE SOME PLANS TO PERMANENTLY FIX THIS PROBLEM. AND WE'VE GOT TO DEAL WITH IT. I MEAN, I DON'T FOR A SECOND THINK THAT WE CAN SIT HERE AND NOT DEAL WITH THIS PROBLEM. BUT I THINK THE WAY WE'RE GOING IS A LITTLE SHAKY. SO THIS JUST PUSHES IT BACK. I'VE GOT A COUPLE LETTERS HERE THAT I RECEIVED, AND THE FIRST ONE IS FROM SOMEBODY IN MY DISTRICT THAT SAYS, "DEAR SENATOR, I WANT YOU TO VOTE NO ON LB623 ON SELECT FILE. DO NOT

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GIVE DRIVER'S LICENSES TO DACA ILLEGAL ALIENS. NEBRASKA IS 1 OF 26 STATES CHALLENGING THE CONSTITUTIONALITY OF THE EXPANDED VERSION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM. I SUPPORT THAT LAWSUIT BECAUSE PRESIDENT OBAMA HAS NO LEGAL BASIS FOR GIVING LEGAL PRESENCE AND A WORK PERMIT TO ILLEGAL ALIENS. A VOTE FOR LB623 WILL UNDERMINE OUR STATE'S POSITION IN THE CASE." NOW THAT'S A PRETTY GOOD POINT. YOU KNOW, SOME OF THESE PEOPLE SIT AT HOME AND WATCH THIS STUFF AND ACTUALLY KNOW WHAT'S GOING ON. OBVIOUSLY FROM SOME OF OUR MAIL, SOME HAVE NO IDEA WHAT'S GOING ON. THIS ISN'T ONE OF THEM, THOUGH. "THIS BILL IS UNLAWFUL BECAUSE DACA ILLEGAL ALIENS DO NOT HAVE LAWFUL STATUS." THAT'S TRUE. HE'S GOT THAT RIGHT. "GOVERNOR RICKETTS HAS GOOD REASON TO VETO IT, SO VOTE IT DOWN BEFORE IT GETS TO HIS DESK." THAT'S RICK IN PLATTSMOUTH. AND OF COURSE I SENT IT BACK AND SAID I'M DOING MY BEST. THAT IS SOMETHING WE HAVEN'T TALKED ABOUT. WE ARE 1 OF 26 STATES THAT'S CHALLENGING IN FEDERAL COURT THE CONSTITUTIONALITY OF THIS EXPANDED VERSION OF THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM. AND FOR US TO PASS THIS AND UNDERMINE WHAT OUR ATTORNEY GENERAL AND 25 OTHER STATES ARE DOING IS ANOTHER REASON WHY I THINK THIS IS A BAD IDEA MADE SLIGHTLY BETTER BY SENATOR GROENE. AND I THINK THAT WE'RE GOING IN ONE DIRECTION, AND OUR EXECUTIVE BRANCH IS GOING IN THE OTHER DIRECTION. AND I'D RATHER HAVE ONE VOICE, AND I'D RATHER GO WITH THE EXECUTIVE BRANCH INSTEAD OF GOING OFF ON OUR OWN DIRECTION. AND I WOULD CALL ON MY FELLOW SENATORS TO LET'S SPEAK WITH ONE VOICE ON THIS THING. NOW WHAT MY AMENDMENT DOES IS IT PUTS IT OFF UNTIL THIS LAWSUIT IS FINISHED. IT WOULD SO BADLY UNDERMINE WHAT OUR EXECUTIVE BRANCH IS TRYING TO DO. I HAVE NO...I CAN THINK OF NO GOOD REASON WHY MOST OF THE MEMBERS OF THIS BODY WOULD WANT TO UNDERMINE OUR EXECUTIVE BRANCH. IT DOESN'T MAKE ANY SENSE TO ME UNLESS YOU THINK THEY'RE SO HORRIBLY WRONG. I MEAN, WHY DON'T YOU DO A RESOLUTION ASKING THAT THEY STOP THE LAWSUIT? I HAVEN'T SEEN THAT YET. SO IN ONE HAND, WE'RE GOING TO FEDERAL COURT TO CHALLENGE THE FEDERAL GOVERNMENT. ON THE OTHER HAND, WE'RE UNDERMINING THE VERY LAWSUIT THAT WE'RE SPENDING OUR TIME AND EFFORT AND MONEY ON. ANYBODY WANT TO EXPLAIN TO ME WHY THAT WORKS? AND THAT IS WHY I THINK WE NEED TO BE VERY CAREFUL IN WHAT WE'RE DOING, WHY I OFFERED THIS AMENDMENT. ONE OTHER LETTER I GOT, AND THIS IS FROM SENATOR SCHILZ'S DISTRICT. GUY'S NAME IS ROBERT. "AND THANK YOU FOR YOUR SERVICE IN THE LEGISLATURE. AFTER SEEING THE VOTE ON LB623, I DIDN'T REALIZE THERE ARE SO MANY SOFT REPUBLICANS IN THE NEBRASKA LEGISLATURE." I GUESS THAT'S A RELATIVE TERM. "ILLEGAL

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ALIENS OF ANY AGE WHO RECEIVE BENEFITS INTENDED ONLY FOR U.S. CITIZENS DOES MORE HARM TO OUR COUNTRY THAN IT DOES GOOD. IT REWARDS AND PROMOTES MORE BUSINESS FOR DRUG AND PEOPLE SMUGGLERS, AS WELL AS HELPS THE CARTEL." THAT IS THE ADDITION...THAT IS NEW PEOPLE COMING IN, HE'S REFERRING TO. BUT ANY TIME THAT WE CHIP AWAY AT OUR IMMIGRATION LAWS OR WE HELP THE ADMINISTRATION DO IT, THAT'S WHERE WE'RE GOING WITH THIS. "IT REWARDS FAMILY AND FRIENDS WHO OVERSTAYED THEIR WELCOME IN OUR COUNTRY. WITHOUT PROPER IMMIGRATION ENFORCEMENT, LB623 AND SIMILAR BILLS INVITE MORE ILLEGAL ALIENS INTO THE USA RESULTING IN IRREPARABLE HARM, ECONOMICALLY AND SOCIALLY, TO OUR COUNTRY." I GOT TO TELL YOU SOMETHING. I BET YOU...I WONDER IF HE CAME DOWN HERE AND ALL OF A SUDDEN GOT SMART BECAUSE HE HAD "SENATOR" BEFORE HIS NAME, IF HE WOULD STILL HAVE THESE VIEWS. I ALWAYS WONDER THAT, YOU KNOW, HOW SMART PEOPLE GET WHEN THEY COME HERE. YOU PICK UP THOSE 50 IQ POINTS WHEN YOU GET HERE, AND NOW YOU'RE SMARTER THAN THE PEOPLE YOU SERVE. I WONDER IF ROBERT FROM OGALLALA OR RICK FROM PLATTSMOUTH WOULD HAVE THE SAME VIEWS ONCE THEY GET DOWN HERE. BECAUSE I'M PRETTY SURE THAT MOST OF THE MEMBERS, ESPECIALLY FROM THE WEST, WHEN THEY RAN, DID NOT SUPPORT ILLEGAL IMMIGRATION. I'LL BET A LOT OF THEM SUPPORTED TEMPORARY WORKER PROGRAMS. THAT WOULD BE GREAT FOR OUR STATE. THE FEDERAL GOVERNMENT WON'T DO IT, BUT THAT WOULD BE GREAT FOR OUR STATE. WELL, THAT'S WHY I DID IT. I'VE GOT TWO PRETTY SMART CITIZENS THAT WERE SITTING ON THEIR COUCH OR WATCHING US ON THEIR COMPUTER AND SAW THE FALLACY OF WHAT WE ARE ABOUT TO DO IF WE DON'T WATCH IT. AND I WOULD ENCOURAGE THE CITIZENS TO STICK WITH RICK, STICK WITH ROBERT. I THINK THEY'RE PRETTY SMART. AND I THINK THEY'RE ON TO SOMETHING. AND I THINK THAT IF WE DO THIS THING RIGHT, WE CAN PROBABLY MOVE THE BALL FORWARD AND BE READY TO GO WHEN THERE IS ACTUALLY AN ADMINISTRATION THAT WANTS TO DEAL WITH IMMIGRATION. THANK YOU, MR. PRESIDENT. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR KINTNER. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB623]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, OBVIOUSLY WE'RE IN A FILIBUSTER, AND I WON'T TALK MORE THAN ONCE. BUT THERE ARE A LOT OF PEOPLE OUT THERE WATCHING, AND I WANT TO REMIND THEM THAT THE ONLY THING THAT REALLY MATTERS FINALLY IS THE VOTE. AND I STILL FEEL PRETTY GOOD THAT THE VOTE IN THIS MATTER IS GOING TO BE TO WELCOME THE

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DREAMERS AND GIVE THEM THE ABILITY TO HAVE DRIVER'S LICENSE IN NEBRASKA. AND I WANT THE DREAMERS TO KNOW THAT, TOO, THAT THE MAJORITY OF US ARE GLAD YOU'RE HERE. WE APPRECIATE YOUR VITALITY AND YOUR TALENT. AND THIS WHOLE FILIBUSTER IS AN INTERESTING INSIGHT INTO FREEDOM OF SPEECH, OF COURSE. THAT'S WHY I STAYED HERE. I DO LISTEN. AND WE'VE HEARD DIFFERENT OPINIONS ON EACH SIDE, AND SOME PEOPLE HAVE PUT A GREAT DEAL OF EFFORT INTO VARIOUS SOLUTIONS. AND IT'S ALL THE WAY FROM SOME, I WOULD SAY, SOME GOOD DEBATE TO THE RATHER SHALLOW DEBATE FROM SOME PEOPLE THAT JUST TAKE GLEE IN MOCKING THE PRESIDENT OF THE UNITED STATES AND INSULTING COLLEAGUES, BUT THAT'S ALSO FREEDOM OF SPEECH. AND SO I WILL STAY AND LISTEN TO THE FILIBUSTER. IT IS IMPORTANT. AND WHAT REALLY COUNTS IN THIS WHOLE THING IS THE VOTE AT THE END OF THE PROCESS. EVERY ONE OF US IS HERE BECAUSE WE WERE BROUGHT IN BY OUR ANCESTORS, EITHER THROUGH MIGRATION OR THROUGH SLAVERY. AND AS I READ THE OTHER DAY, BENJAMIN FRANKLIN TALKED ABOUT MY ANCESTORS AS PEOPLE WHO COULDN'T FIT IN TO THE UNITED STATES, THE GERMANS. AND, BESIDES, WE HAVE A REDDISH COMPLEXION AND WE'RE GOING TO CHANGE THE WAY THE WHITE CITIZENS OF THIS COUNTRY LOOK. SO NO WAVE OF IMMIGRATION HAS EVER BEEN WITHOUT ITS CRITICS. BUT WITH MY VOTE, I WILL...I WISH TO SAY WELCOME; WE APPRECIATE YOUR TALENT; WE APPRECIATE YOU BEING HERE; AND MOST OF US UNDERSTAND THAT YOU DO NEED THOSE DRIVER'S LICENSES TO BE A PRODUCTIVE PART OF NEBRASKA SOCIETY. THANK YOU VERY MUCH. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR HAAR. THOSE WAITING IN THE QUEUE: SENATOR RIEPE, BRASCH, PANSING BROOKS, McCOY, AND OTHERS. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB623]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT. MY FELLOW MEMBERS OF THE LEGISLATURE AND NEBRASKANS, I WANTED TO STAND UP AND AT LEAST BE ON RECORD THAT THIS IS NOT A PERSONAL AFFRONT OR AN ASSAULT, ALTHOUGH IT MAY SEEM TO BE, OF THE 2,700 INDIVIDUALS THAT WE'RE ACTUALLY TALKING ABOUT. I SIMPLY FEEL THAT THOSE OF US WHO HAVE EXPRESSED CONCERNS BASED ON LARGER ISSUES, LARGER PICTURES, HAVE CERTAINLY BEEN DEMONIZED, IN THAT WE HATE EVERYONE OR HATE EVERYTHING. I BELIEVE IN IMMIGRATION. MAYBE THE NUMBER OF IMMIGRANTS NEEDS TO BE ADDRESSED IN THE SENSE OF ADDING MORE OF THEM TO THIS GREAT COUNTRY. I BELIEVE, THOUGH, IN LEGAL AND ORDERLY IMMIGRATION. I BELIEVE IN THE RULE OF LAW. I BELIEVE IN FAIRNESS. I BELIEVE THAT THOSE THAT HAVE GONE THROUGH THE PROCESS SHOULD BE ADDRESSED FIRST. I SERVED IN THE NAVY, AS YOU

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KNOW. I GREW TO NOT LIKE LINES, AND I ALSO GREW TO NOT LIKE PEOPLE THAT CUT THE LINES. MY CONCERN, THAT LB623 REFLECTS IN A BIGGER WAY A PHILOSOPHY OF OPEN BORDERS. I KNOW THAT TAKES IT TO THE BIG LEVEL, BUT FUNDAMENTALLY, THAT'S WHAT WE HAVE, AND WE HAVE A VERY STRONG CULTURAL DIVIDE IN THIS COUNTRY. MY CONCERN IS ALSO THAT LB623 IS A BILL THAT REFLECTS THE LACK OF COURAGE, IF YOU WILL, THE COURAGE TO LEAD AND THE COURAGE TO ADDRESS PROBLEMS. WE HEARD EARLIER THE DISCUSSION THAT RONALD REAGAN HAD ALLOWED IMMIGRANTS INTO THE COUNTRY. AND I THINK, IF MY RECOLLECTION IS CORRECT, AT THAT TIME THERE WAS A MAJOR ISSUE. HE AGREED TO ALLOWING THE IMMIGRANTS TO HAVE STATUS WITH THE IDEA THAT THE PROBLEM WOULD THEN BE RESOLVED, THAT THE BORDER AND THE ILLEGAL IMMIGRATION WOULD END. THE FACT OF THE MATTER WAS THE ILLEGAL IMMIGRATION DOUBLED. AND SO BY FAILURE TO FOLLOW THROUGH ON THAT, WE END UP WITH A PROBLEM EVEN GREATER. I FEEL LIKE, IN PART, IT'S THE NATIONAL DEBT, YOU KNOW, THAT'S THE IDEA OF GOING FROM WHAT'S \$18 TRILLION NOW PROJECTED TO GO INTO \$30 TRILLION IN A MATTER OF EIGHT YEARS, AND IT ALL PLAYS TO THAT. WE CAN ILL AFFORD TO IMPORT ADDITIONAL POVERTY. WE HAVE WITH THAT POVERTY COMES UNEMPLOYMENT. I FEEL THAT MANY OF THE IMMIGRANTS CAME TO THE GRAND STATE OF CALIFORNIA RAN INTO 16 PERCENT UNEMPLOYMENT AND LOOKED AT NEBRASKA AND SAID, UNEMPLOYMENT IN NEBRASKA IS 2.5, 2.6, WHATEVER, AND SAID LET'S GO THERE. WHEN THEY GOT HERE, THEY FOUND THAT THE JOBS WEREN'T THERE. AND AS THE GOOD, DECENT, MIDWEST PEOPLE THAT WE ARE, AND THE AMERICANS THAT WE ARE, WE HAD AN OBLIGATION THAT WE FULFILLED IN TERMS OF TAKING CARE OF MANY OF THOSE PEOPLE WITH OUR SOCIAL SECURITY PROGRAMS, OR NOT SOCIAL SECURITY BUT OUR SOCIAL BENEFITS AND OUR SCHOOL PROGRAMS, IF YOU WILL. I SIMPLY DON'T WANT ANYONE VIEWING THIS TO THINK THAT JUST BECAUSE WE DON'T SUPPORT THIS WE SUPPORT A BIGGER ISSUE OR ARE CONCERNED ABOUT A BIGGER ISSUE, AND THAT WE SIMPLY ARE NOT THE DEMONS THAT WE MAY HAVE BEEN MADE OUT TO BE. IF I HAVE ANY TIME LEFT, MR. PRESIDENT, I WOULD LIKE TO YIELD THAT TO SENATOR McCOY. THANK YOU VERY MUCH. [LB623]

SENATOR SCHEER: SENATOR McCOY, YOU HAVE 50 SECONDS. [LB623]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR RIEPE. AND I THINK SENATOR RIEPE BROUGHT UP SOME VERY GOOD, VERY GOOD THOUGHTS ON THIS SUBJECT, AND SOME OF WHICH I WILL CONTINUE WITH WHEN I HAVE ADDITIONAL TIME AT THE MICROPHONE. I THINK IT'S

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INTERESTING THAT SOMEONE WILL STAND UP AND SAY THAT THIS IS JUST A FILIBUSTER AND AT THE END OF THE DAY THE ONLY THING THAT MATTERS IS THE FINAL VOTE. THIS IS A MAJOR ISSUE. AND IT IS POSSIBLE THAT THIS LEGISLATION WILL ADVANCE. AND IT IS POSSIBLE THAT IF GOVERNOR RICKETTS VETOES IT AND THE LEGISLATURE OVERRIDES HIS VETO THAT THIS WILL GO INTO LAW. BUT THE PEOPLE OF NEBRASKA DESERVE TO HAVE AS MUCH INFORMATION ON THE RECORD ON THIS ISSUE AS POSSIBLE. [LB623]

SENATOR SCHEER: TIME, SENATOR. THANK YOU, SENATORS McCOY AND RIEPE. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB623]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. I WILL YIELD MY TIME TO SENATOR McCOY. [LB623]

SENATOR SCHEER: SENATOR McCOY, YOU'RE YIELDED 4:45. [LB623]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BRASCH. YOU KNOW, I WOULD...I'LL RISE TO TALK AGAIN ABOUT MY CONCERNS WITH DAPA IN CONJUNCTION WITH DACA. AND AS I TALKED ABOUT EARLIER, I THINK THIS ISSUE, FRANKLY, HASN'T GOTTEN NEARLY THE ATTENTION FROM THIS BODY ON THIS ISSUE. AND, FRANKLY, I REMAIN COMPLETELY FLABBERGASTED THAT THERE ARE AS MANY INDIVIDUALS IN THIS BODY WHO HAVEN'T ASKED QUESTIONS ON THIS ISSUE AS THERE HAVE BEEN. LET ME TALK ABOUT THIS AGAIN, MAYBE TRY TO APPROACH IT FROM A LITTLE BIT OF A DIFFERENT WAY. WE HAVE THE RULE OF LAW IN THE UNITED STATES THAT WE HAVE. WE HAVE, AS THERE HAVE BEEN THOSE THAT HAVE TALKED ABOUT EARLIER, OVER 4 MILLION PEOPLE THAT ARE WAITING TO COME TO AMERICA, LEGALLY. AND THEN WE HAVE A VERY LONG BORDER TO THE SOUTH IN PARTICULAR. WE ALSO HAVE ONE, THE FRIENDLIEST, TO OUR NEIGHBORS TO THE NORTH, THE GREAT NATION OF CANADA. WE DON'T SEEM TO HAVE AS MUCH OF AN ISSUE WITH ILLEGAL IMMIGRATION COMING FROM CANADA. WELL, WHY WOULD THAT BE? THAT WOULD BE BECAUSE CANADA HAS SOME VERY STRICT IMMIGRATION RULES. OUR PROBLEM IS WITH OUR BORDER TO THE SOUTH. AND WHILE WE SHARE MANY COMMON INTERESTS WITH THE NATION OF MEXICO, AN ISSUE THAT'S HAPPENED OVER THE COURSE OF SOME NUMBER OF YEARS IS THAT MEXICO, AT TIMES WHEN THEIR ECONOMY WAS NOT NEARLY AS GOOD OF SHAPE AS OURS, AS THE AMERICAN ECONOMY, THE GOVERNMENT, IN A FAIRLY PUBLIC WAY-- AND WERE FAIRLY BRAZEN ABOUT IT--WOULD ENCOURAGE THOSE IN MEXICO TO COME TO THE UNITED STATES TO WORK BECAUSE OF THE LACK OF JOBS IN

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MEXICO. AND, OF COURSE, THAT WOULD REDUCE THE BURDEN ON THEIR PUBLIC SERVICES IN THEIR NATION. AND THEN WE'VE HAD A PRESIDENT WHO, THROUGH THE COURSE OF EXECUTIVE ORDERS, HAS PUT US IN A SITUATION WHERE YOU HAVE YOUNG PEOPLE FLEEING FROM COUNTRIES WITH A GREAT DEAL OF CIVIL UNREST IN SOUTH AND CENTRAL AMERICA IN PARTICULAR, WHOSE PARENTS, IN HOPES FOR A BETTER LIFE FOR THEIR KIDS, SEND THEM ON ARDUOUS AND OFTENTIMES DEADLY JOURNEYS TO TRY TO MAKE IT TO THE UNITED STATES. AND THE HARROWING STORIES THAT YOU HEAR, THAT WE'VE ALL SEEN IN THE MEDIA ABOUT THESE YOUNG PEOPLE THAT DIDN'T MAKE IT HERE, OFTEN LOSING THEIR LIVES IN GRIZZLY WAYS OR WHO DO MAKE IT HERE AND HAVE HAD HORRIBLE, AWFUL THINGS HAPPEN TO THEM ALONG THE WAY, IS VERY CHILLING. I DON'T KNOW WHY THAT WE CAN'T RECOGNIZE OR WHY IT SEEMS HARD FOR THOSE TO RECOGNIZE THAT WHEN WE OPEN THIS... [LB623]

SENATOR SCHEER: ONE MINUTE. [LB623]

SENATOR McCOY: ...WHEN WE OPEN THIS ACTION, WHAT WE'RE DOING AS A LEGISLATURE IF THIS BILL ADVANCES, WE'RE OPENING THIS ACTION TO THOSE WHO HAVE DEFERRED ACTION STATUS AND IT'S NOT JUST DACA. MEMBERS, WE'RE TALKING ABOUT THOSE, IF THE COURT CHALLENGE...IF A COURT THROWS THAT OUT, WE WILL BE FORCED TO GIVE DRIVER'S LICENSE TO ADULTS WHO CAME HERE ILLEGALLY. WE ARE NOT TALKING ABOUT IN THAT CASE CHILDREN WHO WERE BROUGHT HERE UNWILLINGLY BY THEIR PARENTS. WE'RE TALKING ABOUT ILLEGAL IMMIGRANTS WHO WILLINGLY CAME HERE AS ADULTS. DO WE REALLY WANT TO BE PUTTING OURSELVES INTO THAT POSITION? IF YOU DO, THAT'S ONE THING. BUT IF YOU DON'T AND YOU THINK SOMEHOW THAT'S NOT GOING TO HAPPEN, THAT'S JUST NOT THE CASE. THANK YOU, MR. PRESIDENT. [LB623]

SENATOR SCHEER: THANK YOU, SENATORS McCOY AND BRASCH. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB623]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB623 AND AGAINST ALL THE SUBSEQUENT AMENDMENTS. IT IS JUST SO INTERESTING. WE ARE SO PROVINCIAL AND SO SURE THAT WE ARE ALL THAT MATTERS. ONCE WE ARE IN AMERICA, IT'S KING'S X. OUR FAMILIES ARE IN; THE REST OF YOU ARE BASICALLY OUT. AND BY THE WAY, OF COURSE THE SUBJECT KEEPS GOING BACK TO THE ILLEGAL IMMIGRATION AND WHAT WE ARE REALLY TALKING ABOUT ARE KIDS THAT CAME HERE THROUGH NO ACTION OF THEIR

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OWN, BUT THROUGH THE ACTION OF THEIR PARENTS. SO, AGAIN, THESE ARE NOT LAWBREAKERS. THESE ARE PEOPLE THAT HAVE TOED THE LINE, BECOME EDUCATED, WORKED HARD. THESE ARE PEOPLE THAT ALL THREE CHAMBERS, AS SENATOR NORDQUIST POINTED OUT, SUPPORT ALLOWING THEM TO HAVE DRIVER'S LICENSES. BECAUSE GUESS WHAT? WHEN I TALKED TO BUSINESSES GOING DOOR TO DOOR, THE NUMBER ONE ISSUE THAT THEY HAD WAS THE LACK OF THE EMPLOYEE POOL. THERE ARE NOT ENOUGH POTENTIAL EMPLOYEES IN NEBRASKA. WE HAVE SOME YOUNG PEOPLE THAT ARE HARDWORKING THAT HAVE FOLLOWED THE LAWS, AND THEY WANT TO BE ABLE TO GET TO THEIR JOBS. AND SO TO ACT AS IF THAT IS SOMETHING THAT IS UNREASONABLE OR ILLEGAL IN ITSELF IS JUST CRAZY. I LOVE THE POINT BY SENATOR KINTNER THAT SOME PEOPLE THINK THAT OUR IQs INCREASE BY 50 POINTS BECAUSE WE ARE HERE. THAT IS THE OPPOSITE OF WHAT I HAVE HEARD. PEOPLE ASK ME WHY ARE YOU DOING THIS? THAT THIS IS NOT SOMETHING WHERE NECESSARILY PEOPLE LOOK AT US AS IF OUR IQs ARE SO MUCH HIGHER. AGAIN, SENATOR GROENE IS TALKING ABOUT, IN HIS AMENDMENT, ABOUT LAWFUL STATUS. WELL, THERE ARE TWO FEDERAL DEFINITIONS OF LAWFUL STATUS. THERE IS A DEFINITION OF LAWFUL STATUS AS USED BY THE REAL ID ACT AND THERE IS LAWFUL STATUS AS USED FOR DETERMINING ELIGIBILITY OF IMMIGRATION BENEFITS. CLEARLY, LB623 MAKES IT CLEAR THAT WE ARE USING THE R-E-A-L, THE REAL ID ACT'S DEFINITION. SO, IF YOU WANT FURTHER INFORMATION ABOUT THAT, YOU ARE WELCOME TO COME AND TALK TO ME ABOUT THIS. WE HAVE GOT THE LAWS HERE. AGAIN, TO NEBRASKANS, I WANT YOU TO KNOW THAT WE WANT YOU HERE WORKING HARD. WE WANT YOU TO SUCCEED. WE DON'T WANT YOU UNEMPLOYED AND WE WANT YOU PAYING TAXES AND DOING ALL SORTS OF THINGS LIKE THAT. SO, THAT IS A BENEFIT TO OUR STATE. AND HOWEVER THE PARENTS ARRIVED HERE, THE CHILDREN BROKE NO LAW. SO, IN ORDER TO NOT CONTINUE THIS FILIBUSTER IN ANY OTHER WAY, I'M NOT GOING TO SAY ANYTHING FURTHER. THANK YOU, MR. PRESIDENT. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR PANSING BROOKS. SENATOR McCOY, YOU ARE RECOGNIZED. [LB623]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, MEMBERS. AS I MENTIONED EARLIER, WHEN WE TALK ABOUT DAPA AND DEFERRED ACTION FOR THE PARENTS OF PERMANENT RESIDENTS OR CITIZENS, WE ARE TALKING ABOUT UPWARDS OF 5 MILLION INDIVIDUALS. AND I WILL GO BACK TO WHAT I SAID JUST A FEW MOMENTS AGO ON THE MICROPHONE. THERE ARE 26 STATES THAT ARE PART OF A LAWSUIT, NEBRASKA IS 1 OF THEM, ATTEMPTING TO BLOCK THE IMPLEMENTATION OF DAPA. I'M GLAD OUR STATE IS PART OF THIS GROUP. I'M

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GLAD THAT A FEDERAL JUDGE IN TEXAS, UP TO THIS POINT, HAS STOPPED THE IMPLEMENTATION OF DAPA, BECAUSE I THINK IT IS A DANGEROUS DIRECTION TO GO FOR OUR COUNTRY. IT IS INTERESTING AS YOU FOLLOW THIS STORY IN THE NEWS, AS I HAVE, AND AS I'M SURE MANY OF YOU HAVE AS WELL, THE WHITE HOUSE AND THIS ADMINISTRATION HAVE BEEN HIGHLY CRITICAL OF THIS JUDGE IN TEXAS AND ARE DOING EVERYTHING THEY CAN TO GO AHEAD AND FORCE THE IMPLEMENTATION OF THIS EXECUTIVE ORDER. NOW CLEARLY, CONGRESS WOULDN'T PASS LEGISLATION AUTHORIZING THIS PROGRAM, JUST THE SAME AS I DON'T BELIEVE THEY WOULD HAVE AUTHORIZED DACA EITHER. IT IS INTERESTING IF YOU PULL UP SOME ARTICLES ON DAPA, THE FIRST THING THAT IS MENTIONED IN MANY OF THESE ARTICLES, ESPECIALLY IF THEY ARE SOME MORE PROGRESSIVE OR, TO USE ANOTHER WORD, LIBERAL THINK TANKS OR ORGANIZATIONS, YOU WILL FIND ONE OF THE VERY FIRST THINGS THAT'S MENTIONED IS THE REASON THAT DACA AND DAPA NEED TO...THE CONTINUATION OF DACA WITH THE INCREASED AGE LIMIT THAT THE PRESIDENT ANNOUNCED AT THE END OF NOVEMBER OF LAST YEAR AT THE SAME TIME THAT HE ANNOUNCED THE DAPA PROGRAM, THAT THE CHIEF REASON FOR THIS IS BECAUSE THEN THIS POTENTIALLY AT SOME POINT COULD BE A VOTING BLOC AVAILABLE FOR THOSE IN OFFICE TO FIGHT FOR, ASK FOR THEIR VOTES FOR. NOW I WOULD SUBMIT TO YOU, MEMBERS, THAT'S NOT A VERY GOOD REASON TO CONDUCT PUBLIC POLICY. GRANTED, I'M SPEAKING OF THINK TANKS AND ORGANIZATIONS THAT DON'T MAKE PUBLIC POLICY. BUT THEY DO INFLUENCE...THEY HAVE INFLUENCE OVER THOSE WHO DO, BOTH IN THE HALLS OF CONGRESS AND IN STATE CAPITOLS ACROSS THE COUNTRY. WE HAVE A RULE OF LAW IN AMERICA AND THAT'S WHAT HAS KEPT US THE BEACON OF HOPE AND FREEDOM AROUND THE WORLD. WHAT DO WE HAVE IF WE DON'T HAVE A RESPECT AND AN ADHERENCE TO THE RULE OF LAW? WHY IS IT SO HARD TO TALK ABOUT SECURING OUR BORDERS AND THEN AND ONLY THEN FIGURING OUT HOW DO YOU HANDLE AND ADDRESS THE SITUATION IN WHICH SOMEWHERE BETWEEN 11 (MILLION) AND 14 MILLION ILLEGAL IMMIGRANTS CURRENTLY ARE IN THE UNITED STATES? I DON'T THINK YOU HAVE HEARD ANYBODY ON THE FLOOR HERE STAND AND TALK ABOUT HOW ALL OF THOSE ILLEGAL IMMIGRANTS SHOULD BE SHIPPED BACK TO THEIR...THE COUNTRY THAT THEY CAME FROM. [LB623]

SENATOR SCHEER: ONE MINUTE. [LB623]

SENATOR McCOY: NO. I THINK WHAT YOU HAVE HEARD FROM THOSE OF US CONSERVATIVES WHO HAVE A PROBLEM WITH THIS BILL IS THE SAME THING THAT YOU HEAR FROM CONSERVATIVES ACROSS THE COUNTRY AND, I MIGHT

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ADD, FROM VOTERS, NOT JUST HERE IN NEBRASKA BUT ELSEWHERE IN AMERICA, AND THAT IS, SECURE OUR BORDERS, ADHERE TO THE RULE OF LAW, AND IF AND THEN AND ONLY IF THAT HAS BEEN DONE SUCCESSFULLY WILL WE TALK ABOUT WHAT DO WE DO, HOW DO WE THEN FULLY ASSIMILATE INDIVIDUALS THAT ARE HERE ILLEGALLY? THIS BILL DOESN'T HELP WITH THAT EFFORT. THANK YOU, MR. PRESIDENT. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR McCOY. SENATOR HILKEMANN, YOU ARE RECOGNIZED. EXCUSE ME, SENATOR HILKEMANN. MR. CLERK, SOME ITEMS FOR THE RECORD? [LB623]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB175 AS CORRECTLY ENGROSSED; LB243 CORRECTLY REENGROSSED; LB243A CORRECTLY REENGROSSED; LB329 CORRECTLY ENGROSSED; LB525, LB598A, AND LB605A ALL AS CORRECTLY ENGROSSED. THANK YOU, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1728-1730.) [LB175 LB243 LB243A LB329 LB525 LB598A LB605A]

SENATOR SCHEER: THANK YOU, MR. CLERK. SORRY, SENATOR HILKEMANN. YOU ARE NOW RECOGNIZED. [LB623]

SENATOR HILKEMANN: SENATOR SCHEER, THANK YOU. MR. SPEAKER, THANK YOU. JUST A COUPLE OF THOUGHTS THAT HAVE CROSSED MY MIND HERE TODAY AS A CONSERVATIVE ON THIS ISSUE, AND I'M APPROACHING IT AS A CONSERVATIVE. I'M ALSO A BUSINESSMAN AND A PHYSICIAN. AND OVER THE YEARS OF MY PRACTICE, I HAD TO RECRUIT PEOPLE EITHER AS PHYSICIANS INTO MY PRACTICE, SOMETIMES IT WAS TO RECRUIT OFFICE MANAGERS AND SO FORTH. AND WHENEVER I DID THAT, IT ALWAYS COST ME A LOT OF MONEY FOR THAT TRAINING PROCESS. AND I ALWAYS HOPED THAT WHEN I WAS SPENDING THAT MONEY TO TRAIN THEM, THAT THEY WOULD STICK AROUND AND THAT THEY WOULD BE A PART OF MY PRACTICE AND I COULD GROW WITH THOSE INDIVIDUALS BECAUSE WE ALL KNOW THAT IT COSTS A WHOLE LOT OF MONEY TO TRAIN PEOPLE. AND SO I ALWAYS...WE USED TO DO A LOT OF THINGS TO ENCOURAGE THEM TO STAY AND WE WANTED TO MAKE THEM FEEL WELCOME. WELL, WHAT WE HAVE IS WE NOW HAVE STUDENTS THAT WE HAVE THIS SMALL 2,700 PEOPLE WHO WE HAVE SPENT MONEY TO--IN SOME CASES A K-12 EDUCATION WHICH COULD COST ANYWHERE...IF IT'S IN A MILLARD DISTRICT IT MAYBE COSTS US \$80,000 TO DO THAT. IF IT WAS UP IN BLOOMFIELD, NEBRASKA, IT COSTS YOU...OR NOT BLOOMFIELD BUT COLERIDGE, NEBRASKA, IT COSTS

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YOU A QUARTER OF A MILLION DOLLARS FOR A K-12 EDUCATION. SOME OF THESE KIDS, WE PUT THEM INTO OUR HIGH SCHOOLS AND THEY...WE MAY HAVE HELPED WITH THEIR COLLEGE TUITION, GOTTEN THEM THROUGH THERE. AND SO WE ALWAYS WANT TO ENCOURAGE PEOPLE WHO ARE WILLING TO WORK. WE ALWAYS SAY WE WANT TO HELP PEOPLE WHO ARE WILLING TO WORK. WELL, THESE PEOPLE ALL HAVE TO HAVE A JOB; THEY HAVE TO HAVE A SOCIAL SECURITY CARD; THEY HAVE TO BE ABLE TO PAY TAXES. AND SO WE DO ALL OF THESE THINGS AND THEN WE SAY, WELL, WE DON'T WANT YOU...WE REALLY DON'T WANT YOU TO WORK. WE WOULD RATHER YOU GO TO IOWA, THAT YOU WOULD GO TO KANSAS, THAT YOU WOULD GO TO MISSOURI. THAT, FOLKS, JUST DOESN'T MAKE GOOD SENSE. AND SO THAT'S WHY, AS A CONSERVATIVE...AND, YOU KNOW, SENATOR McCOY, I AGREE WITH YOU. OUR IMMIGRATION LAWS ARE ABYSMAL. OUR BORDER IS...THOSE ISSUES MUST BE ADDRESSED. BUT FOR RIGHT NOW, THE ONLY SITUATION--WE'RE NOT TALKING ABOUT THOSE OTHER MILLIONS AND, BOY, I'D LOVE TO SEE THAT PROBLEM SOLVED. WE HAVE 2,700 PEOPLE IN NEBRASKA WHO WE WOULD...WHO WOULD JUST LIKE TO BE ABLE TO DRIVE TO WORK, TO DRIVE TO SCHOOL, TO GO ABOUT THEIR...TO THEIR JOBS WITHOUT HAVING THAT BARRIER THAT THEY CAN'T GET A DRIVER'S LICENSE AS THEY CAN IN 49 OTHER STATES. WE TALK ABOUT BRAIN DRAIN AND PEOPLE LEAVING OUR STATE. I'M SORRY, FOLKS. THIS PARTICULAR BARRIER WILL ENCOURAGE BRAIN DRAIN. THANK YOU VERY MUCH, MR. SPEAKER. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR HILKEMANN. SENATOR KINTNER, YOU ARE RECOGNIZED. [LB623]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. AND, SENATOR HILKEMANN, I OWE YOU AN APOLOGY. I SHOULD HAVE COME TO YOU BEFORE AND SAID I'M GOING TO ASK YOU SOME QUESTIONS. A BILL SPONSOR YOU CAN GO ASK. I THINK I OWED YOU THAT TO LET YOU KNOW I WAS GOING TO ASK YOU. I DID NOT DO THAT AND I APOLOGIZE FOR NOT GIVING YOU A HEADS UP. YOU'RE A GOOD MAN, AND I DIDN'T WANT TO...I KIND OF PUT YOU ON THE SPOT. AND I GOT TO THINKING ABOUT THAT, AND I DON'T WANT TO DO THAT. I DON'T WANT TO BE THAT GUY THAT MAKES PEOPLE UNCOMFORTABLE WHEN THEY ARE NOT EXPECTING IT. SO I APOLOGIZE, SENATOR HILKEMANN. A COUPLE OF THINGS HERE. I DON'T SEE SENATOR NORDQUIST. I WANTED TO ASK HIM A QUESTION ABOUT THIS THING. IF HE GETS BACK IN HERE, I WILL ASK HIM ABOUT THIS. BUT THERE IS A COUPLE THINGS THAT I JUST...I'M NOT SURE ABOUT. AND WE BRING PEOPLE TO OUR STATE AND...OR WE ALLOW PEOPLE TO COME TO OUR STATE AND THEY ARE HERE AND THERE IS A PRETTY GOOD COST WHEN WE HAVE ILLEGAL ALIENS HERE. THEY DON'T HAVE HEALTHCARE. THEY MAY OR MAY

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NOT HAVE A JOB. THEY ARE NOT SUPPOSED TO HAVE ANY WELFARE BENEFITS. BUT THE COST TO OUR STATE IS ABSOLUTELY TREMENDOUS. NOW, LET ME...THE REASON I'M SAYING THAT, I'VE GOT A LETTER HERE AND THIS IS FROM SOMEONE FROM OMAHA. AND I THINK IT IS SENATOR McCOLLISTER'S DISTRICT, IF BERRY CIRCLE IS IN HIS DISTRICT. THE GUY'S NAME IS MARTIN. HE GOES: SENATOR KINTNER, AS THE DEBATE ON LB623 GOES FORWARD, I DECIDED TO WRITE YOU AS TO WHY THIS BILL HAS TO BE STOPPED AS WRITTEN. AND I THINK THAT'S WHY SENATOR GROENE HAS TAKEN THAT TO HEART. BY THE WAY, I'M NOT A BIG FAN OF POLISHING UP A BAD, A BAD LAW, POTENTIAL LAW, A BILL. BUT I GUESS SOMETIMES IT IS BETTER THAN NOTHING. ANYWAY, HAVING--BACK TO THE LETTER: HAVING STUDIED THE ILLEGAL ALIEN POPULATION OVER SEVERAL YEARS, I TRY TO DEAL WITH FACTS RATHER THAN FICTION. AND THOSE SUPPORTING LB623 DO NOT FACTOR IN SEVERAL ISSUES. THAT'S WHERE I WILL BEGIN. I APPRECIATE WHEN SOMEONE TAKES THE TIME TO RESEARCH SOMETHING AND WRITE ME. AND SOMETIMES THEY OPPOSE ME, BUT I STILL APPRECIATE ANYONE WHO IS ENGAGED ENOUGH TO STOP WATCHING DANCING WITH THE STARS OR A BASEBALL GAME AND GO TO THEIR COMPUTER AND WRITE ME A HEARTFELT, WELL-RESEARCHED LETTER. I CAN'T TELL YOU HOW MUCH I APPRECIATE THAT. AND, PEOPLE AT HOME, YOU ARE ALWAYS FREE TO WRITE ME. I THINK THAT'S GREAT, PEOPLE WHO ARE ENGAGED. YOU ARE THE SECOND HOUSE BY THE WAY. HE GOES: THE COST OF ILLEGAL ALIENS IN NEBRASKA IS \$251 MILLION PER YEAR, WHICH STARTS WITH K-12 EDUCATION, SOME MEDICAID, AND SEVERAL OTHER GOVERNMENT PROGRAMS. I DON'T KNOW WHICH THOSE ARE. WE ALREADY GIVE THEM PRENATAL CARE--I THINK THAT WOULD COME UNDER MEDICAID--IN-STATE TUITION FOR OUR UNIVERSITIES. AND HE JUST THINKS THAT THAT AMOUNT OF MONEY THAT WE'RE SPENDING ON ILLEGAL IMMIGRANTS. NOW THAT'S NOT DIRECTLY THE DREAMERS. THEY ARE A PRODUCT OF THAT. THEY'RE PART OF IT. AND WASHINGTON, BY THE WAY, MAKES US EDUCATE... [LB623]

SENATOR SCHEER: ONE MINUTE. [LB623]

SENATOR KINTNER: ...EVERY SINGLE CHILD. IT DOESN'T MATTER. YOU DON'T GET A SAY. WASHINGTON KNOWS BEST. WASHINGTON WILL TELL YOU HOW TO DO IT. SO HE GOES ON TO SAY: IN AVERAGE AMERICA, IF YOUR EMPLOYER OR SUPERVISOR TOLD YOU TO DO SOMETHING CONTRARY TO LAW AND YOU DID IT, YOU WOULD BE COMMITTING A CRIME AND HELD ACCOUNTABLE--NO DEFENSE OF FOLLOWING DIRECTIVES OR POLICIES. THE STANCE WOULD BE YOU ARE OBLIGATED TO FOLLOW THE LAW FIRST. DOESN'T APPLY TO OUR ADMINISTRATION. HE GIVES SOME OTHER THINGS HERE. I WILL JUST SAY AT THE

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END HE GOES: SENATOR, WILL YOU STOP LB623? PLEASE CONSIDER THE COST AND DO WHAT YOU NEED TO DO. FOLKS AT HOME, I WILL DO EVERYTHING I CAN TO STOP THIS. I WILL THROW UP EVERY PARLIAMENTARY MANEUVER THAT WE HAVE HERE AT OUR DISPOSAL. THIS IS A GAME CHANGER. THIS IS IMPORTANT. AND I VOW TO YOU I'M FIGHTING FOR THE RULE OF LAW... [LB623]

SENATOR SCHEER: TIME, SENATOR. [LB623]

SENATOR KINTNER: ...AND FOR THE PEOPLE TO DO THINGS RIGHT. THANK YOU, MR. PRESIDENT. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR KINTNER. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB623]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES, FOR YOUR CONTINUED INTEREST IN GOOD PUBLIC POLICY. I HAVE REPEATED THAT THERE ARE 4.4 MILLION INDIVIDUALS WHO WOULD LIKE TO COME INTO OUR COUNTRY LEGALLY. THOSE ARE JOBS THAT NEED TO BE FILLED. CONGRESS IS BROKEN, I HAVE HEARD ON THIS FLOOR SEVERAL TIMES. WELL, NEBRASKA IS NOT. WE ARE STILL LAWFUL IN OUR WAYS. WE COME HERE EVERY YEAR TO CREATE GOOD LEGISLATION. I HAVE HEARD NUMBERS QUOTED ON THE FLOOR AS THAT THERE IS ONLY 2,500 DACA RECIPIENTS AND I AM FINDING DIFFERENT NUMBERS, SEVERAL DIFFERENT NUMBERS. AT ONE POINT I HAD PULLED UP FACTS FOR ALL THREE DISTRICTS; AND THERE ARE 2,500, 2,800 IMMEDIATE AT THIS POINT. BUT WE ALSO HAVE THOSE WAITING THAT WILL SOON BE DACA OR EVENTUALLY DACA, AND I QUOTED THOSE NUMBERS THE LAST TIME ON THE FLOOR. AND I WAS TRYING TO RE-PULL THOSE UP IN MY COMPUTER AND THEN I SEE MORE RECENT NUMBERS HAVE ALSO BEEN ISSUED. AND IT SAYS IN THE STATE OF NEBRASKA, BECAUSE IT HAS A LISTING FOR ALL THE STATES, THAT THE TOTAL IS AROUND 8,000; THAT IMMEDIATELY ELIGIBLE, AGES 15 AND OVER, IS AT 4,000; AND THEN ELIGIBLE BUT FOR EDUCATION, AGES 15 AND OVER, IS AT 2,000; AND ELIGIBLE IN THE FUTURE IS AT 3,000 THAT ARE NOW UNDER THE AGE OF 15. SO THE NUMBERS VARY. AND I'M NOT CERTAIN WHAT THE LAWS WOULD BE IF...AND THESE ARE TWO-YEAR PERMITS I BELIEVE FOR RENEWAL. SO IF SOMEONE DOES COME FROM ANOTHER STATE AND WOULD LIKE TO BECOME DACA IN NEBRASKA, WHEN PEOPLE COME IN, DO WE ADD THOSE TO OUR NUMBERS OR IS IT LIMITED TO NEBRASKA ONLY? THAT IF YOU CAME HERE FROM ANOTHER STATE AS A DACA PERSON, ARE THERE CONDITIONS ON WHO IS DACA IN IOWA TO BE IMMEDIATELY GRANTED A DRIVING PRIVILEGE

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IN NEBRASKA? AND MY UNDERSTANDING IS THAT WHEN IT COMES TO IMMIGRATION LAWS, THAT WHEN AN ILLEGAL IMMIGRANT BRINGS AN ILLEGAL CHILD, THEY ARE CONSIDERED ILLEGAL, THAT THERE AREN'T EXEMPTIONS FOR THE CHILDREN. AND I WILL HAVE THE STATUTE AND ACCURATE LANGUAGE AT A LATER TIME. BUT IT WAS SAID EARLIER ON THE FLOOR IS THAT THESE CHILDREN ARE NOT ILLEGAL, AND THAT IS INCORRECT ACCORDING TO MY UNDERSTANDING. AND, AGAIN, IMMIGRATION IS VERY FAMILIAR TO ME, BY OTHERS THAT HAVE COME HERE SPONSORED AND LEGALLY TO OUR COUNTRY, AND THE WAIT THAT THEY ENDURED, THINGS THAT THEY HAD TO ACCOMPLISH BEFORE THEY COULD ENTER THE COUNTRY LEGALLY. AND I AM CONCERNED... [LB623]

SENATOR SCHEER: ONE MINUTE. [LB623]

SENATOR BRASCH: ...BECAUSE I DO KNOW SEVERAL ILLEGAL IMMIGRANTS. AND AS I STAND HERE TODAY, I WAS THINKING ABOUT IT, I PROBABLY KNOW MORE ILLEGAL IMMIGRANTS THAN I DO LEGAL IMMIGRANTS--THAT DOESN'T SEEM RIGHT--AND PROBABLY OTHERS OF YOU AS WELL. IN SENATOR FRIESEN'S DISTRICT, HE HAS SPOKE UP ON THIS. I AM CURIOUS AT SOME POINT IF SENATOR FRIESEN WILL TELL ME IF HE KNOWS MORE ILLEGALS THAN LEGALS AS FAR AS IMMIGRATION IS CONCERNED IN HIS AREA. WE NEED THOSE NUMBERS TO TURN AROUND. WE NEED TO KNOW THAT MORE PEOPLE HAVE COME HERE BY LEGAL MEANS THAN ILLEGAL MEANS. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR BRASCH. SENATOR RIEPE, YOU ARE RECOGNIZED. [LB623]

SENATOR RIEPE: MR. PRESIDENT, THANK YOU. WE'VE HAD A LOT OF AMENDMENTS TODAY, SO I WANTED TO AMEND A LITTLE BIT TO WHAT I HAD SAID EARLIER, AND THAT MY SUPPORT ALSO RUNS FOR THE VERIFICATION OF IMMIGRANTS THAT ARE HERE THROUGH EMPLOYERS. AND MY SENSE IS THAT IF THESE EMPLOYERS WHO CONTEND THAT IT'S THE ONLY HELP THAT THEY CAN GET AND SO THEY WILL WORK OFF THE BOOKS, I THINK IS INHERENTLY UNFAIR, OBVIOUSLY ILLEGAL AND THAT WE NEED TO COME TO SOME CONCLUSION TO CRACK DOWN ON THEM. THE EMPLOYERS MAY NOT LIKE THAT, TOUGH. I ALSO THINK THAT IT PENALIZES ANY OF THE EMPLOYERS WHO DO PLAY BY THE RULES, WHO PAY THEM THE WAGES THAT THEY DESERVE, AND WHO ALSO MAKE SURE THAT THEY ARE IN THIS COUNTRY LEGALLY. I ALSO WAS HUMORED A

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LITTLE BIT, I WILL CONCLUDE WITH THAT. I'M NOT HERE TO DOMINATE THE MIKE, BUT I WAS HUMORED EARLIER THIS WEEK. DONALD TRUMP WAS ON AND HE SAYS IF A PRESIDENTIAL CANDIDATE, HE WOULD NOT ONLY REQUIRE MEXICO TO BUILD THE FENCE; HE'D REQUIRE THEM TO PAY FOR IT. I THOUGHT THAT'S A TYPICAL DONALD TRUMP. I WOULD YIELD ANY TIME THAT I HAVE-- AND I WILL HANG UP MY PHONE--TO SENATOR McCOY. I'M SORRY, McCOY. THANK YOU. [LB623]

SENATOR SCHEER: SENATOR, YOU ARE GIVEN 3:25. [LB623]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR RIEPE. I WANT TO TALK ABOUT SOMETHING ELSE THAT I THINK IS AN IMPORTANT SUBJECT THAT HASN'T BEEN DISCUSSED, I DON'T THINK, UP TO THIS POINT. PART OF PRESIDENT OBAMA'S ACTION IN NOVEMBER OF LAST YEAR, NOVEMBER 2014, AND SOME FURTHER EXECUTIVE ACTIONS IN ADDITION TO THE ORIGINAL DACA EXECUTIVE ORDER WAS AN EXPANSION OF DACA, IN ADDITION TO DAPA THAT I HAVE BEEN TALKING ABOUT. WHAT I FIND OBJECTIONABLE ABOUT THIS IS IN ADDITION TO WHAT WE ARE DESCRIBING HERE IS THIS IS MADE TO...WE ARE MADE TO BELIEVE, BY THOSE WHO SUPPORT THIS BILL, THAT WITH THE ADVANCEMENT OF LB623, THOSE WHO ARE GOING TO GET DRIVER'S LICENSES ARE JUST THESE YOUNG PEOPLE WHO WERE BROUGHT HERE AGAINST THEIR WILL, MANY OF THEM EDUCATED IN NEBRASKA SCHOOLS, MANY OF THEM CALL NEBRASKA HOME, AND THAT'S THIS VERY NARROW SUBSET IS WHO IS GOING TO GET DRIVER'S LICENSES. MEMBERS, THAT'S JUST NOT THE CASE. THAT'S NOT HOW THE BILL READS. THE BILL DOESN'T SAY, I THINK SOMEONE MENTIONED EARLIER, THAT THE BILL NEVER MENTIONS DACA. THE BILL REFERS TO THE REAL ID ACT WHICH I READ FROM EARLIER WHICH TALKS ABOUT THOSE WITH LAWFUL STATUS AND DEFERRED ACTION STATUS. MEMBERS, WE ARE OPENING THE DOOR, AS I SAID EARLIER, TO ISSUE DRIVER'S LICENSES TO ADULTS WHO CAME HERE ABSOLUTELY WILLING, NOT CHILDREN. PERHAPS THOSE WHO ARE SO EXCITED ABOUT THIS BILL WOULD BE RECEPTIVE TO AN AMENDMENT THAT STRICTLY AND NARROWLY DEFINES WHO CAN BE ISSUED THESE DRIVER'S LICENSES TO ONLY BE DACA RECIPIENTS. BECAUSE IF THAT'S TRULY WHAT WE ARE AFTER,... [LB623]

SENATOR SCHEER: ONE MINUTE. [LB623]

SENATOR McCOY: ...THEN THAT SHOULD BE FINE TO THOSE THAT WANT THIS LEGISLATION. BUT THAT'S NOT WHAT WE HAVE IN FRONT OF US. LET ME READ

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TO YOU A FEW OF THE REQUIREMENTS FOR SOMEONE WHO WOULD BE ELIGIBLE FOR DAPA AND WHO IF THIS LEGISLATION...IF THIS LEGISLATION PASSES AND THE COURT CHALLENGE IS LIFTED WOULD NOW BE ELIGIBLE FOR A DRIVER'S LICENSE IN NEBRASKA: HAVING BEEN PRESENT IN THE UNITED STATES SINCE NOVEMBER 20...ON NOVEMBER 20, 2014; HAVING BEEN IN THE UNITED STATES SINCE JANUARY 1, 2010; NOT HAVE A LAWFUL IMMIGRATION STATUS ON NOVEMBER 20, 2014. TO MEET THIS REQUIREMENT, YOU MUST HAVE ENTERED THE UNITED STATES WITHOUT PAPERS OR OVERSTAYED YOUR PERMISSION TO BE HERE. IN OTHER WORDS, EITHER CAME HERE ILLEGALLY, OR WHO ARE HERE HAVING... [LB623]

SENATOR SCHEER: TIME, SENATOR. THANK YOU, SENATOR McCOY. SENATOR KRIST, YOU ARE RECOGNIZED. [LB623]

SENATOR KRIST: GOOD EVENING. THANK YOU, MR. PRESIDENT. GOOD EVENING, COLLEAGUES, AND GOOD EVENING, NEBRASKA. I'M GOING TO DEVIATE JUST SLIGHTLY FROM THE NORM OVER THE LAST FEW HOURS JUST TO TELL YOU THAT I DO SUPPORT LB623 AND I THINK IT IS IMPORTANT THAT WE HAVE HAD THIS DEBATE CONCERNING THE SUBSTANCE MATTER IN SENATOR GROENE'S AMENDMENT. AND YOU SHOULD BE READY TO COME BACK IN THIS CHAMBER NO MATTER WHERE YOU ARE OR IF YOU ARE HERE AND BE ABLE TO VOTE REASONABLY LOGICALLY ON SENATOR GROENE'S AMENDMENT BECAUSE IT MAKES THE MOST SENSE OF ANYTHING THAT I HAVE SEEN PUT UP THERE. MY OPINION, AS FAVORITE SENATOR OF MINE WOULD SAY IN THE PAST, MY OPINION, BUT THIS PARTICULAR BILL, LB623, HAS MY SUPPORT ONE WAY OR ANOTHER BECAUSE I DO SUPPORT THE PRESIDENT OF THE UNITED STATES' EXECUTIVE ORDER. AND I THINK ALL THOSE QUESTIONS HAVE BEEN ASKED AND ANSWERED. BUT I WANT TO MAKE SURE BECAUSE I GOT TWO PHONE CALLS AND AN E-MAIL: CAN YOU TELL ME, SENATOR KRIST, WHAT IS GOING ON DOWN IN LINCOLN RIGHT NOW? MY ANSWER WAS, I CAN GUESS, BUT I DON'T KNOW. I CAN'T READ THE MINDS OF MY FELLOW SENATORS. BUT I CAN INJECT WHAT I THINK IS A SENSE OF REALITY INTO THIS CONVERSATION. THE SPEAKER HAD SET A SCHEDULE WHEREBY WE WOULD GET THROUGH ON THE SCHEDULE LB623, LB226, AND LB643 TONIGHT AND BE ABLE TO STAND DOWN FOR POTENTIALLY AN HOUR AND A HALF, HOUR AND 45 IN ORDER TO GET BILLS BACK DOWN TO STAY ON OUR SCHEDULE TO COMPLETE THE SESSION. SO I'LL TELL THE FOLKS AT HOME, LB268, DEATH PENALTY, IS COMING UP FIRST THING TOMORROW AND WE KNOW THAT'S GOING TO BE TWO HOURS BECAUSE IT'S GOING TO BE FILIBUSTERED TWO HOURS ON FINAL READING. THIS IS A FILIBUSTER. IT IS GOING THE FULL FOUR HOURS. THAT'S...THAT'S JUST THE WAY

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IT IS. AND THEN WE WILL VOTE ON THE END OF IT, HOPEFULLY, WITH CLOTURE VOTES ONE WAY OR ANOTHER. I DON'T SEE A PROBLEM WITH LB226, SENATOR COASH. I THINK THAT THAT MIGHT GO RELATIVELY SMOOTH. BUT, OF COURSE, THEN WE GET TO MEDICAL MARIJUANA. AND IF YOU LOOK AT THEIR SCHEDULE, IT APPEARS THAT PEOPLE ARE MOUNTING UP TO FILIBUSTER THAT PARTICULAR ACTION, WHICH WILL TAKE US TO 11:59, BY MY CALCULATIONS, 11:46, SOMETHING LIKE THAT. I LOVE 11:59. I LOVE IT. I HAVE DONE IT SEVERAL TIMES. SENATOR...OTHER SENATORS HAVE PROFESSED THEIR LOVE FOR IT. WHEN YOU ARE HERE AT MIDNIGHT AND YOU TURN AROUND AND YOU COME BACK THE NEXT MORNING, IT GIVES YOU A SENSE OF PRIDE THAT YOU HAVE ACTUALLY DONE IT. AND THAT'S WHAT WE ARE ON TRACK TO DO. NOW, IN ADDITION TO THAT, LB268 TOMORROW, LB173, WHICH I UNDERSTAND THERE IS A GREAT DEAL OF DEBATE, SO, I'M NOT SURE. BUT WHEN I READ THE TEA LEAVES, I THINK THAT LEAVES VERY LITTLE TIME FOR GENERAL FILE, IF ANY, NOT TO MENTION POCKET VETOES. WILL YOU VETO? DO WE HAVE TO OVERRIDE YOUR VETOES? I'M NOT SAYING ANY SUBJECT MATTER IS LESS IMPORTANT THAN OTHERS. I'M JUST STATING THE FACTS, JUST THE FACTS, MA'AM. THAT'S WHERE WE ARE. THERE ARE A FEW PEOPLE THAT THINK CERTAIN ITEMS ARE VERY IMPORTANT TO THEM AND I RESPECT THAT. BUT I ALSO THINK THAT WE CAN HAVE A DEBATE ON AM1706 FOR ITS SUBSTANCE MATTER AND VOTE IT UP OR DOWN AND GET TO LB623. [LB623 LB226 LB643 LB268 LB173]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB623]

SENATOR KRIST: AND I WOULD HOPE THAT WE WOULD BE ABLE TO DO THAT TONIGHT AT SOME POINT AND MOVE THROUGH THE REST OF THIS YEAR'S AGENDA. BUT I DON'T HAVE A LOT OF HOPE FOR THAT. SO, JOHN AND TESS AND AMY, THAT IS THE ANSWER TO YOUR QUESTION. THAT'S WHERE WE ARE DOWN HERE AT LINCOLN. STAY TUNED. IT WILL BE A GREAT SHOW. THANK YOU. [LB623]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR KINTNER, YOU ARE RECOGNIZED. [LB623]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, I, TOO, HAVE GOTTEN E-MAILS AND MESSAGES. WE HAVE GOTTEN PHONE CALLS TO OUR OFFICE AND THEY ARE SAYING, WHAT IS GOING ON IN LINCOLN? ARE YOU GUYS OUT OF YOUR COLLECTIVE MINDS? GETTING RID OF THE DEATH PENALTY,

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DRIVER'S LICENSES FOR ILLEGAL ALIENS, RAISING TAXES? WHO DO WE SEND DOWN THERE? WHY, I MEAN, PEOPLE ARE SCRATCHING THEIR HEAD. THEY ARE ASKING, IS THERE SOMETHING IN THE WATER? NO, IT IS NOT THE WATER. I DRINK PLENTY OF THE WATER. WE KNOW IT IS NOT THE WATER. SO WHAT SENATOR KRIST SAID, THAT PEOPLE ARE SAYING WHAT'S GOING ON, I HAD NEVER HEARD COMMENTS LIKE THIS MY FIRST TWO YEARS. IN TERMS OF MY E-MAILS AND MY PHONE CALLS AND PEOPLE STOPPING ME AND TALKING TO ME WHEN I'M IN THE DISTRICT, THEY ARE JUST AMAZED THAT WE ARE DOING THE THINGS WE ARE DOING. MAYBE IT IS BECAUSE THERE IS AN EXPECTATION. WELL, YOU GOT 35 REPUBLICANS. YOU ARE GOING TO BE CONSERVATIVE. AND I REMEMBER WHEN DON WALTON INTERVIEWED ME EARLY ON ABOUT THAT THIS YEAR. I SAID, WELL, LET'S WAIT UNTIL WE GET A FEW VOTES FIRST AND WE WILL REALLY SEE HOW CONSERVATIVE IT IS, BECAUSE I'VE BEEN AROUND POLITICS LONG ENOUGH TO KNOW THAT PARTY LABELS MEAN ABSOLUTELY NOTHING AND ESPECIALLY HERE. AND JUST BECAUSE SOMEONE SAYS THEY ARE CONSERVATIVE DOESN'T MEAN NECESSARILY THAT THEY ARE. NOW LET ME GIVE YOU A COUPLE OF NUMBERS HERE IF I GOT THEM HERE IN FRONT OF ME. OH, HERE THEY ARE. OKAY. STATE OF NEBRASKA, WHEN YOU...WHEN POLLED, THIS IS A POLL, LAST TWO MONTHS. WHEN ASKED DO YOU SUPPORT DRIVER'S LICENSE FOR ILLEGAL ALIENS, PEOPLE OPPOSED IT BY 30 PERCENT. WHEN ASKED ABOUT DRIVER'S LICENSE FOR DREAMERS, PEOPLE IN NEBRASKA OPPOSED IT BY 18 PERCENT. I WANTED TO GO LOOK NATIONALLY AND SEE WHAT NUMBERS I COULD FIND. THE LAST POLL I SAW NATIONALLY WAS A RASMUSSEN POLL. IT WAS DONE 16 MONTHS AGO. NATIONALLY 68 PERCENT OF THE PEOPLE IN THIS COUNTRY BELIEVE WE SHOULD GIVE DRIVER'S LICENSES TO ILLEGAL ALIENS...OR OPPOSE GIVING DRIVER'S LICENSE TO ILLEGAL ALIENS; 22 PERCENT FAVOR IT. THEY DID NOT ASK ABOUT DREAMERS BECAUSE 16 MONTHS AGO WE...I'M NOT SURE IF WE HAD...WE...I DON'T THINK WE HAD THIS ISSUE FLESHED OUT LIKE WE DID...LIKE WE DO RIGHT NOW. SO THINK ABOUT THAT--ACROSS THE COUNTRY, 68 PERCENT OF THE PEOPLE OPPOSE GIVING DRIVER'S LICENSES TO ILLEGAL ALIENS; 22 PERCENT SUPPORT IT. AND THEN IN OUR STATE, IF YOU ASK ABOUT DREAMERS, IT IS AN 18 PERCENT DIFFERENCE OF PEOPLE WHO OPPOSE IT OVER SUPPORT IT. AND THAT'S WHY PEOPLE ARE ASKING, WHAT THE HECK ARE YOU DOING DOWN THERE? THAT'S NOT WHAT WE SENT YOU DOWN THERE. WE SENT YOU DOWN THERE TO CUT TAXES AND MAKE SURE SCHOOLS ARE GOOD AND STOP THIS KIND OF STUFF. I BELIEVE THAT MOST OF US WERE SENT DOWN HERE TO STOP THIS KIND OF STUFF RIGHT HERE. AND IF YOU'RE NOT SURE, THOSE POLLING NUMBERS OUGHT TO BE A LITTLE BIT... [LB623]

SPEAKER HADLEY: ONE MINUTE. [LB623]

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SENATOR KINTNER: ...REVEALING AS TO WHAT YOUR CONSTITUENTS WOULD LIKE. SO, YEAH, I SCRATCH MY HEAD EVERY NIGHT I GO HOME. AND I GO, DID WE JUST DO THAT, REALLY? AND WHEN I SAID THAT WE THINK WE GAIN 50 IQ POINTS, THAT'S WHAT WE THINK. THE PEOPLE OUT THERE THINK WE LOST 50 IQ POINTS. I THINK BY THE WAY PEOPLE ACT DOWN HERE, THEY THINK THEY JUST GOT SMARTER WHEN THEY GOT HERE. I MEAN, WE ARE SMARTER IN TERMS OF HOW THE PLACE WORKS. BUT I DON'T THINK ANY OF US ARE SMARTER THAN THE PEOPLE WE REPRESENT. I THINK WE SHOULD ALWAYS REMEMBER THAT. BE THE PEOPLE YOU REPRESENT. AND THANK YOU, MR. PRESIDENT. [LB623]

SPEAKER HADLEY: SENATOR McCOY, YOU ARE RECOGNIZED. [LB623]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR NORDQUIST YIELD, PLEASE? [LB623]

SPEAKER HADLEY: SENATOR NORDQUIST, WILL YOU YIELD? [LB623]

SENATOR NORDQUIST: YES. [LB623]

SENATOR McCOY: THANK YOU, SENATOR. WOULD LB623 APPLY TO ALSO THE EXECUTIVE ACTION THAT PRESIDENT OBAMA OUTLINED LAST NOVEMBER THAT EXPANDS DACA, THE DACA PROGRAM? [LB623]

SENATOR NORDQUIST: THAT EXPANSION, BOTH THE EXPANSION OF DACA AND THE ESTABLISHMENT OF DAPA, ARE BOTH NOT BEING IMPLEMENTED RIGHT NOW. SO, NO. [LB623]

SENATOR McCOY: BUT I DON'T BELIEVE THAT THE EXPANSION OF DACA IS PART OF THE LAWSUIT BROUGHT BY THE 26 STATES THAT WE'RE A PART OF. IT'S MY UNDERSTANDING THAT'S JUST ON THE DAPA PORTION. AM I CORRECT IN THAT? [LB623]

SENATOR NORDQUIST: THERE'S THE CURRENT DACA PROGRAM, THERE'S AN EXPANSION OF DACA, AND THEN DAPA. MY UNDERSTANDING IS BOTH THE EXPANSION OF DACA AND DAPA IS WHAT THE JUDGE RULED ON IN FEDERAL COURT. THE CURRENT DACA PROGRAM IS NOT. AND I DO HAVE SOME DOCUMENTS ON THAT. I WOULD HAVE TO PULL THAT UP, BUT THAT'S MY UNDERSTANDING OF IT. [LB623]

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SENATOR McCOY: I APPRECIATE THAT, SENATOR. SO WHAT...DO YOU KNOW, AND I'M ASKING HONEST QUESTION HERE BECAUSE I HAVE STRUGGLED TO FIND WHAT IT ENTAILS AND YOU MAY NOT KNOW THIS, THE ANSWER TO THIS QUESTION EITHER. AND THAT'S FINE IF YOU DON'T. BUT I'M STRUGGLING TO FIND OUT EXACTLY WHAT IS PART OF THE EXPANDED DACA PROGRAM. DO YOU KNOW THAT OFFHAND? I KNOW YOU ARE VERY GOOD AT TRACKING WHAT HAPPENS IN WASHINGTON PROBABLY A LITTLE BETTER MAYBE THAN I AM.
[LB623]

SENATOR NORDQUIST: YEAH. I WOULD HAVE TO...I WOULD HAVE TO PULL THAT UP HERE AND MAKE SURE THAT I'M EXACTLY RIGHT ON IT. I PROBABLY WOULDN'T WANT TO SPEAK WITHOUT PULLING UP, FINDING THE DOCUMENT.
[LB623]

SENATOR McCOY: OKAY, THAT'S FINE AND I APPRECIATE THAT. BUT I DO WANT TO ASK YOU A COUPLE QUESTIONS ON DAPA ITSELF AND GOING BACK TO WHAT I ASKED YOU ON GENERAL FILE AND ALSO EARLIER TODAY. HERE IS MY...I GUESS MY QUESTION. I POSTULATED THIS QUESTION EARLIER, SENATOR NORDQUIST, AT AN EARLIER TIME ON THE MICROPHONE AND I DID IT HYPOTHETICALLY BECAUSE AT THE TIME, WHICH IS FINE, YOU WEREN'T IN THE CHAMBER. BUT IF TRULY WE ARE AFTER GETTING DRIVER'S LICENSES TO THOSE YOUNG PEOPLE PRIMARILY WHO WERE BROUGHT HERE AGAINST THEIR WILL BY THEIR PARENTS, THEN I WOULD IMAGINE THAT IF THERE WAS A WAY TO DO IT, THAT THOSE WHO SUPPORT THIS BILL WOULDN'T HAVE ANY ISSUE RESTRICTING IT TO JUST THAT. CORRECT OR NOT? [LB623]

SENATOR NORDQUIST: CERTAINLY I WOULDN'T. MY ISSUE IS THAT EVERY LEGAL EXPERT WHO HAS WORKED ON THIS HAS SAID THAT YOU CAN'T DRAW THAT LINE. I ACTUALLY THIS SUMMER WHEN I BEGAN MEETING WITH GROUPS ON THIS WAS PRETTY SET IN THINKING THAT IT SHOULD BE...YOU KNOW, I THOUGHT QUITE FRANKLY THE LEGISLATURES AT BEST WOULD BE WILLING TO CONSIDER AN EXPANSION OF DACA. BUT IT WAS PRETTY CLEAR THERE IS AN EQUAL PROTECTION ARGUMENT. AND THAT'S WHAT GOT ARIZONA'S CASE THROWN OUT. AND JUDGE SMITH CAMP HERE ACTUALLY SAID THAT IF THERE IS AN EQUAL PROTECTION ISSUE, IF YOU ARE DRAWING LINES BETWEEN AUTHORIZED DEFERRED ACTION, THAT THAT CREATES A PROBLEM. AND IN HER RULING, THEY DIDN'T HAVE EVIDENCE OF THE DEPARTMENT OF MOTOR VEHICLES DOING THAT. THERE HAS SINCE BEEN DEPOSITIONS WHERE THE DEPARTMENT OF MOTOR VEHICLES IS DOING THAT CURRENTLY, AND THAT IS IN

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THE CURRENT LITIGATION AND IT CREATES...THAT'S WHERE IT CREATES THE LEGAL PROBLEM. [LB623]

SENATOR McCOY: SO IN OTHER WORDS, THERE IS NO LEGAL WAY TO DRAW A DISTINCTION BETWEEN THOSE WHO ARE ILLEGAL IMMIGRANTS BECAUSE IT MIGHT HAVE BEEN AGAINST THEIR WILL... [LB623]

SPEAKER HADLEY: ONE MINUTE. [LB623]

SENATOR McCOY: ...AND THOSE WHO ARE ILLEGAL IMMIGRANTS BECAUSE THEY WERE ADULTS AND CAME OF THEIR OWN FREE WILL AND VOLITION, IN OTHER WORDS. RIGHT? [LB623]

SENATOR NORDQUIST: THAT'S WHAT I'VE BEEN ADVISED BY SEVERAL ATTORNEYS WHO ARE EXPERTS IN THE FIELD, SENATOR McCOY. [LB623]

SENATOR McCOY: SO DOES IT...AND THIS ISN'T A TRICK QUESTION, SENATOR NORDQUIST, BECAUSE I DO KNOW YOU DID TRY TO LOOK AT ONLY DOING THIS FOR DACA RECIPIENTS. DOES IT CONCERN YOU AT ALL THAT WE ARE GOING DOWN THE ROAD OF POTENTIALLY GIVING DRIVER'S LICENSES TO THOSE WHO DID COME, WHO CAME TO THE UNITED STATES ILLEGALLY OR OVERSTAYED THEIR VISAS OR WHATEVER THEIR SITUATION MAY BE AND WE ARE NOW POTENTIALLY LOOKING AT HAVING TO GIVE THEM DRIVER'S LICENSES AND THEY ARE NOT KIDS WHO CAME HERE AGAINST THEIR WILL? THEY FREELY AS ADULTS CAME HERE OF THEIR OWN VOLITION ILLEGALLY. DOES THAT CONCERN YOU? [LB623]

SENATOR NORDQUIST: RIGHT. CERTAINLY AS, YOU KNOW, A RULE OF LAW ISSUE, YES. BUT THEN LOOKING AT IT AND IF... [LB623]

SPEAKER HADLEY: TIME, SENATOR. [LB623]

SENATOR NORDQUIST: THANK YOU. [LB623]

SPEAKER HADLEY: THANK YOU, SENATOR NORDQUIST AND SENATOR McCOY. SENATOR NORDQUIST, YOU ARE NOW RECOGNIZED. [LB623]

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SENATOR NORDQUIST: THANK YOU, MR. CHAIR, MR. PRESIDENT. I WILL BRIEFLY TRY TO ANSWER SENATOR McCOY'S QUESTION AND HE CAN CONTINUE TO ASK. BUT I CERTAINLY, AS I SAID ON GENERAL FILE, DON'T SUPPORT A BLANKET, AS TEN STATES HAVE LARGELY IN THE SOUTHEAST, DRIVER'S LICENSE FOR UNDOCUMENTED IMMIGRANTS BECAUSE THEY DON'T HAVE ANY AUTHORIZATION OR RECOGNIZED PRESENCE FROM THE FEDERAL GOVERNMENT TO BE HERE. DEFERRED ACTION, EVEN IF IT IS DAPA AND IT IS... WHATEVER REASON THEY CAME HERE, THEY AT LEAST HAVE FEDERAL RECOGNITION OF LAWFUL STATUS OR LAWFUL PRESENCE AND AUTHORIZATION AND WOULD BE ABLE, IF THIS WERE TO MOVE FORWARD, BE ABLE TO GET A WORK PERMIT AND A SOCIAL SECURITY NUMBER. SO THAT'S THE DISTINCTION BETWEEN SOMEONE BEING IN A DEFERRED ACTION CLASS AND NOT, AT LEAST IN MY MIND. AS FAR AS THEIR RATIONALE FOR COMING HERE, QUITE FRANKLY, MANY OF THEM WERE, AS WE TALKED, OUR IMMIGRATION POLICY CHANGED DRAMATICALLY AROUND THE TIME OF 9/11. PRIOR TO THAT TIME, IN THE '80s AND '90s, NEBRASKA BUSINESSES WERE ACTIVELY RECRUITING THOSE INDIVIDUALS HERE; AND WE KIND OF TURNED A BLIND EYE TO IT. WE DIDN'T ENCOURAGE...BUSINESSES WEREN'T ENCOURAGING THEM TO GET IN LINE FOR CITIZENSHIP BECAUSE AT THE TIME IT WAS A VERY UNWIELDY SYSTEM AND PEOPLE JUST...THERE WASN'T MUCH CONTROL OVER IT. NOW THAT WE HAVE TIGHTENED UP, WE HAVE THIS POPULATION HERE THAT YOU KNOW WERE RECRUITED TO COME HERE TO WORK FOR OUR BUSINESSES AND NOW ARE KIND OF LEFT HANGING OUT THERE. BUT THIS IS ALL ADDRESSING A HYPOTHETICAL ISSUE BECAUSE I THINK MOST PEOPLE, AND EVEN THOSE OF US THAT MAY THINK THAT WE NEED TO HAVE EXPANDED DEFERRED ACTION, PROBABLY THINK THAT DAPA IS IN LEGAL JEOPARDY. CERTAINLY SENATOR KINTNER EXPLAINED HIS RATIONALE EXTENSIVELY ON GENERAL FILE FOR WHY IT IS. SO THAT WOULD BE THE EXTENT OF THAT; AND IF SENATOR McCOY WOULD LIKE TO ASK ME ANY MORE, HE CAN ON HIS TIME. ONE THING THAT I DID WANT TO...SENATOR KINTNER TALKED ABOUT THE COST OF ILLEGAL IMMIGRATION. I DO WANT TO TALK FROM A REPORT OUT OF UNO THAT TALKED ABOUT THE BENEFITS OF IMMIGRANTS IN OUR STATE. THIS REPORT WAS FOCUSED JUST ON THE OMAHA METRO AREA. IN 2010, IMMIGRANT SPENDING RESULTED IN \$1.4 BILLION WORTH OF TOTAL PRODUCTION IN THE OMAHA ECONOMY, WITH POSSIBLE RANGES OF \$1.2 (BILLION) TO \$1.5 BILLION. SPENDING BY CENTRAL/SOUTH AMERICAN IMMIGRANTS GENERATED (BETWEEN) \$477 (MILLION) AND \$615 MILLION WORTH OF TOTAL PRODUCTION IN THE OMAHA ECONOMY IN 2010; 2010 IMMIGRANT SPENDING IN IOWA--THIS REPORT LOOKED AT THE OMAHA-COUNCIL BLUFFS AREA--GENERATED BETWEEN \$2.5 (BILLION) AND \$3.2 BILLION WORTH OF TOTAL PRODUCTION. IN 2010, IMMIGRANT SPENDING IN NEBRASKA GENERATED

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BETWEEN \$1.9 (BILLION) AND \$2.4 BILLION WORTH OF OUTPUT. THE IMMIGRANT POPULATION IN THE THREE ECONOMIES OF INTEREST-- AND THEY TALKED SPECIFICALLY THREE KEY ECONOMIC SECTORS OF CONSTRUCTION, FOOD SERVICE, AND ANIMAL SLAUGHTERING AND PROCESSING--IN THE OMAHA ECONOMY IN 2010, THE IMMIGRANT LABOR FORCE ACCOUNTED FOR 11 PERCENT OF TOTAL EMPLOYMENT IN CONSTRUCTION; 10 PERCENT OF TOTAL EMPLOYMENT IN FOOD SERVICES; AND 54 PERCENT IN MEAT PROCESSING--54 PERCENT OF THE OMAHA WORK FORCE IN MEAT PROCESSING IS DUE TO THE IMMIGRANT POPULATION. TOTAL PRODUCTION LOSSES IN NEBRASKA AND IOWA WOULD HAVE BEEN \$18.2 BILLION AND 12...\$18.2 BILLION IN NEBRASKA, \$12.2 BILLION IN IOWA RESPECTIVELY. THESE LOSSES REPRESENT ABOUT 82,000 JOBS IN NEBRASKA AND 62,000 JOBS IN IOWA. IN NEBRASKA, FOREIGN-BORN POPULATION ACCOUNTED FOR 4.3 PERCENT OF STATE IN NEBRASKA, 4.3 PERCENT OF STATE REVENUES FROM INCOME, SALES, AND GASOLINE TAXES. [LB623]

SPEAKER HADLEY: ONE MINUTE. [LB623]

SENATOR NORDQUIST: THIS POPULATION ACCOUNTED FOR 4.1 PERCENT OF THE TOTAL STATE EXPENDITURES ON PUBLIC ASSISTANCE, MEDICAID, AND EDUCATION. SO IT IS A NET...THERE WAS A NET-PLUS TO STATE GOVERNMENT. IT SAYS THIS SUGGESTS THE FOREIGN-BORN IN NEBRASKA PAID INTO GOVERNMENT ACCOUNTS SLIGHTLY MORE THAN THEY TOOK OUT IN THE FORM OF PUBLIC BENEFITS IN 2010. FOR BOTH STATES, CENTRAL/SOUTH AMERICAN BORN POPULATION PAID INTO STATE GOVERNMENT ACCOUNTS PERCENTAGES ROUGHLY EQUIVALENT TO WHAT THEY DREW OUT IN THE FORM OF PUBLIC ASSISTANCE. THAT WAS THE AVERAGE ACROSS BOTH IOWA AND NEBRASKA. TOTAL PRODUCTIVITY IN THE OMAHA AREA WOULD FALL BY \$6.5 BILLION IF THESE IMMIGRANTS WERE NOT PRESENT IN THESE SECTORS, ABOUT 7.8 PERCENT OF TOTAL PRODUCTION. OBVIOUSLY, THE IMMIGRANT COMMUNITY IMMIGRANTS IN OUR STATE ARE A TREMENDOUS NET POSITIVE, A TREMENDOUS NET POSITIVE TO OUR ECONOMY. [LB623]

SPEAKER HADLEY: TIME, SENATOR. [LB623]

SENATOR NORDQUIST: THANK YOU. [LB623]

SPEAKER HADLEY: THANK YOU, SENATOR NORDQUIST. SENATOR CAMPBELL, YOU ARE RECOGNIZED. [LB623]

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SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I CERTAINLY SUPPORT LB623 AND HAVE LISTENED TO THE DISCUSSION AS WE HAVE GONE ALONG, AND I CERTAINLY APPRECIATE SENATOR NORDQUIST FOR HIS STALWART SUPPORT AND SPONSORSHIP OF THIS BILL AND SPEAKING FOR THE YOUNG PEOPLE IN OUR STATE. I WANT TO TELL A LITTLE STORY ABOUT BOTH SIDES OF MY GREAT-GRANDPARENTS. AND BOTH SETS OF GREAT-GRANDPARENTS CAME FROM GERMANY, AND THEY CAME AT A TIME WHEN THE UNITED STATES DID NOT HAVE ANY IMMIGRATION LAWS. IF YOU WERE HEALTHY ENOUGH TO COME INTO THE COUNTRY, YOU GOT TO COME IN. I ONCE GAVE A TALK TO A GROUP OF PEOPLE IN LINCOLN, AND I TALKED ABOUT WHAT WOULD YOU DO IF SOMEONE WHO WAS COMING TO THIS COUNTRY WAS FLEEING THE DRAFT, CHANGING THE SPELLING OF HIS NAME, AND TRAVELING TO THE CENTER OF THE UNITED STATES, HOPING TO AVOID EXTRADITION. AND THIS WOMAN PIPED UP FROM THE BACK OF THE ROOM AND SAID I'D THROW THE BUM OUT. AND I SAID, WELL, THAT BUM WAS MY GREAT-GRANDFATHER WHO WAS FLEEING THE CONSCRIPTION AND DRAFT OF THE KAISER AND WANTED HIS FAMILY TO HAVE A BETTER LIFE. AND, YES, HE DID CHANGE THE SPELLING OF HIS NAME. MY OTHER SET OF GREAT-GRANDPARENTS CAME FROM GERMANY AND THEY MOVED TO WISCONSIN AND THEY WEREN'T VERY HAPPY IN WISCONSIN. AND SO WITH THE HOMESTEAD ACT, THEY TRAVELED WITH 29 OTHER FAMILIES AND THEY CAME TO NORFOLK AND THEY SETTLED NORFOLK. IN FACT, IF YOU GO TO NORFOLK MANY OF THE STREETS THERE ARE NAMED AFTER THOSE 30 FAMILIES. AND WHILE I REALIZE THAT THE STORIES I'M TELLING YOU MAY NOT BE THE SAME AS THOSE THAT MANY OF YOU WHO HAVE TALKED ABOUT THIS WOULD SEE, BUT I DO SEE A SIMILARITY BETWEEN THE YOUNG PEOPLE THAT WE ARE TRYING VERY HARD IN THIS BILL TO HAVE A CHANCE TO TRAVEL, TO GET A CAR, TO DRIVE, TO GO TO A JOB, TO GO TO SCHOOL, TO GO TO CHURCH, TO GO TO WHATEVER. MANY OF THEM HAVE GROWN UP IN THE STATE OF NEBRASKA. AND WHAT I SEE IN THE SIMILARITY BETWEEN THESE YOUNG PEOPLE AND MY GREAT-GRANDPARENTS IS THAT THEY'RE WILLING TO WORK AND THEY WANT TO WORK AND THEY'RE WILLING TO BUILD THIS STATE AND THIS COUNTRY. THEY HAVE AN ENTHUSIASM, THEY FEEL THEY BELONG HERE. THEY WANT A BRIGHTER FUTURE. THAT IS EXACTLY WHY MY GREAT-GRANDPARENTS CAME TO NEBRASKA AND SETTLED HERE, AND THEIR CHILDREN WERE BROUGHT ALONG WITH THEM FROM GERMANY. AND THOSE VERY YOUNG CHILDREN, WHO WERE MY GRANDPARENTS, DIDN'T HAVE ANY CHOICE ABOUT COMING, WERE VERY YOUNG, AND YET THE GENERATIONS THAT HAVE COME AFTER THEM HAVE BEEN A SIGNIFICANT PART OF BUILDING THE STATE OF NEBRASKA. I BELIEVE THESE YOUNG PEOPLE CAN DO THE SAME. AND I THINK THIS ACT GIVES US AN OPPORTUNITY TO HONOR THAT SPIRIT... [LB623]

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SPEAKER HADLEY: ONE MINUTE. [LB623]

SENATOR CAMPBELL: ...OF BUILDING THIS STATE. THANK YOU, MR. PRESIDENT.
[LB623]

SPEAKER HADLEY: THANK YOU, SENATOR CAMPBELL. SENATOR KEN HAAR,
YOU'RE RECOGNIZED. [LB623]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I'D LIKE TO TELL A STORY AS WELL. I'M PROUD TO HAVE AMONG MY FRIENDS DICK HOLLAND IN OMAHA AND, OF COURSE, HE'S ONE OF THE VERY GENEROUS FOLKS IN OMAHA. HOLLAND CENTER FOR THE PERFORMING ARTS AND A LOT OF OTHER PLACES CARRY HIS NAME, AND WE'RE LUCKY TO HAVE THOSE FOLKS IN NEBRASKA, BY THE WAY. AND ONE OF HIS HIGH-FINANCE FRIENDS...WELL, HE TOLD ME THIS STORY. ONE OF HIS HIGH-FINANCE FRIENDS WAS MEETING WITH THE PRESIDENT OF DEUTSCHE BANK. AND SOMEHOW THEY GOT ONTO THE CONVERSATION OF PROBLEMS WITHIN THEIR VARIOUS COUNTRIES, AND THIS FRIEND BROUGHT UP IMMIGRATION AS A DIVISIVE ISSUE AND POTENTIALLY A PROBLEM. AND THE PRESIDENT OF DEUTSCHE BANK SAID, HE SAID, OH NO, YOU'RE FORTUNATE, HE SAID, TO HAVE IMMIGRATION. HE SAID, IMMIGRANTS NEVER SETTLE FOR THEIR COUNTRY AS IT IS. THEY ALWAYS WANT TO MAKE IT BETTER. AND I THOUGHT THAT WAS A GREAT STORY. SO, AGAIN, TO THE DREAMERS AS SOME OF YOU WHOM I HAVE MET AND BEEN VERY IMPRESSED WITH, I'M GLAD YOU'RE HERE. AND YOU'RE GOING TO ADD...YOU ARE ADDING VITALITY AND SO ON TO OUR CULTURE, AND I APPRECIATE THAT. THEN I WANT TO SPEND JUST A MINUTE TALKING ABOUT ALL THE LABELS THAT GET TOSSED AROUND IN THIS KIND OF DISCUSSION AND WE'VE HEARD THAT TRUE CONSERVATIVES DO THIS OR, YOU KNOW, SPEND AND TAX LIBERALS AND SO ON AND SO FORTH. AND THIS, I THINK AS WE'RE GOING TO SEE FROM THE FINAL VOTE, HOWEVER THAT GOES, NOW I KNOW WE'RE GOING TO VOTE ON SELECT FILE TODAY AND THEN FINAL VOTE AND THEN PROBABLY WE'LL HAVE TO VOTE ON AN OVERRIDE OF THE GOVERNOR'S VETO, ALTHOUGH I CAN'T SPEAK FOR THE GOVERNOR ON THAT. BUT THIS IS A BIPARTISAN ISSUE AND, BY THE WAY, THESE LABELS REALLY DON'T WORK VERY WELL. AND ONE OF THE REALLY NEAT LESSONS THAT THIS LEGISLATURE HAS TAUGHT ME IS TO BE REALLY CAREFUL OF LABELS. PEOPLE COMING INTO THE LEGISLATURE, NOW BEING A SENIOR MEMBER OF THE LEGISLATURE AND THE SENIOR CLASS, AND LOOKING AT SOME OF THE RESUMES OF SOME OF THE NEW SENATORS, I MUST ADMIT I MADE JUDGMENTS. AND PEOPLE ARE MUCH MORE COMPLEX THAN MERE LABELS OF CONSERVATIVE OR LIBERAL OR WHATEVER, WHATEVER. AND SO, AGAIN, I'M

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VERY PLEASED THAT THIS IS AN ISSUE THAT EVEN THOUGH CERTAIN PEOPLE HAVE TRIED TO ALMOST BULLY, I THINK, OTHER LEGISLATORS INTO, WELL, YOU'RE A CONSERVATIVE, YOU OUGHT TO BE VOTING A CERTAIN WAY OR YOU'RE A LIBERAL. I MEAN, I'VE GOTTEN THOSE E-MAILS, TOO, SAYING YOU'RE A LIBERAL, YOU OUGHT TO BE VOTING A CERTAIN WAY. WELL, THIS ISSUE CUTS ACROSS PARTIES IN A VERY NEAT WAY. AND, AGAIN, I'VE LEARN AS YOU GET TO KNOW PEOPLE, AND IN THIS BODY WHEN WE COME TOGETHER EVERY DAY AND EVEN SPEND LUNCH HOURS AND SUPPERS AND EVENINGS TOGETHER, I HAVE LEARNED AT LEAST THAT PEOPLE ARE MULTIDIMENSIONAL AND I HOPE THAT PEOPLE DON'T JUDGE ME EITHER WITH JUST ONE LABEL. BEING ON THAT APPROPRIATIONS... [LB623]

SPEAKER HADLEY: ONE MINUTE. [LB623]

SENATOR HAAR: ...COMMITTEE WAS ANOTHER REALLY GOOD EXAMPLE OF THAT, WATCHING WHERE PEOPLE WERE ON ISSUES AND THEN REFLECTING BACK ON MYSELF. AND THEN THE WHOLE THING OF TALKING ABOUT WE ALL THINK WE'RE 50 IQ POINTS SMARTER WHEN WE COME INTO THIS BODY. THIS A VERY HUMBLING EXPERIENCE TO COME INTO THIS BODY TO RECOGNIZE HOW MUCH REALLY PEOPLE DEPEND ON US AND HOW MUCH WE DON'T KNOW ABOUT ALMOST EVERYTHING WHEN WE COME INTO THIS BODY. SO THERE MAY BE PEOPLE WHO THINK THEY'RE 50 IQ POINTS SMARTER WHEN THEY COME INTO THIS BODY; THAT HAS CERTAINLY NOT BEEN MY EXPERIENCE. LIKE I SAY, IT'S BEEN RATHER HUMBLING AND IN THE END IT'S A GREAT HONOR TO SERVE IN THIS BODY. THAT MEANS LISTENING TO PEOPLE, CERTAINLY, NOT JUST MY CONSTITUENTS BUT TO... [LB623]

SPEAKER HADLEY: TIME. [LB623]

SENATOR HAAR: THANK YOU. [LB623]

SPEAKER HADLEY: THANK YOU, SENATOR HAAR. SENATOR McCOY, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB623]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR KEN HAAR YIELD, PLEASE? [LB623]

SPEAKER HADLEY: SENATOR HAAR, WILL YOU YIELD? [LB623]

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SENATOR HAAR: YES, I WOULD. [LB623]

SENATOR McCOY: THANK YOU, SENATOR. YOU KNOW, IN THIS DISCUSSION AND I'VE LISTENED TO WHAT YOU WERE JUST TALKING ABOUT, AND I'LL ASK YOU THE SAME QUESTION BECAUSE I KNOW YOU SUPPORT THIS LEGISLATION. [LB623]

SENATOR HAAR: I DO. [LB623]

SENATOR McCOY: YOU AND I WOULD HAVE A DIFFERENCE OF OPINION ON THIS, AND THAT'S FINE. THAT'S THE BEAUTY OF THE LEGISLATURE. AND I WOULD AGREE WITH YOU THAT IT IS AN HONOR AND A PRIVILEGE TO BE CHOSEN BY VOTERS TO REPRESENT THEM ON THIS FLOOR, AND THAT MEANS SOMETIMES THAT WE'RE GOING TO DISAGREE ON ISSUES. I DO WANT TO ASK YOU THOUGH SPECIFICALLY IN REFERENCE TO THIS BILL, DOES IT CONCERN YOU THAT...AND I WOULD AGREE WITH SENATOR NORDQUIST IN THAT I THINK WE HAVE AN EQUAL PROTECTION ISSUE IF WE WERE TO RESTRICT OR ATTEMPT TO RESTRICT THIS BILL, CALLING OUT SPECIFICALLY JUST TO DACA RECIPIENTS. DOES IT CONCERN YOU THOUGH BECAUSE WE CAN'T DO THAT AND THAT WE ADVANCE THIS, THIS LEGISLATION, FOR THOSE THAT HAVE DEFERRED ACTION STATUS COULD BE ELIGIBLE FOR A DRIVER'S LICENSE THAT WE COULD END UP GIVING DRIVERS LICENSE TO THOSE WHO AS ADULTS CAME HERE ILLEGALLY? DOES THAT CONCERN YOU? DO YOU THINK THAT WOULD BE AN APPROPRIATE COURSE OF ACTION? [LB623]

SENATOR HAAR: OKAY. MY ANSWER TO THAT IS A LITTLE BIT LONG. IN TERMS OF THE DOWN-IN-THE-WEEDS DETAILS OF THIS BILL, I CAN'T ARGUE ONE WAY OR THE OTHER LEGALLY. AND SO AS I DO IN MANY ISSUES, I TRUST THE PEOPLE WHO BRING THIS LEGISLATION TO HAVE DONE THEIR HOMEWORK. AND IN THIS CASE I AM GOING TO TRUST SENATOR NORDQUIST. BUT I ALSO MUST SAY THAT I APPRECIATE YOUR ARGUMENT, SENATOR McCOY, BECAUSE THEY SHOW A LOT OF THOUGHTFULNESS BEHIND THEM. AND EVEN THOUGH WE DISAGREE ON SOME ISSUES, I THINK IF YOU LOOKED AT OUR OVERALL VOTING RECORDS, WE'RE PROBABLY 80 PERCENT TOGETHER. THANK YOU VERY MUCH. [LB623]

SENATOR McCOY: (LAUGH) YOU MAY BE CORRECT ON THAT, YOU MAY NOT BE, SENATOR HAAR. I DON'T KNOW. THE REASON I ASK YOU THIS QUESTION IS GENUINELY THIS IS A QUESTION, AS IF WE WERE SITTING OVER A CUP OF COFFEE AT THE DOUGHNUT SHOP. I MEAN, DOES IT BOTHER YOU THAT WE'RE

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POTENTIALLY GOING TO GIVE DRIVER'S LICENSE IF DAPA IS ABLE TO BE IMPLEMENTED AND THE COURT CHALLENGE GOES AWAY, WHICH COULD EASILY HAPPEN? IT WAS AN EXECUTIVE ORDER JUST LIKE THE ORIGINAL ONE ON DACA. DOES IT CONCERN YOU, SENATOR HAAR, THAT THEN WE WOULDN'T BE TALKING ABOUT KIDS WHO WERE BROUGHT HERE AGAINST THEIR WILL, BUT WE'RE TALKING ABOUT ADULTS WHO CAME HERE ILLEGALLY THAT HAVE BEEN HERE ILLEGALLY FOR AT LEAST FOUR YEARS BY THE RULES OF WHAT DAPA WOULD BE OR HAVE OVERSTAYED THEIR VISA FOR FOUR YEARS? WE'RE TALKING ABOUT ADULTS THEN. THAT'S AN ENTIRELY DIFFERENT DEAL. I MEAN, I'M ASKING YOU A GENUINE QUESTION. I MEAN, DOES THAT BOTHER YOU WE WOULD BE GIVING DRIVER'S LICENSES TO THOSE WHO AS ADULTS CAME HERE ILLEGALLY? [LB623]

SENATOR HAAR: IT BOTHERS THAT I DON'T UNDERSTAND ALL ASPECTS OF THIS BILL. BUT, AGAIN, GENERALLY MY UNDERSTANDING OF THE BILL, IT'S AN IMPORTANT STEP IN THIS DIRECTION. [LB623]

SENATOR McCOY: IN WHAT DIRECTION? [LB623]

SENATOR HAAR: IN THE DIRECTION OF GIVING DREAMERS DRIVER'S LICENSES AND THAT'S, TO ME, WHAT THE BILL IS ABOUT. [LB623]

SENATOR McCOY: OKAY. I APPRECIATE THAT. THANK YOU, SENATOR HAAR. WELL, AND I'LL CONTINUE WITH A QUESTION THAT I POSED TO SENATOR HAAR THAT I ALSO POSED TO SENATOR NORDQUIST. THIS BILL DOESN'T JUST GIVE THOSE THAT HAVE DACA, THAT ARE ELIGIBLE UNDER DACA FOR THIS DEFERRED ACTION STATUS. IT JUST DOESN'T GIVE THEM DRIVER'S LICENSES. IT GIVES ANYONE... [LB623]

SPEAKER HADLEY: ONE MINUTE. [LB623]

SENATOR McCOY: ...THAT HAS DEFERRED ACTION STATUS A DRIVER'S LICENSE. AND AS I MENTIONED BEFORE, THAT INCLUDES UP TO 5 MILLION INDIVIDUALS IN THE UNITED STATES WHO CAME HERE ILLEGALLY AS ADULTS AND WHO ARE PARENTS OF EITHER ELIGIBLE PERMANENT RESIDENTS OR U.S. CITIZENS, CHILDREN BORN HERE. THAT'S AN ENTIRELY DIFFERENT POLICY DISCUSSION. AND BECAUSE WE CAN'T DRAW A LEGAL DISTINCTION BETWEEN THE TWO, IT IS PART OF THE DISCUSSION. WE CAN'T BURY OUR HEADS IN THE SAND AND SAY THIS IS JUST ABOUT THOSE THAT HAVE DACA STATUS. NO, IT'S A BIGGER ISSUE

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THAN THAT. THAT'S WHY I STAND UP HERE TODAY TO TALK ABOUT THIS. THANK YOU, MR. PRESIDENT. [LB623]

SPEAKER HADLEY: SENATOR BRASCH, YOU ARE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB623]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT AND COLLEAGUES. I HAVE BEEN FASCINATED BY THE WEB SITE FROM THE PEW RESEARCH CENTER ON UNAUTHORIZED IMMIGRATION. I WOULD ENCOURAGE EVERYONE HERE TO GO TO THE WEB SITE, DO SOME OF YOUR OWN RESEARCH, AND WHETHER IT'S THIS EVENING OR BEFORE WE HAVE FINAL READING, BECAUSE THERE ARE STATISTICS THAT DO TELL YOU THAT SINCE THE YEAR, I BELIEVE THEY HAVE 2009 UP TO 2012, THAT UNAUTHORIZED IMMIGRATION, ILLEGAL IMMIGRATION HAS ACTUALLY INCREASED IN THE STATE OF NEBRASKA. THE NUMBERS AREN'T DECLINING. WE ARE HAVING MORE FAMILIES COME HERE AND IMMIGRATE ILLEGALLY. AND YOU DO KNOW THAT I WILL CONTINUE, YOU KNOW, I AM AMAZED AT EVERYONE'S IMMIGRATION STORY. YOU KNOW, IT'S OUR HISTORY. IT'S PART OF OUR FABRIC. IT'S WHO WE ARE. AND THE TIME WE CAME HERE IS VERY, VERY IMPORTANT IN OUR HISTORY. AND WHEN WE HAVE ESTABLISHED LAWS, IT IS EXPECTED THAT WE FOLLOW THOSE LAWS, INCLUDING OUR IMMIGRATION LAWS. AND THE IMMIGRATION LAWS TELL US THAT WHETHER SOMEONE COMES INTO OUR COUNTRY ILLEGALLY, KNOWING OR UNKNOWINGLY, ADULT OR CHILD, THEY ARE BREAKING A LAW. AND WHAT WE NEED TO UNDERSTAND HERE IS THAT...READ THE PEW RESEARCH CENTER PAGE. THERE'S AMAZING AND ALARMING STATISTICS AT THE TRENDS, NOT JUST IN NEBRASKA BUT ACROSS THE COUNTRY. AND MY POINT IS WE SHOULD BE AS AGGRESSIVE IN HELPING THOSE WHO COME HERE LEGALLY, WE SHOULD KNOW MORE LEGAL IMMIGRANTS THAN WE KNOW OF ILLEGAL, AND WORKING TO HELP THEM AND OTHERS IN THAT PROCESS TO BECOME LEGALIZED CITIZENS. IN FOREIGN LANDS, IF ONE OF OUR CITIZENS UNKNOWINGLY CROSSES INTO ANOTHER COUNTRY, KOREA, FOR EXAMPLE, WHAT HAPPENS? PEOPLE ARE IMMEDIATELY IMPRISONED, AND THEN IT TAKES DIPLOMATIC RELATIONS AND YEARS TO BRING THEM BACK INTO OUR COUNTRY. WE, AGAIN, NEED TO REMEMBER THAT WE ARE A COUNTRY OF LAW, AND THAT WHETHER THESE CHILDREN WERE BROUGHT IN HERE KNOWINGLY OR UNKNOWINGLY, IT IS STILL BREAKING A LAW. AND WITH THE DACA LAWS THAT ARE HERE, WE ARE TREATING THEM WITH DIGNITY AND RESPECT AND KINDNESS BY ALLOWING THEM TO HAVE A GOOD PUBLIC EDUCATION, TO PARTICIPATE IN OUR BUSINESSES. I BELIEVE...THERE'S ALSO NUMBERS THAT SHOW HOW MANY...WHAT PERCENTAGE OF OUR WORK LABOR FORCE ARE ILLEGAL. IT'S

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VERY SMALL, MIND YOU, BUT WE KNOW INDIVIDUALS ARE HERE BREAKING THE LAW, AND WE DO NEED TO REMEMBER THAT... [LB623]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: ONE MINUTE. [LB623]

SENATOR BRASCH: ...MOVING FORWARD, WE SHOULD BE REVERSING THAT TREND OR CHANGING THE LAWS FEDERALLY. YOU KNOW, THE LAWS ARE WRITTEN FOR A REASON. IMMIGRATING HERE TODAY NEEDS TO BE LEGAL BECAUSE OF THOSE WHO WISH TO DO US HARM. YOU HEAR THE HEADLINES THAT WE HAVE AN UNKNOWN NUMBER OF TERRORISTS IN OUR COUNTRY NOW TARGETING OUR MILITARY BASES. THAT'S ALARMING. HOW ARE INDIVIDUALS COMING INTO OUR COUNTRY AND WE DO NOT QUESTION THEIR PRESENCE, WHETHER IT'S LEGAL, LAWFUL, OR...AND WHAT WILL THE NEXT CATEGORY BE? THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR BRASCH. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB623]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, MEMBERS. I WONDER IF SENATOR GROENE WOULD YIELD TO A FEW QUESTIONS. [LB623]

SENATOR SCHEER: SENATOR GROENE, WILL YOU YIELD? [LB623]

SENATOR GROENE: YES, I WOULD. [LB623]

SENATOR McCOLLISTER: OFF THE MIKE WE LOOKED AT THE AMENDMENTS TO THE BILL AND THE BILL, AND DIDN'T WE DISCOVER THAT WE'RE USING TERMS THROUGHOUT THE DOCUMENT THAT MAY NOT MATCH UP? FOR EXAMPLE, ON PAGE 4, WE USE "LAWFUL PRESENCE" ON LINE 5; THEN ON LINE 19, WE USE "LAWFUL STATUS"; AND THEN ON LINE 2, WE USE "LAWFUL PRESENCE" ON PAGE 5; THEN WE GO ON A LITTLE FURTHER, WE USE, ON PAGE 6, "LAWFUL PRESENCE"; ON LINE...OR PAGE 7, WE USE "LAWFUL STATUS"; ON LINE 20, WE USE "LAWFUL STATUS"; LINE 21 IN THE SAME PARAGRAPH, WE'RE USING "LAWFUL PRESENCE." AND CAN YOU EXPLAIN TO ME HOW WE INTEGRATE THIS DOCUMENT SUCH THAT WE CAN...IT'S A USABLE BILL? [LB623]

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SENATOR GROENE: YES, I CAN. EVERY TIME THE TERM LEGAL... "LAWFUL STATUS" IS USED, IT'S SENATOR NORDQUIST'S LANGUAGE. WE LEFT ALL HIS ORIGINAL LANGUAGE IN THE BILL. EVERY TIME "LAWFUL PRESENCE" IS USED, IT'S OUR AMENDMENT'S LANGUAGE. WE ASKED DMV. THERE'S NO HARM DONE BY DOING THAT, BECAUSE BASICALLY IT'S REDUNDANCE OR WHATEVER, SENATOR NORDQUIST'S LANGUAGE OR LB623'S LANGUAGE, BECAUSE THOSE LEGAL-STATUS PEOPLE COULD ALREADY GET DRIVER'S LICENSE. IT'S JUST REDUNDANCY. SO IT DID NO HARM. AND OUT OF COURTESY, WE DID NOT STRIKE IT. WHAT OUR LANGUAGE DID STRAIGHTENS IT OUT AND CLARIFIES, PUTS ACTUALLY LAWFUL PRESENCE OF THESE YOUNG PEOPLE WOULD GET A DRIVER'S PRIVILEGE CARD, AND WE WOULDN'T BE EXPLOITING THEM. [LB623]

SENATOR McCOLLISTER: THANK YOU, SENATOR GROENE. I WOULD CONTEND THAT THE USE OF THE TERMS INTERMITTENTLY LIKE THAT CAUSES SOME CONFUSION AND COULD ULTIMATELY CAUSE PROBLEMS IN SOME KIND OF COURT. I WOULD MAKE JUST A FEW OBSERVATIONS. SENATOR KRIST INDICATED HE'D RECEIVED SOME E-MAILS, SOME TELEPHONE CALLS, AND I HAVE TO AGREE THAT SOMETIMES I WONDER ABOUT OUR COLLECTIVE SANITY IN THIS PLACE. WE RAIL AGAINST CONGRESS AND THE INACTION THAT OCCURS IN THAT BODY, AND SOMETIMES I THINK WE'RE GUILTY OF THE SAME THING IN THIS BODY. THE CONVERSATIONS ARE REPETITIVE AND THAT'S UNFORTUNATE. I DO BELIEVE IN FULL DEBATE. AND I THINK THAT'S IMPORTANT FOR THIS BODY TO HAVE FULL DEBATE SO THE ISSUES DO GET OUT BEFORE THE PUBLIC. I THINK I INDICATED THAT MY JOURNEY WITH THIS BILL, LB623, IS INTERESTING. I CAME TO KNOW SOME OF THOSE DREAMERS AND WAS IMPRESSED WITH WHO THEY ARE, THE GREAT JOB THEY DO. THEY'RE EDUCATED, THEY SPEAK ENGLISH, THEY ARE GREAT POTENTIAL AMERICANS. SO I'M IMPRESSED WITH THE DREAMERS AND THE DACA YOUTH. THEY ARE THE KIND OF PEOPLE THAT WE WANT IN THIS COUNTRY TO BE CITIZENS. I'M SATISFIED THEY'RE HERE ILLEGALLY. THEY ARE LEGAL IN THIS COUNTRY. THE EXECUTIVE ORDER WAS A LEGAL ORDER, AND THEY HAVE NO LEGAL ISSUES AS FAR AS I'M CONCERNED. [LB623]

SENATOR SCHEER: ONE MINUTE. [LB623]

SENATOR McCOLLISTER: AND I THINK IF THERE'S A LEGAL ISSUE, IT'S PROBABLY WITH THE STATE OF NEBRASKA BECAUSE THEY'VE ARBITRARILY AND CAPRICIOUSLY TOOK THEIR ABILITY TO DRIVE CARS AWAY, AND THAT'S SOMETHING I THINK THAT WE NEED TO REMEDY HERE. THEY HAVE INCREDIBLE SUPPORT. THE CHAMBERS OF COMMERCE, THE LABOR UNIONS, THE CATTLEMEN, IT'S A WIDE ARRAY OF PEOPLE. IN FACT, A RATHER UNUSUAL

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GROUP OF SUPPORTERS SUPPORT LB623. SO WITH THAT, I WOULD URGE YOU TO DEFEAT THE AMENDMENTS AND SUPPORT LB623. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR McCOLLISTER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB623]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I AGREE WITH A LOT OF THE COMMENTS BY SENATOR HAAR AND SENATOR McCOLLISTER. YEAH, I AGREE THESE YOUNG PEOPLE OUGHT TO GET A DRIVER'S PRIVILEGE CARD. THAT'S WHAT MY AMENDMENT DOES. MY AMENDMENT ASSURES, AM1706, ASSURES THAT IS DONE AND DONE ACCURATELY, AND THOSE YOUNG FOLKS CAN LOOK AT THIS AMENDMENT WHEN IT'S IN PART OF THE BILL AND SAY "THAT'S US!" THEY MENTIONED US IN LEGISLATION. THEY DON'T HAVE A BILL HERE THAT TALKS ABOUT LEGAL STATUS; THEY TALK ABOUT US. WE'RE DEFERRED ACTION. YOU KNOW WHAT DEFERRED ACTION IS? THAT THEY'RE STILL UNDER THE LAW. PROSECUTION IS JUST DEFERRED. DEFERRED STATUS MEANS THAT THEY'RE IN BETWEEN COMING HERE AND GAINING CITIZENSHIP, THEY'RE HERE LEGALLY. THEY MIGHT BE A FOREIGN EXCHANGE STUDENT. THEY MIGHT BE AN IMMIGRANT THAT CAME THROUGH THE LEGAL PROCESS AND IS WAITING TO TAKE THAT TEST SO THEY CAN RAISE THEIR HAND AND SAY THE PLEDGE OF ALLEGIANCE. MIGHT BE SOME INDIVIDUAL THAT FOUGHT BESIDE US IN IRAN, I MEAN IN IRAQ OR AFGHANISTAN AND BECAUSE OF POLITICAL PERSECUTIONS WHEN WE LEFT THERE, WE BROUGHT THEM WITH US. THAT'S LAWFUL STATUS. LAWFUL PRESENCE IS DEFERRED ACTION UNDER A MEMORANDUM FROM THE SECRETARY OF HOMELAND SECURITY. THAT'S WHAT MY AMENDMENT DOES. IT COVERS THEM. IT DOES EVERYTHING THAT EVERYBODY THAT'S FOR THIS SAYS THEY WANT TO HAPPEN. THEY WANT THESE YOUNG FOLKS TO GET A DRIVER'S PRIVILEGE CARD. MY AMENDMENT DOES IT AND DOES IT ACCURATELY AND DOES NOT CREATE THE PERCEPTION THAT MAYBE WE'RE TRYING TO DO MORE THAN THAT. OH, YES, AND WE TALKED TO LEGAL COUNSEL AT DMV. MY AIDE IS AN ATTORNEY. WE FOLLOWED THE RULES. WE DID THE RESEARCH. THIS IS A WELL-WRITTEN AMENDMENT. IT'S NOT JUST HASTILY THROWN TOGETHER. I'VE GOT THIS REAL PROBLEM BEING A FISCAL CONSERVATIVE, MAYBE IT'S A PROBLEM, IT'S SERVED ME WELL, THAT I HAPPEN TO BELIEVE IT'S THE JOURNEY AND NOT THE DESTINATION. IT'S TOO EASY TO SAY WE WANT TO DO THIS. IT FEELS GOOD. WE WANT TO DO THIS. SO I'M GOING TO VOTE FOR THIS. LET'S DO IT RIGHT. LET'S TAKE THE JOURNEY. LET'S FOLLOW THE ROAD. LET'S NOT HASTILY THROW SOMETHING OUT THERE AND SAY "THIS DOES IT." IT DOESN'T DO IT. THAT BILL DOES NOT DO IT. IT WON'T HOLD UP, IN MY OPINION, LEGALLY. AND DON'T SAY, "WELL, YOU'RE NOT AN ATTORNEY, SENATOR GROENE." IT'S LIKE

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I TELL EVERY ATTORNEY WHEN THEY STICK THEIR NOSE IN THE AIR AND SAY I'M A LAYPERSON, I SAY ALL I KNOW ABOUT ATTORNEYS, EVERY DAY IN THE COURTHOUSE HALF YOU GUYS ARE WRONG. SO MY OPINION HAS GOT A FIFTY-FIFTY CHANCE OF BEING ACCURATE ALSO. BUT ANYWAY, THIS THING DOES IT. NOW YOU CAN HOLD YOUR PRIDE UP AND SAY, MY GOSH, WE CAN'T GIVE GROENE A WIN. BUT I'M NOT LOOKING FOR A WIN. MY NAME AIN'T ON HERE AND THE DAY THIS THING GOES INTO LAW, NOBODY WILL KNOW WHO INTRODUCED THIS BILL, NOBODY WILL CARE. BUT THOSE YOUNG PEOPLE WILL. THEY WON'T BE EXPLOITED BY ALTERNATIVE MOTIVES TO GET A BILL PASSED. THIS WILL DIRECTLY RELATE TO THEM. AND THAT'S THE WAY IT SHOULD BE DONE, BECAUSE THAT'S WHAT WE'VE BEEN TALKING ABOUT. WE'VE BEEN TALKING ABOUT THEM. [LB623]

SENATOR SCHEER: ONE MINUTE. [LB623]

SENATOR GROENE: AND I CAN GO INTO MY HERITAGE, TOO, AND HOW WE ALL GOT HERE. WE KNOW EVERYBODY IS AN IMMIGRANT, WORLDWIDE. BUT YOU ALSO HAVE SOVEREIGN COUNTRIES THROUGHOUT HISTORY, AND WE NEED TO BE SOVEREIGN AND PROTECT OUR BORDERS. THIS, BY DOING THIS CORRECTLY, TAKES THAT WHOLE ARGUMENT OUT OF IT. WE'RE NOT WORRIED ABOUT ILLEGAL IMMIGRANTS, WE'RE NOT WORRIED ABOUT LEGAL IMMIGRANTS. WE'RE WORRIED ABOUT THESE KIDS WHO, BY NO CHOICE OF THEIR OWN, ARE HERE. WE'RE COVERING IT AND WE'RE DOING IT CORRECTLY. SO I WOULD APPRECIATE SUPPORT ON THIS AMENDMENT WHEN WE GET TIME TO DO IT. IT DOESN'T HARM SENATOR NORDQUIST'S BILL. THE END RESULT IS THE SAME. THIS IS DONE CORRECTLY. THANK YOU. [LB623]

SENATOR SCHEER: THANK YOU, SENATOR GROENE. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB623]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. SENATOR GROENE'S AMENDMENT DOES HARM MY BILL IN THAT IT WOULD MAKE IT UNCONSTITUTIONAL. WE HAVE TALKED ABOUT THIS ISSUE TIME AND TIME AGAIN. IT'S EXACTLY WHY ARIZONA HAD THEIR DRIVER'S LICENSE ISSUE THROWN OUT IN FEDERAL COURT BECAUSE THEY PICKED SPECIFIC CATEGORIES OF DEFERRED ACTION TO CHOOSE TO GIVE A LICENSE TO, AND THAT'S WHAT WE WOULD BE DOING HERE. WE WOULD SAY THE FEDERAL GOVERNMENT SETS THIS CATEGORY, AND WITH ALL DUE RESPECT TO SENATOR GROENE AND, YOU KNOW, WHAT HIS THOUGHTS ARE ON LEGAL STATUS AND IMMIGRATION STATUS,

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WE DON'T GET TO SET THAT HERE IN NEBRASKA. THAT IS DETERMINED BY OUR FEDERAL REPRESENTATIVES IN WASHINGTON AND THEY SET A CATEGORY. THEY AUTHORIZE THROUGH THE DEPARTMENT OF HOMELAND SECURITY A CATEGORY CALLED DEFERRED ACTION. UNDER THE REAL ID ACT WHICH PASSED CONGRESS AND IS THE LAW OF THE LAND, IT SAYS THAT THOSE INDIVIDUALS, IF YOU HAVE DEFERRED ACTION, YOU HAVE LAWFUL STATUS FOR PURPOSE OF IDENTIFICATION. SO SENATOR GROENE'S AMENDMENT, BY CARVING OUT, WOULD COMPLETELY NULLIFY LB623. SO THAT'S WHY WE HAVE TO VOTE IT DOWN, AS WE DID A VERY SIMILAR AMENDMENT ON GENERAL FILE. AND WITH... YOU KNOW, SENATOR GROENE SAID, IN HIS OPINION, LB623 JUST DOESN'T DO IT, WITH WHATEVER "DO IT" MEANS, EXACTLY. BUT IN THE OPINION OF A LOT OF OTHER PEOPLE WHO ARE EXPERTS IN THIS FIELD, IT DOES DO IT, IMMIGRATION ATTORNEYS, PEOPLE WHO HAVE BEEN IN THE FIELD, ON THIS ISSUE FOR THEIR ENTIRE CAREERS, WHO KNOW MORE ABOUT IMMIGRATION LAW PROBABLY THAN ANYBODY ELSE IN THE STATE. AND ALSO THE TRANSPORTATION COMMITTEE AND THEIR LEGAL COUNSEL VETTED THIS BILL. SENATOR GROENE'S AMENDMENT CERTAINLY IS A HOSTILE AMENDMENT THAT WOULD SERVE NO PUBLIC PURPOSE. IT DOESN'T HELP US IN ANY WAY, SHAPE, OR FORM. IT WOULDN'T PREVENT ANY KIND OF VOTER FRAUD, WOULDN'T PREVENT INDIVIDUALS FROM GETTING BENEFITS WHEN THEY WOULDN'T. NO ONE HAS ANSWERED WHAT THE PURPOSE OF THIS IS. HE HAS POINTED IN GENERAL FILE THAT, OH, THIS IS LIKE WHAT UTAH DOES OR SOME OF THESE OTHER STATES. WELL, THOSE STATES GIVE DRIVING PRIVILEGE CARDS TO PEOPLE WHO HAVE NO STATUS, WHO ARE UNDOCUMENTED ILLEGAL IMMIGRANTS IN OUR STATE OR IN OUR COUNTRY. THEY GIVE DRIVER'S LICENSES TO THOSE PEOPLE, SO THEY HAVE A UNIQUE DRIVER'S LICENSE, DRIVING PRIVILEGE CARD FOR THAT POPULATION. SO HOPEFULLY WE CAN DISPOSE OF THE GROENE AMENDMENT AND MOVE FORWARD WITH LB623 WITHOUT FURTHER AMENDMENT BECAUSE IT IS READY TO GO. I DID WANT TO TAKE A MINUTE AS WE'RE WINDING DOWN IN OUR DEBATE AND JUST TALK ABOUT A FEW INDIVIDUALS THAT TESTIFIED BEFORE THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. ONE OF THEM IS JESSICA JIMENEZ. SHE CAME TO THIS COUNTRY WHEN SHE WAS FOUR YEARS OLD. THAT WAS ABOUT 14 YEARS AGO. SHE'S 18 NOW. SHE SAID, I BELIEVE THAT ONE OF THE ESSENTIAL PARTS OF LIVING IN AMERICA WOULD BE MOBILIZATION. SOME PEOPLE WALK, OTHERS USE PUBLIC TRANSPORTATION, AND SOME PEOPLE DRIVE. THE NORM IS TO DRIVE WHEN YOU TURN A CERTAIN AGE AND OBTAIN A DRIVER'S LICENSE, A PRIVILEGE ANYONE WITH LEGAL PRESENCE IN THIS COUNTRY ENJOYS, EXCEPT DACA RECIPIENTS, EXCEPT DREAMERS. AS A DREAMER, I HAVE GONE TO COLLEGE, I HAVE A JOB, I HAVE BEEN A LEADER OF A YOUTH GROUP THAT MENTORS MIDDLE-AGED CHILDREN

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LIVING IN LINCOLN. MOST OF THE PLACES ARE BETWEEN 15-20 MILES (SIC) APART IF YOU DRIVE; IF YOU WALK, OVER AN HOUR. THE CITY BUS IS ONLY AVAILABLE IN CERTAIN HOURS. BEING A BUSY COLLEGE STUDENT ENTAILS NEEDING MOBILITY TO BE RESPONSIBLE AND TO GET TO MY DESTINATION IN A TIMELY MANNER. DRIVING IS AN ESSENTIAL PART OF ANY STUDENT...FOR ANY STUDENT WITH THE TYPE OF RESPONSIBILITIES I HAVE. I DON'T QUITE UNDERSTAND WHY NEBRASKA IS THE ONLY STATE WHO IS NOT ALLOWING US, THE DREAMERS, TO OBTAIN A DRIVER'S LICENSE. I DON'T UNDERSTAND WHAT HARM WE ARE CAUSING BEING COLLEGE STUDENTS, COLLEGE GRADUATES, WORKING IN THE COMMUNITY, AND HAVING RESPONSIBLE JOBS. I ENJOY ALL MY RESPONSIBILITIES IN LIFE, AND I REALLY THINK THAT HAVING A DRIVER'S LICENSE WOULD GIVE ME EVEN MORE MOBILITY TO BE PART OF OTHER PROJECTS IN OUR COMMUNITY. THAT'S ONE INDIVIDUAL WHO CLEARLY IS GIVING BACK. [LB623]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: TIME, SENATOR. [LB623]

SENATOR NORDQUIST: YES? [LB623]

SPEAKER HADLEY: TIME. [LB623]

SENATOR NORDQUIST: THANK YOU. [LB623]

SPEAKER HADLEY: THANK YOU, SENATOR NORDQUIST. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB623]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD EVENING, EVERYONE. I HAVE MAINTAINED MY SILENCE DURING THIS DEBATE. I'M NOT WILD ABOUT LB623. THAT'S NEVER BEEN A SECRET. BUT THOSE OF YOU THAT DO SUPPORT IT, TAKE A SERIOUS LOOK AT SENATOR GROENE'S AMENDMENT, AM1706. FA72, TO MY MIND, REALLY DOESN'T DO ANYTHING, BUT AM1706 IS A SERIOUS AMENDMENT AND SHOULD BE LOOKED AT AND SHOULD BE STUDIED AND, AS SENATOR KRIST SAID, SHOULD BE SERIOUSLY CONSIDERED WHEN YOU VOTE. TAKE A LONG, HARD LOOK AT THAT AMENDMENT, THEN MAKE UP YOUR MIND. AND, MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR GROENE. SENATOR GROENE. [LB623]

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SPEAKER HADLEY: SENATOR GROENE, YOU'RE YIELDED 3:50. [LB623]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. TO ANSWER SENATOR NORDQUIST, FIRST, I MADE IT CLEAR WHEN I GAVE THAT EXAMPLE OF THE UTAH LICENSE. I USED IT AS AN EXAMPLE HOW YOU COULD DIFFERENTIATE THE LICENSES BY COLOR OR BY SOMETHING WRITTEN ON IT. I DID NOT EVER COMPARE THEIR LAW TO OUR LAW. GO BACK TO THE HANDOUT AND YOU WILL SEE THAT I SAID THIS IS AN EXAMPLE HOW YOU COULD DIFFERENTIATE THE PHYSICAL LICENSE. AS FAR AS THE ARIZONA LAW, COURT CASE, ARIZONA TRIED TO SPECIFICALLY DENY TO THE DACA KIDS. THAT HAS NOTHING TO DO WITH WHAT'S GOING ON HERE. NOTHING. WE HAVE A COURT CASE IN THIS STATE FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA, MEMORANDUM AND ORDER THAT DISTINGUISHES CLEARLY THAT THE DIFFERENCE BETWEEN PREFERRED...DEFENDANT ASSERTS THAT THIS PERSON HAS A LAWFUL STATUS IN THE UNITED STATES. THOUGH SHE MAY HAVE A LAWFUL PRESENCE, SHE LACKS LAWFUL STATUS. IT WAS A YOUNG, FEMALE DACA. FOR PURPOSES OF FEDERAL IMMIGRATION LAW BUT ASSERTS THAT SHE HAS LAWFUL STATUS FOR PURPOSES OF THE ACT. THIS COURT FINDS IT UNNECESSARY TO DETERMINE WHETHER LAWFUL STATUS FOR PURPOSE OF THE ACT BECAUSE NOTHING IN THE ACT REQUIRES STATES TO ISSUE DRIVER'S LICENSE TO ANYONE. THE ACT SIMPLY SETS MINIMUM STANDARDS FOR THE ISSUANCE OF STATE DRIVER'S LICENSES, STATE IDENTIFICATION CARDS. SUCH LICENSED CARDS ARE TO BE ACCEPTED FOR FEDERAL USE. THESE YOUNG PEOPLE HAVE LAWFUL PRESENCE. WE FOLLOW THE LAWS OF OUR DISTRICT COURT UNTIL THE SUPREME COURT COMBINES DIFFERENT CASES ACROSS THE STATE. BUT WE'RE UNDER THE JURISDICTION OF THE LOCAL DISTRICT COURT FOR THE DISTRICT OF NEBRASKA, AND THAT'S WHO WE FOLLOW. MY AMENDMENT COVERS THAT, COVERS IT CORRECTLY. IT DOESN'T DO YOU ANY GOOD TO GET IMMIGRATION LAW OPINIONS FROM LAWYERS IN CALIFORNIA OR ARIZONA OR FLORIDA BECAUSE THEY'RE UNDER DIFFERENT RULINGS BY DISTRICT COURTS. WE HAVE A RULING HERE IN NEBRASKA THAT MY AMENDMENT FOLLOWS TO THE T. [LB623]

SPEAKER HADLEY: ONE MINUTE. [LB623]

SENATOR GROENE: IT WORKS. IT DOES THE RIGHT THING BY THESE CHILDREN OR YOUNG PEOPLE. IT DIFFERENTIATES THAT THEY HAVE A LEGAL PRESENCE HERE, A LAWFUL PRESENCE. THEY DON'T HAVE A LAWFUL STATUS. THE HOMELAND SECURITY DIRECTIVE MADE THAT CLEAR. THE JUDGES HAVE MADE THAT CLEAR. TO TRY TO COMBINE LAWFUL STATUS WITH LAWFUL PRESENCE

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IS...LACKS COMMON SENSE. I UNDERSTAND THE RATIONALE WHY YOU WOULD WANT TO DO THAT, BUT IT'S WRONG. YOU DO NOT JUST DISOBEY THE RULES OR THE LAWS BECAUSE YOU WANT SOMETHING TO HAPPEN. WE CAN LET THIS HAPPEN AND DO IT CORRECTLY. THAT'S WHY I WOULD APPRECIATE SUPPORT OF MY AMENDMENT WHEN WE GET THERE, AS SOON AS WE GET PAST FA72, IF WE DO NOT RUN OUT OF TIME FIRST. THANK YOU. [LB623]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR GROENE. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB623]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I WANT TO STAND IN SUPPORT AND I DO STAND IN SUPPORT OF LB623 WITHOUT THE AMENDMENTS THAT WE'RE DISCUSSING. AND I WANT TO DO MORE THAN THAT. I WANT TO JUST GO BACK AND ASK MORE OF A HISTORICAL QUESTION, AND TAKE US OFF THE PATH THAT WE'RE ON CURRENTLY FOR JUST A MINUTE OR TWO, AND THEN PASS MY TIME ON TO SENATOR NORDQUIST. BUT I WANTED TO TAKE US BACK, IF I COULD, 155 YEARS. AND IF IT WAS, WHAT IF IT WAS 1860, AND WHAT IF THE TOPIC WAS THE ABOLITIONIST MOVEMENT WITH THE SLAVERY ISSUE JUST AT THE PRE-CIVIL WAR TIME? THERE ARE LEGAL ISSUES AND THERE ARE MORAL ISSUES. YOU HAVE STATES IN THE NORTH WITH THEIR LAWS, YOU HAD BORDER STATES WITH A WHOLE MIXTURE OF DIFFERENT LAWS, AND YOU HAD THE SOUTH WITH ITS DEFENSE OF SLAVERY AND ALL THE THINGS THEY STOOD FOR. AND THE MIXTURE WAS NOT VERY CLEAR ON THE NATIONAL LEVEL BECAUSE OF THE BATTLE OVER THE SLAVE STATES AND THE FREE STATES. AND THAT SPREAD ALL THE WAY OUT TO HERE IN NEBRASKA, THE KANSAS-NEBRASKA ACT AND OTHER THINGS THAT WERE PART OF THE HISTORY AT THAT TIME. YES, WE'VE TALKED ABOUT LEGAL ISSUES. YES, WE'VE TALKED ABOUT OBEYING THE LAW. WHERE DO WE END UP WHEN THERE'S A MAJOR ISSUE THAT HAS BOTH THE LEGAL ISSUES AND THE MORAL ISSUES? AND I THINK WE HAVE ONE IN THIS PARTICULAR TOPIC. AND I'LL LEAVE WITH THAT AND PASS MY TIME ON TO SENATOR NORDQUIST IF HE WOULD TAKE IT, PLEASE. [LB623]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU'RE YIELDED 3:00. [LB623]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT, MEMBERS. I WANT TO KEEP TALKING ABOUT A FEW INDIVIDUALS THAT WOULD BE IMPACTED HERE. LUIS OLIVAS. HE IS A RESIDENT OF THE 22nd DISTRICT. THAT'S SCHUMACHER'S DISTRICT IN COLUMBUS. GRADUATED FROM CRETE HIGH SCHOOL IN 2007, CURRENTLY ATTENDING CENTRAL COMMUNITY COLLEGE OUT OF COLUMBUS,

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PURSUING AN EDUCATION DEGREE WITH HOPES OF OBTAINING A COLLEGE DEGREE IN LAW LATER ON. HE'S A DACA RECIPIENT. CAME TO THE UNITED STATES WHEN HE WAS SEVEN, AND HE SAYS IN HIS TESTIMONY BEFORE THE TRANSPORTATION COMMITTEE HE'S GRATEFUL THAT HE LIVED IN THE STATE OF NEBRASKA SINCE THEN. HE'S LIVED HERE FOR A TOTAL OF 19 YEARS. HE HAS THREE SIBLINGS, ALL OF THEM U.S. CITIZENS. HIS PARENTS ARE BOTH LEGAL PERMANENT RESIDENTS. HE'S THE ONLY PERSON IN HIS FAMILY WHO DOES NOT HAVE PERMANENT LEGAL STATUS. I JUST WANTED TO ASK FOR SUPPORT OF THIS BILL BECAUSE THERE ARE MANY PEOPLE, NOT JUST HIMSELF, BUT MANY PEOPLE WITH GIFTS THAT THE STATE OF NEBRASKA HAS GIVEN TO THEM, AND WE'RE NOT TAKING ADVANTAGE OF THOSE AS OF RIGHT NOW, IS WHAT HE SAID AT THE COMMITTEE HEARING. I'M PROBABLY ONE OF THE ONLY ONES WHO HAS COME UP TO TESTIFY THAT IS FROM RURAL NEBRASKA. I AM FROM COLUMBUS, NEBRASKA, AS I MENTIONED. PUBLIC TRANSPORTATION IS JUST NOT AVAILABLE THERE, AND THERE WAS SOME LAUGHTER FROM THE COMMITTEE AT THAT TIME. CLEARLY, STORIES LIKE LUIS AND JESSICA AND JOEL, WHO WAS A STORY I HAD SHARED ON GENERAL FILE, JUAN GALLEGOS, WHO WAS A BRIGHT, YOUNG INDIVIDUAL WHO TESTIFIED BEFORE THE TRANSPORTATION COMMITTEE WHO LEFT NEBRASKA TO PURSUE FURTHER OPPORTUNITIES IN COLORADO. [LB623]

SPEAKER HADLEY: ONE MINUTE. [LB623]

SENATOR NORDQUIST: AND THE ONLY REASON, HE WOULD HAVE LEFT OUR STATE, IF IT WASN'T FOR A FAMILY MEDICAL EMERGENCY, A FAMILY MEDICAL CONDITION THAT BROUGHT HIM BACK. BUT WE ARE HOLDING THESE KIDS BACK, AND WE CAN DO SOMETHING ABOUT IT. CERTAINLY THE RIGHT THING TO DO FOR OUR ECONOMY, IT'S THE RIGHT THING TO DO FOR OUR FUTURE. AND I WOULD APPRECIATE EVERYONE'S SUPPORT OF LB623. [LB623]

SPEAKER HADLEY: THANK YOU, SENATOR NORDQUIST AND SENATOR KOLOWSKI. SENATOR BAKER, YOU ARE RECOGNIZED. [LB623]

SENATOR BAKER: I YIELD MY TIME TO SENATOR NORDQUIST. [LB623]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU'RE YIELDED 4:50. [LB623]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. AND MY UNDERSTANDING IS THIS IS THE LAST...THIS WILL BE OUR LAST SPEECH BEFORE WE MOVE TO CLOTURE ON THIS BILL. SO FOR MEMBERS OUTSIDE THE

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CHAMBER, THEY CAN START MAKING THEIR WAY COMING BACK IN, IF THEY...IN PREPARATION FOR A CLOTURE VOTE, WHICH I HAVE GIVEN TO THE CLERK. YOU KNOW, THERE ARE A NUMBER OF THINGS I JUST WANT TO CLEAR UP. WE DID TALK, THERE'S BEEN A LOT OF TALK ON THE FLOOR ABOUT PREVIOUS LITIGATION REGARDING DRIVER'S LICENSES IN NEBRASKA, AND I GUESS MAYBE THE FIRST THING I WANTED TO SAY, SENATOR GROENE MENTIONED LAST TIME THAT WE SHOULDN'T BE LISTENING TO COURTS IN ARIZONA OR OTHER PLACES. WELL, WHEN IT IS A FEDERAL COURT AND IT'S DEALING WITH EQUAL PROTECTION UNDER THE CONSTITUTION, THAT DOES CERTAINLY HAVE SOME GUIDANCE OVER US HERE IN NEBRASKA, SOMETHING THAT WE DO NEED TO PAY ATTENTION TO. BUT AS FAR AS THE SPECIFIC CASE HERE IN SALDANA, TO QUOTE JUDGE SMITH CAMP, THE COURT FINDS IT UNNECESSARY TO DETERMINE WHETHER SALDANA HAD LAWFUL STATUS FOR PURPOSES OF THE ACT. SO FOR ANYONE TO SAY THAT THAT COURT RULED THAT THERE WAS NO LEGAL STATUS, THAT CERTAINLY WAS NOT ACCURATE, AND THAT NEEDED TO BE CLARIFIED. WE HAVE SAID THIS TIME AND TIME AGAIN SINCE GENERAL FILE, AND WE'VE HEARD A LOT OF IT ON SELECT FILE, THAT WE JUST LET GO, WE DIDN'T REALLY DEBATE IT. HERE'S THE FACTS. WE KNOW THERE ARE TWO DEFINITIONS IN FEDERAL STATUTE OF "LAWFUL STATUS." ANYONE WHO SAYS OTHERWISE JUST DOESN'T HAVE AN UNDERSTANDING OF FEDERAL IMMIGRATION LAW. THE ONE THAT WE REFERENCE IN THIS BILL, AND IT IS CRYSTAL-CLEAR, IS UNDER THE REAL ID ACT, WHICH CLEARLY SAYS EVIDENCE OF LAWFUL STATUS INCLUDES, AMONG OTHER THINGS, APPROVED DEFERRED ACTION, WHICH DACA RECIPIENTS HAVE. SO THAT IS WHY THE BILL IS DRAFTED THE WAY IT IS. THAT IS WHY EVERY EXPERT WE'VE TALKED TO ABOUT IT FROM MY OFFICE, THAT'S WHY THE TRANSPORTATION COMMITTEE, IN THEIR VETTING OF IT, MOVED FORWARD WITH THE BILL THE WAY IT IS. SOME PEOPLE, I GUESS, STILL HAVE THE RIGHT TO DISAGREE WITH THAT, BUT AT THE END OF THE DAY, THIS BILL WILL BE IMPLEMENTED. IT WILL DO WHAT WE'RE INTENDING IT TO DO. MEMBERS, FOR THOSE OF YOU IN THE BODY, BOTH SENATOR GROENE'S AMENDMENT AND THE AMENDMENT TO SENATOR GROENE'S AMENDMENT ARE ESSENTIALLY POISON PILLS TO THIS BILL. IT WOULD MAKE LB623 UNCONSTITUTIONAL BECAUSE WE WOULD BE DRAWING ARBITRARY LINES IN A FEDERAL CLASSIFICATION, FEDERAL IMMIGRATION STATUS OF DEFERRED ACTION. WE WOULD BE PICKING AND CHOOSING SOME PEOPLE WITHIN THAT CATEGORY, AND THAT IS WHAT WAS IN VIOLATION IN ARIZONA, AND THAT WOULD CAUSE US A PROBLEM WITH LB623. THERE'S NO NEED FOR IT. IT'S GOING TO HAVE A COST TO EXCEED \$100,000 AND PROVIDE NO PUBLIC BENEFIT. SO I ENCOURAGE YOU TO VOTE DOWN SENATOR GROENE'S AMENDMENT, THE AMENDMENT TO SENATOR GROENE'S AMENDMENT, AND ADVANCE LB623 AS IT IS. I WOULD CERTAINLY LIKE TO

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THANK SENATOR SMITH AND HIS STAFF AND THE TRANSPORTATION COMMITTEE FOR THEIR WORK ON IT, CERTAINLY MY LEGISLATIVE STAFF, SENATOR McCOLLISTER'S LEGISLATIVE STAFF, AND SENATOR McCOLLISTER FOR PRIORITIZING LB623. THANK YOU. [LB623]

SPEAKER HADLEY: MR. CLERK, YOU HAVE A MOTION ON THE DESK? [LB623]

CLERK: MR. PRESIDENT, SENATOR NORDQUIST WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB623]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE ACCORDED TO LB623. [LB623]

SENATOR NORDQUIST: (MICROPHONE MALFUNCTION)...AND A ROLL CALL VOTE. [LB623]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB623]

CLERK: 38 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB623]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE OF THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR WATERMEIER, SENATOR RIEPE, SENATOR KUEHN, SENATOR SCHNOOR, SENATOR CHAMBERS. SENATOR SCHNOOR, SENATOR KUEHN, SENATOR CHAMBERS, THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, THE HOUSE IS UNDER CALL. MEMBERS, THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE. THERE HAS BEEN ASKED FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK. [LB623]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1730-1731.) 39 AYES, 8 NAYS, MR. PRESIDENT, TO INVOKE CLOTURE. [LB623]

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SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE IS ADOPTED. MEMBERS, THE NEXT MOTION IS ON THE ADOPTION OF THE AMENDMENT FA72 TO AM1706. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB623]

CLERK: 2 AYES, 36 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB623]

SPEAKER HADLEY: THE AMENDMENT FAILS. THE NEXT VOTE IS ON AM1706. ALL IN FAVOR OF THIS VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB623]

CLERK: 11 AYES, 31 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR GROENE'S AMENDMENT. [LB623]

SPEAKER HADLEY: THE AMENDMENT FAILS. MEMBERS, WE WILL NOW VOTE ON THE ADVANCEMENT OF LB623 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB623]

CLERK: 37 AYES, 9 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB623. [LB623]

SPEAKER HADLEY: THE MOTION IS ADOPTED. LB623 IS ADVANCED. I RAISE THE CALL. MR. CLERK. [LB623]

CLERK: MR. PRESIDENT, LB226. I HAVE E&R AMENDMENTS, FIRST OF ALL, SENATOR HANSEN. (ER133, LEGISLATIVE JOURNAL PAGE 1665.) [LB226]

SPEAKER HADLEY: SENATOR HANSEN. [LB226]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB226. [LB226]

SPEAKER HADLEY: ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB226]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB226]

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SPEAKER HADLEY: SENATOR HANSEN. [LB226]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB226 TO E&R FOR ENGROSSING. [LB226]

SPEAKER HADLEY: ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. IT IS ADVANCED. AT THIS TIME, I AM GOING TO HAVE AN ADDITION TO THE AGENDA. I AM ADDING LB591A TO THE AGENDA. MR. CLERK. [LB226 LB591A]

CLERK: MR. PRESIDENT, LB591A IS ON E&R FOR ENGROSSMENT. SENATOR BOLZ WOULD MOVE TO RETURN THE BILL FOR SPECIFIC AMENDMENT, AM1709. (LEGISLATIVE JOURNAL PAGE 1731.) [LB591A]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB591A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THIS A BILL REFLECTS THE CHANGES IN THE AMENDMENT BROUGHT BY SENATOR SCHUMACHER THAT WE ALL ADOPTED EARLIER TODAY. THIS IS JUST CATCHING UP SO THAT WE CAN MOVE THE BILL FORWARD THIS WEEK. I'D APPRECIATE YOUR GREEN VOTE FOR THE AMENDMENT AND FOR THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB591A]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON THE RETURN TO SELECT FILE. SEEING NO ONE IN THE QUEUE, ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE THE NAY. RECORD, MR. CLERK. [LB591A]

CLERK: 39 AYES, 0 NAYS, MR. PRESIDENT, ON THE MOTION TO RETURN THE BILL. [LB591A]

SPEAKER HADLEY: THE RETURN TO SELECT FILE IS APPROVED. SENATOR BOLZ, YOU CAN OPEN ON YOUR AMENDMENT. [LB591A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AGAIN, YOUR GREEN VOTE IS APPRECIATED. [LB591A]

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SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, ALL THOSE IN FAVOR OF ADOPTING THE AMENDMENT VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB591A]

CLERK: 38 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE SELECT FILE AMENDMENT. [LB591A]

SPEAKER HADLEY: THE SELECT FILE IS AMENDED OR ADOPTED. SENATOR HANSEN. [LB591A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB591A TO E&R FOR ENGROSSING. [LB591A]

SPEAKER HADLEY: ALL THOSE IN FAVOR SAY AYE. ALL OPPOSED, NAY. IT IS ADVANCED TO E&R ENGROSSING. MR. CLERK. [LB591A]

CLERK: MR. PRESIDENT, THE NEXT BILL, LB643. FIRST OF ALL, I HAVE ENROLLMENT AND REVIEW AMENDMENTS PENDING. (ER124, LEGISLATIVE JOURNAL PAGE 1555.) [LB643]

SPEAKER HADLEY: SENATOR HANSEN. [LB643]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB643. [LB643]

SPEAKER HADLEY: MOTION IS TO ADOPT THE E&R AMENDMENTS. ALL IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB643]

CLERK: MR. PRESIDENT, SENATOR GARRETT WOULD MOVE TO AMEND WITH AM1702. (LEGISLATIVE JOURNAL PAGE 1732.) [LB643]

SPEAKER HADLEY: SENATOR GARRETT, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB643]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. COLLEAGUES, I'D LIKE TO THANK ALL THE SENATORS WHO GAVE NEBRASKANS IN NEED A GREEN VOTE LAST ROUND. I THANK SENATORS GLOOR, CAMPBELL, HARR, MELLO, AND

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EVERYONE ELSE WHO'S WORKED TO MAKE THIS A BETTER BILL. IN AM1702, WE MAKE A NUMBER OF CHANGES WE BELIEVE IMPROVE THE BILL AND ADDRESS A NUMBER OF CONCERNS. WE CHANGED THE DEFINITION OF DISQUALIFYING FELONY OFFENSE TO ADD ALL FELONIES. WE ELIMINATE THE PATIENT FEES AND INSTITUTE A SALES TAX. WE SPLIT UP THE DISPENSARY FACILITIES AND MANUFACTURERS INTO TWO SEPARATE ENTITIES. WE TAKE AWAY POWER FROM THE CANNABIS BOARD WHICH IS APPOINTED BY THE GOVERNOR AND APPROVED BY THE LEGISLATURE. THE BOARD CANNOT ADD DELIVERY METHODS OR AILMENTS. WE ALSO MAKE THE LANGUAGE CLEARER REGARDING PRIVATE INSURANCE COMPANIES NOT HAVING TO REIMBURSE PATIENTS FOR THE MEDICAL USE OF CANNABIS. AND WE ALSO ALLOW COUNTIES, CITIES, AND VILLAGES THE ABILITY TO PROHIBIT A MANUFACTURER OR COMPASSION CENTER FROM MOVING INTO THEIR COMMUNITY. SO, FOR EXAMPLE, SAY YOU LIVE IN NORTH PLATTE AND THE NORTH PLATTE CITY COUNCIL AND MAYOR DON'T WANT ONE OF THESE FACILITIES LOCATED IN NORTH PLATTE. THEY CAN BAN THESE FACILITIES FROM BEING LOCATED IN THEIR COMMUNITY. WE PUSHED EVERYTHING BACK SIX MONTHS WITH THIS AMENDMENT, GIVING HHS MUCH MORE TIME TO IMPLEMENT THE PROGRAM. I WOULD LIKE TO REMIND THE BODY THAT MOST STATES' DEPARTMENT OF HEALTH AND HUMAN SERVICES HAVE IMPLEMENTED SIMILAR PROGRAMS IN THREE TO FOUR MONTHS, SO I THINK GIVING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AN EXTRA SIX MONTHS ON TOP OF THE ADDITIONAL SIX-MONTH EXTENSIONS THEY CAN REQUEST WILL ALLOW THEM TO IMPLEMENT THE PROGRAM WITHOUT FEELING RUSHED. WE TAKE OUT THE DATA MINING THAT WAS PART OF THE MINNESOTA LAW, ADDRESSING SOME OF THE SENATORS' CONCERNS THAT THIS MAY BE A VIOLATION OF HIPAA. AND WE'VE ADDRESSED THE ISSUE OF DISPOSAL OF UNUSED MEDICAL CANNABIS IN THIS AMENDMENT. WE'VE ALSO STRENGTHENED THE BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP AND REQUIRE THAT A PHYSICIAN HAS A HISTORY OF SEEING THE PATIENT AT LEAST THREE TIMES BEFORE THEY CAN CERTIFY TO HHS THAT THEIR PATIENT COULD, IN FACT, BENEFIT FROM TRYING CANNABIS AND HAS A QUALIFYING MEDICAL CONDITION. WE TAKE AWAY THE MEMBERS OF THE CANNABIS BOARD PER DIEM, SO I APOLOGIZE TO THEM IN ADVANCE. AND WE STRENGTHEN THE PHARMACISTS' LANGUAGE AND REQUIRE THAT THE BOARD CONSIDER THE EXPERTISE OF THE PHARMACIST WHO WILL BE DISTRIBUTING THE MEDICAL CANNABIS WHEN APPROVING COMPASSION CENTERS. AND WITH THAT, COLLEAGUES, I URGE YOUR APPROVAL OF AM1702. [LB643]

SPEAKER HADLEY: THANK YOU, SENATOR GARRETT. MR. CLERK. [LB643]

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CLERK: MR. PRESIDENT, THE FIRST AMENDMENT TO SENATOR GARRETT'S AMENDMENT, SENATOR McCOY, AM1711. (LEGISLATIVE JOURNAL PAGE 1732.) [LB643]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB643]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. YOU KNOW, WE RECEIVED THIS AMENDMENT OR IT POPPED UP ON OUR GADGETS EARLIER TODAY. MY OFFICE AND I HAVE BEEN TRYING TO GO THROUGH THIS AMENDMENT AS BEST AS WE CAN IN THE TIME WE HAD BEFORE US BEFORE WE WOULD GET TO A SELECT FILE DISCUSSION. IT'S FAIRLY LENGTHY. IT'S 43 PAGES AND THERE'S A LOT IN IT. AND, AS SENATOR GARRETT OUTLINED A MOMENT AGO, THERE ARE SOME CHANGES, SOME THINGS THAT I RAISED ON GENERAL FILE AND OTHERS, THAT CERTAINLY IMPROVE IT, IN MY MIND. BUT I REMAIN VERY OPPOSED TO THIS LEGISLATION. EVEN IF I COULD GET PAST THE PHILOSOPHICAL ISSUE THAT I HAVE AND MY PHILOSOPHICAL OPPOSITION TO THE CONCEPT OF MEDICAL MARIJUANA, THIS BILL AND STILL, EVEN WITH AM1702, IS FRAUGHT WITH ISSUES. AND THERE ARE MANY. I'LL OUTLINE THEM IN THE FIRST SET OF AMENDMENTS THAT I HAVE BEFORE YOU. AND THESE ARE NOT JUST AN AMENDMENT THAT WE'RE CHANGING A COMMA OR A PERIOD. I MEAN, THESE ARE SUBSTANTIVE AMENDMENTS OF GENUINE ISSUES THAT I SEE WITH THIS LEGISLATION, IF THIS LEGISLATION WERE TO ADVANCE. AND AS SUCH...LET ME JUST TALK ABOUT THE FIRST ONE, WHAT'S BEFORE YOU, AM1711. IF YOU GO TO PAGE 4 OF THE COMMITTEE AMENDMENT, STARTING ON LINE 28, YOU'LL FIND THAT THIS IS THE SECTION THAT TALKS ABOUT MEDICAID. AND HOW THIS SECTION WAS WRITTEN ORIGINALLY, OR IS WRITTEN, HOW IT'S CONSTRUCTED WITH THE AMENDMENT THAT SENATOR GARRETT BRINGS BEFORE US, IT SAYS, "NOTHING IN THE MEDICAL CANNABIS ACT REQUIRES THE MEDICAL ASSISTANCE PROGRAM", MEDICAID, "ESTABLISHED PURSUANT TO THE MEDICAL ASSISTANCE ACT TO REIMBURSE AN ENROLLEE OR A PROVIDER UNDER THE MEDICAL ASSISTANCE PROGRAM FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF CANNABIS." SO, IN OTHER WORDS, NOTHING REQUIRES MEDICAID TO PAY FOR SOMEONE PURCHASING MEDICAL MARIJUANA. THE AMENDMENT THAT I HAVE BEFORE YOU VERY SIMPLY SAYS NOTHING ALLOWS MEDICAID TO BE USED, TO BE PAID FOR MEDICAL MARIJUANA. NOW, THE REASON I BRING THIS AMENDMENT TO YOU IS BECAUSE WE'VE HAD A NUMBER OF DISCUSSIONS, AND THERE'S BEEN, IN MY OPINION, PLENTY OF RIGHTEOUS INDIGNATION PUT FORTH BY A NUMBER OF INDIVIDUALS ON THIS FLOOR, BOTH IN THIS SESSION, I THINK EARLIER THIS YEAR THERE WAS A DISCUSSION, I CAN'T

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RECALL WHAT BILL IT WAS ON, AND IN PREVIOUS SESSIONS THAT I'VE BEEN HERE THAT SOMEBODY SAYS, WELL, I FIND IT OBJECTIONABLE THAT SOMEONE COULD USE THESE DOLLARS FOR SOMETHING BEYOND WHAT THEY WERE DESIGNED TO BE USED FOR. AND, BECAUSE OF THAT, I THINK THIS AMENDMENT IS IN ORDER. I DON'T...I CAN'T IMAGINE THAT ANY OF US ON THIS FLOOR--MAYBE I'M WRONG--WOULD THINK THAT MEDICAID DOLLARS SHOULD BE USED TO PAY FOR MEDICAL MARIJUANA. NOW PERHAPS I'M WRONG, AND I DON'T WANT TO SPEAK FOR ANYONE. MAYBE THERE ARE THOSE THAT WOULD FIND THAT OKAY. I CERTAINLY DON'T. AND THAT'S WHY I THINK THIS NEEDS TO BE CHANGED FROM NOTHING "REQUIRES" THAT MEDICAID COVER IT TO NOTHING "ALLOWS" MEDICAID TO COVER IT. THIS JUST IS THE FIRST OF A LITANY OF TWEAKS THAT THIS BILL, IN MY MIND, WOULD HAVE TO HAVE TO EVEN GET THIS AIRPLANE OFF THE RUNWAY TOWARDS ACTUALLY BEING ABLE TO BE IMPLEMENTED AND USED. AGAIN, I APPRECIATE SOME OF THE CHANGES THAT SENATOR GARRETT MADE. I'M SURE THAT HE AND HIS STAFF AND OTHERS WORKED HARD BETWEEN GENERAL AND SELECT FILE. I JUST...I FIND IT...I DON'T KNOW HOW YOU COULD, I DON'T KNOW HOW YOU COULD GET THIS IN A FORM THAT THIS WOULD ACTUALLY WORK. AND CERTAINLY THAT'S WHY I BRING THIS FIRST AMENDMENT TO YOU. AGAIN, I DON'T THINK MEDICAID DOLLARS, GOVERNMENT-ASSISTANCE DOLLARS SHOULD BE USED FOR MEDICAL MARIJUANA. I THINK WE SHOULD HAVE A STRICT PROHIBITION AGAINST THAT. CLEARLY SOMEONE THOUGHT IT NEEDFUL ENOUGH IN THE AMENDMENT TO SAY THAT NOTHING IS GOING TO REQUIRE MEDICAID TO COVER THIS. I THINK WE SHOULD FORBID IT. I THINK THIS BILL IS WELL-INTENTIONED. I THINK SENATOR GARRETT HAS NUMBER OF TIMES ON THE FLOOR GIVEN VERY PASSIONATE AND ELOQUENT DEFENSE OF THIS CONCEPT. I JUST DON'T SEE HOW WE CAN MAKE THIS WORK. AND IT ISN'T JUST ME SAYING THAT. I THINK YOU'VE HEARD SENATOR GROENE SAY THAT OR, PARDON ME, SENATOR GLOOR SAY THAT. YOU'VE HEARD SENATOR WILLIAMS SPEAK VERY ARTICULATEDLY OVER WHY HE BELIEVES THIS BILL IS VERY PROBLEMATIC. MEMBERS, I JUST DON'T...I DON'T SEE HOW YOU CAN GO DOWN A ROAD WITH SUCH A MAJOR POLICY DECISION AND HAVE THIS MANY HOLES AND GAPS IN LEGISLATION. I'VE HAD THE OPPORTUNITY TO GET A CHANCE TO MEET AN AWFUL LOT OF STATE LEGISLATORS AND LEGISLATIVE LEADERS AROUND THE COUNTRY IN MY WORK AND TIME OVER THE YEARS WITH THE COUNCIL OF STATE GOVERNMENTS. AND I'LL TELL YOU, THERE'S A LOT OF PEOPLE THAT ARE WATCHING WHAT WE'RE DOING HERE. WELL, FRANKLY, THERE'S A LOT OF PEOPLE AROUND THE COUNTRY WHO ARE WATCHING WHAT WE'RE DOING IN NEBRASKA THIS SESSION FOR A LOT OF REASONS. THERE ARE CERTAINLY A LOT OF PEOPLE WHO ARE WATCHING ON THIS BILL. AND I WILL TELL YOU IN MY CONVERSATIONS WITH

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THOSE THAT I KNOW, MY COLLEAGUES IN OTHER STATES, I'VE ASKED THEM SPECIFICALLY ON THIS ISSUE, THOSE OF THEM THAT HAVE DEALT WITH IT, FOR SOME ADVICE. AND JUST AS SENATOR GARRETT TALKS ABOUT THE ADVICE THAT HE'S GOTTEN FROM A FORMER GOVERNOR OF COLORADO ON HOW THEY WOULD DO IT...HOW HE WOULD DO IT DIFFERENTLY IF HE HAD THAT OPPORTUNITY, EVEN THOUGH I DON'T BELIEVE THAT THE ORIGINAL BALLOT INITIATIVE HAPPENED ON HIS WATCH. I THINK IT WAS BEFORE HE WAS GOVERNOR, AS I RECALL. THE INDIVIDUALS THAT I HAVE TALKED TO ON THIS ISSUE HAVE SAID, BEAU, JUST BE CAREFUL HOW YOU GUYS GO ABOUT THIS. IT'S VERY COMPLICATED. THERE'S A LOT OF EMOTION THAT'S INVOLVED. IT'S VERY EASY FOR THERE TO BE MISUSE. AND IT'S VERY EASY TO KEEP CONTROL OF THIS ISSUE. THAT'S WHY I BRING THIS FIRST AMENDMENT TO YOU. I DON'T THINK THAT GOVERNMENTAL ASSISTANCE DOLLARS, MEDICAID DOLLARS, SHOULD BE ABLE TO IN ANY WAY, SHAPE, OR FORM BE USED FOR MEDICAL MARIJUANA PURCHASE. THANK YOU, MR. PRESIDENT. [LB643]

SPEAKER HADLEY: THANK YOU, SENATOR McCOY. THOSE IN THE QUEUE: SENATOR GLOOR, GARRETT, BOLZ, PANSING BROOKS, AND BRASCH. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB643]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD EVENING, MEMBERS. I DIDN'T REALIZE I WOULD BE UP THIS QUICKLY. I'M STILL TRYING TO GATHER SOME THOUGHTS OVER THIS BILL, BUT I CERTAINLY HAVE STRONG ENOUGH FEELINGS ABOUT IT TO BE ABLE TO SPEAK AT LEAST ONCE, IF NOT TWO OR THREE TIMES. I DID NOT VOTE TO ADVANCE LB643. AND SENATOR McCOY, WHO MAY WELL BE INTERESTED IN BOTH STOPPING THE BILL AS WELL AS IMPROVING THE BILL, BRINGS UP SOME LEGITIMATE POINTS AND CONCERNS, ONE BEING I WOULD TELL YOU THE HARDEST PART OF MY JOB THAT I HAD BEFORE, RUNNING A HOSPITAL, IS MIRRORED VERY MUCH IN THIS BILL. AND THAT IS THE EMOTIONAL PLEAS THAT COME YOUR WAY THAT ARE HEARTFELT PLEAS THAT COME FROM INDIVIDUALS, FAMILIES, PATIENTS. THEY'RE CLEARLY EMOTIONAL PLEAS. THEY'RE NOT NECESSARILY ACCURATE. THEY'RE NOT NECESSARILY BASED ON SCIENCE. BUT THEY ARE HEARTFELT PLEAS, AND IT CLOUDS YOUR ABILITY TO MAKE THE KIND OF DECISION YOU WANT TO MAKE BASED UPON CLINICAL DECISION MAKING, GOOD SCIENCE, GOOD BUSINESS DECISIONS. AND THIS IS ONE OF THOSE BILLS AND ONE OF THE TIMES WHERE WHAT I USED TO AND WHAT I DO NOW ARE VERY SIMILAR. THIS IS AN IMPORTANT BILL. IT'S A VERY DIFFICULT BILL. I APPRECIATE SENATOR GARRETT GIVING ME THE OPPORTUNITY AND MY LA, MARGARET BUCK, SENATOR CAMPBELL AND HER STAFF TO SIT DOWN AND WORK THROUGH THIS AND DO THE BEST JOB THAT WE

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CAN IN TAKING LB643 THAT WE PASSED ON GENERAL FILE TO LB643 ON SELECT. IT'S IMPROVED ENOUGH SO THAT I INTEND TO SUPPORT IT, ALTHOUGH WE'LL WAIT AND SEE WHAT KIND OF ADDITIONAL AMENDMENTS GET THROWN ON IT, IF ANY. MEMBERS, THIS IS WHY THIS IS A CHALLENGING DECISION FOR US, AND I WANT TO EXPLAIN WHY I AM VOTING TO SUPPORT IT AT THIS POINT IN TIME. AND IT'S...MY COMMENTS ARE GOING TO BE SIMILAR TO THE COMMENTS I MADE ON SENATOR CRAWFORD'S BILL THAT WE HEARD JUST A DAY OR TWO AGO, I GUESS A DAY AGO, SEEMS LIKE A WEEK AGO. WE DON'T HAVE THE GUIDANCE WE WOULD LIKE TO HAVE FROM THE NORMAL NATIONAL ORGANIZATIONS, LIKE THE FOOD AND DRUG ADMINISTRATION. THIS IS NOT THE TYPE OF REGULATED DRUG THAT WOULD COME OUR WAY, THAT WE WOULD GIVE A THUMBS UP AND THUMBS DOWN ON. AND SOME OF YOU KNOW HOW MUCH A STICKLER I AM ON THE 407 PROCESS, WHEN PEOPLE COME TO US WITH THE SCOPE OF PRACTICE THAT WE'RE SUPPOSED TO ACT ON WITH AN EXPECTATION THAT WE GET APPROVALS FROM THE BOARD OF HEALTH AND THEIR TECHNICAL COMMITTEES AND HOPEFULLY FROM THE STATE MEDICAL DIRECTOR, IF NOT NOW, IN THE FUTURE, TO MOVE FORWARD WITH SCOPE OF PRACTICE. I EXPECT THAT WE WILL HAVE A RECOMMENDATION. AND WE DON'T HAVE THAT IN FRONT OF US ON THIS. AND THAT'S AN UNCOMFORTABLE PLACE TO PUT US AS NONCLINICAL PEOPLE, WITH THE EXCEPTION OF SENATOR HILKEMANN. WE'RE PUT IN A DIFFICULT POSITION OF HAVING TO MAKE AN IMPORTANT DECISION WITHOUT THE KIND OF MEDICAL ADVICE THAT WE WOULD NORMALLY WANT TO GET. AND I'M STILL WILLING TO MAKE THIS DECISION, AND HERE'S THE IMPORTANT REASON WHY, AND HERE'S THE IMPORTANT THING YOU HAVE TO REMEMBER. THAT UNLIKE ALL THE OTHER DRUGS THAT MIGHT BE OUT THERE, THEY'RE USUALLY VERY SOPHISTICATED CANCER DRUGS, OR ANTINAUSEA DRUGS THAT ARE MADE BY MANUFACTURERS, OFTEN IN OTHER COUNTRIES. THEY'RE HARD TO GET AHOLD OF. THAT'S NOT THE CASE WITH CANNABIS. CANNABIS IS AVAILABLE, I WOULD IMAGINE, WITHIN A COUPLE OF CITY BLOCKS OF HERE, IF YOU KNOW THE RIGHT PEOPLE, CERTAINLY IF YOU HANG AROUND ON O STREET LONG ENOUGH,... [LB643]

SPEAKER HADLEY: ONE MINUTE. [LB643]

SENATOR GLOOR: ...IF YOU WANT TO HANG AROUND ONE OF THE CAMPUSES IN TOWN. PEOPLE CAN GET THIS MEDICATION, AND IT IS LEGAL IN OTHER STATES SO PEOPLE CAN GET IT LEGALLY IN OTHER STATES. THEY CAN SELF-MEDICATE THEMSELVES. AND BECAUSE THEY CAN SELF-MEDICATE THEMSELVES WITHOUT ANY GUIDANCE AT ALL, I THINK THIS BILL HELPS. IT LAYS OUT SOME PARAMETERS. IT DOES THE BEST JOB WE CAN, GIVEN THE LACK OF SCIENCE

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THAT'S AVAILABLE TO US, SO THAT PEOPLE AREN'T INJURING THEMSELVES OR THEIR FAMILY MEMBERS INAPPROPRIATELY. THERE'S YOUR ISSUE. ARE YOU COMFORTABLE--AND I'M NOT A BELIEVER THAT THIS IS A SLIPPERY SLOPE THAT WILL LEAD TO RECREATIONAL USE, CERTAINLY NOT THE WAY THE BILL IS DRAFTED NOW, OR THE AMENDMENT IS ATTACHED TO IT. THIS PROVIDES SOME GUIDELINES THAT I THINK WILL PROTECT NEBRASKANS FROM INAPPROPRIATE USE OF THIS PRODUCT. BECAUSE IF WE DON'T PASS THIS BILL, THEY'RE GOING TO BE ABLE TO GET ACCESS TO IT ANYWAY. [LB643]

SPEAKER HADLEY: TIME, SENATOR GLOOR. [LB643]

SENATOR GLOOR: THANK YOU. [LB643]

SPEAKER HADLEY: SENATOR GARRETT, YOU'RE RECOGNIZED. [LB643]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. THANK YOU, COLONEL GLOOR, I MEAN SENATOR GLOOR. THANK YOU FOR HAVING THE COURAGE TO DO THIS AND THE COMPASSION. THE FACT THAT SINCE YOU SERVED IN THE SERVICE, ARMED FORCES, TELLS ME THAT YOU HAVE COURAGE. AND THE FACT THAT YOU SERVED IN THE MEDICAL PROFESSION TELLS ME ABOUT WHAT A COMPASSIONATE INDIVIDUAL YOU ARE. YOU KNOW, AT THE END OF THE DAY, WE REACHED OUT TO EVERYBODY, EVERYBODY AND ANYBODY, TO MAKE THIS BILL THE BEST THAT WE COULD POSSIBLY MAKE IT. WE WANTED TO MAKE IT AIRTIGHT. I TOLD YOU BEFORE THAT WE'RE DOING THIS FOR THE MOMS, AND IT WASN'T JUST THE MOMS. IT'S ALL THE PEOPLE WHO ARE SICK AND AILING AND ARE OUT OF OPTIONS. YOU KNOW, THIS MEDICAL MARIJUANA BILL IS NOT BEING FORCED DOWN ANYONE'S THROAT. ONLY DOCTORS WHO WANT TO PARTICIPATE IN THE PROGRAM WILL DO SO, AND ONLY PATIENTS WHO ASKED FOR THIS FROM THOSE ACCREDITED DOCTORS WHO ARE OUT OF OPTIONS WILL BE ABLE TO USE IT. SO IT'S NOT LIKE WE'RE NOT FORCING THIS DOWN EVERYONE'S THROAT. I THANK SENATOR McCOY FOR BRINGING THESE AMENDMENTS. AS WE USED TO SAY IN THE MILITARY, THANK YOU FOR YOUR INTEREST IN NATIONAL DEFENSE. YOU KNOW, WE HAD A LOT OF PEOPLE STEP UP: SENATOR GLOOR, SENATOR CAMPBELL, SENATOR MELLO, SENATOR HARR. A LOT OF FOLKS STEPPED UP TO HELP. NEVER SAW SENATOR McCOY'S SHADOW IN OUR DOOR AT ALL. I APPROACHED HIM A COUPLE OF WEEKS AGO, TRIED TO ENGAGE HIM, AND MY BIG TAKEAWAY THERE WAS THAT WHEN HE WAS RUNNING FOR GOVERNOR, THEY DID POLLING, AND THIS DIDN'T POLL WELL. SO I GUESS I KNOW WHERE THAT'S COMING FROM. AND THE FACT THAT HE HAS

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TALKED TO SO MANY OTHER LEGISLATORS AROUND THE COUNTRY, I THINK HE COULD DO A LITTLE BETTER SPENDING A LITTLE MORE TIME TALKING TO CONSTITUENTS. ONE CONSTITUENT, SHARI LAWLOR FROM VALLEY, HAS TRIED NO LESS THAN...SHE'S BEEN HERE IN THIS BUILDING NO LESS THAN 11 TIMES, HAS TRIED TO SEE HIM, A CONSTITUENT, TO TRY TO GET AN APPOINTMENT WITH HIM. NO GO. WON'T COME OUT TO THE FLOOR AND TALK WITH HER. SHE HAS GOT A DAUGHTER, BROOKE, WHO SUFFERS FROM INTRACTABLE SEIZURES, WHOSE NEXT STEP...SHE TAKES \$35,000 WORTH OF MEDICATIONS THAT DON'T WORK. HER NEXT STEP IN TREATMENT IS A LOBOTOMY. BUT, YOU KNOW, THANK YOU, SENATOR McCOY, FOR BRINGING THOSE AMENDMENTS. AND I'LL TELL YOU WHAT. WHAT WE'RE GOING TO DO IS WE'RE GOING TO PULL AM1702. SENATOR HARR HAD SOME INTERESTING AMENDMENTS THIS AFTERNOON, SO WE'RE GOING TO INCORPORATE ALL OF SENATOR McCOY'S AMENDMENTS INTO SENATOR HARR'S AM1722 THAT WILL BE COMING UP HERE SHORTLY. I THINK IT'S FILED ALREADY. AND I REALIZE THAT SENATOR McCOY WILL PROBABLY COME OUT WITH HIS COMPASSIONATE SELF AND COME OUT WITH SOME ADDITIONAL AMENDMENTS. AND, YOU KNOW, THANK YOU VERY MUCH. AND I JUST WISH, I JUST REALLY WISH THAT HE AND ALL OF YOU WHO ARE OPPOSED TO THIS WOULD THINK ABOUT THOSE PEOPLE WHO ARE HURTING AND ARE OUT OF OPTIONS. ONE OF SENATOR McCOY'S COMPASSIONATE AMENDMENTS IS TO ELIMINATE PTSD AND SCHIZOPHRENIA FROM THE AILMENTS THAT ARE ELIGIBLE FOR MEDICAL MARIJUANA. WELL, 250 PERCENT INCREASE IN THE PRESCRIPTION OF OPIOIDS FOR VETERANS SUFFERING FROM PTSD. THEY'RE WALKING AROUND LIKE ZOMBIES. THEY'RE ADDICTED TO OPIATES. SO, YOU KNOW, SOMETHING WITH LESSER...WITH NO SIDE EFFECTS BUT EQUALLY AS EFFECTIVE IN TREATMENT, AND THERE'S ALL KINDS OF INFORMATION OUT THERE IF YOU'LL BUT TAKE THE TIME TO GO OUT THERE AND READ IT. YOU KNOW, BUT, YOU KNOW, IN THE INTEREST OF SERVING THE GREATER NUMBER OF PEOPLE, WE'LL GO ALONG WITH THE AMENDMENT TO TAKE OUT SCHIZOPHRENIA AND PTSD, SO BRING IT ON. [LB643]

SENATOR KRIST PRESIDING

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR GARRETT: LET'S HEAR WHAT OTHER...THANK YOU, MR. PRESIDENT. BRING IT ON. LET'S HEAR WHAT OTHER, YOU KNOW, AMENDMENTS YOU WANT TO BRING TO FILIBUSTER THIS. AND...WELL, I GOT TO TELL YOU, AT THE END OF THE DAY, YOU KNOW, I GOT PRETTY IMPASSIONED LAST TIME. THIS IS ABOUT FOLKS WHO ARE SICK AND AILING THAT DON'T HAVE ANY OTHER OPTIONS.

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WE'RE NOT FORCING MEDICAL MARIJUANA ON ANYBODY. IT'S ONLY THE DOCTORS THAT WANT TO PARTICIPATE AND ONLY THE PATIENTS WHO WANT TO PARTICIPATE AND ARE OUT OF OPTIONS. THIS IS NOT ABOUT PEOPLE GETTING STONED OR GETTING HIGH. SO BRING IT ON, LET'S...GLOVES ARE ON, LIGHTS ON, FIGHT IS ON. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR GARRETT. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB643]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THIS HAS BEEN A VERY DIFFICULT BILL FOR ME. I'VE CARRIED IT HOME WITH ME A COUPLE OF DAYS, MANY DAYS. I AM CONCERNED ABOUT INDIVIDUALS WHO ARE ILL, FOLKS WITH BRAIN INJURY, FOLKS WITH ALL KINDS OF AILMENTS. AND, AS SENATOR GARRETT HAS STATED ON THE FLOOR, AND THEIR MOMS. AT THE SAME TIME, I AM CONCERNED ABOUT THE MOMS OF KIDS WHO MIGHT GET THIS SUBSTANCE IN THEIR HANDS, WHO MIGHT FIND A WAY TO ACCESS THIS SUBSTANCE AND USE IT IN A WAY THAT IS NOT GOOD FOR THEM. AND SO MY DISCOMFORT COMES WITH TRYING TO UNDERSTAND HOW WE BOTH TRY TO SERVE THE BEST INTERESTS OF PEOPLE WHO ARE SICK AND TRY TO PROTECT THE PUBLIC SAFETY. SO I HAVE TRIED TO DO MY DUE DILIGENCE WITH THE DIFFERENT VERSIONS OF THIS BILL, AND I HAVE SOME TECHNICAL QUESTIONS, WHICH I HAVE DONE MY BEST TO SHARE WITH FOLKS WHO ARE ENGAGED IN THIS BILL, AND I'M STILL NOT CLEAR. AND SO IF SENATOR GARRETT WILL YIELD, I HAVE A FEW QUESTIONS THAT WOULD HELP CLARIFY ISSUES IN MY MIND. [LB643]

SENATOR KRIST: SENATOR GARRETT, WILL YOU YIELD? [LB643]

SENATOR GARRETT: GLADLY. [LB643]

SENATOR BOLZ: THANK YOU, SENATOR GARRETT. MY FIRST QUESTION IS REGARDING THE REGULATION OF THE COMPASSION CENTERS. IS THE REGULATION YOU'VE PUT INTO PLACE IN THIS BILL STRINGENT? IS IT AS STRINGENT AS, SAY, A PHARMACY? [LB643]

SENATOR GARRETT: IT'S AS STRINGENT AS WE CAN POSSIBLY MAKE IT. AND, AGAIN, WE'VE ASKED FOR INPUT FROM ANYBODY AND EVERYBODY IF THERE'S SUGGESTIONS ON HOW TO MAKE IT TIGHTER. AND REALLY HHS AND THE BOARD ARE GOING TO HAVE A LOT OF INPUT ON HOW THOSE RULES AND REGULATIONS ARE... [LB643]

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SENATOR BOLZ: CAN YOU BE MORE SPECIFIC FOR ME? CAN YOU TELL ME PRECISELY IN WHAT WAY THIS COMPASSION CARE CENTER IS REGULATED SO THAT ONLY THE RIGHT PEOPLE HAVE THE ACCESS TO THE RIGHT THINGS AT THE RIGHT TIME? [LB643]

SENATOR GARRETT: YES. IT'S A PRETTY STRINGENT QUALIFICATION PROCESS FOR BOTH THE MANUFACTURERS THAT GET SELECTED AND THE COMPASSION CENTERS. THEY HAVE TO GO THROUGH CRIMINAL BACKGROUND CHECKS, FINANCIAL SECURITY. THEY HAVE TO BE FINANCIALLY SECURE. THEY GET FINGERPRINTED. THEY... [LB643]

SENATOR BOLZ: ARE THEY INSPECTED ON A REGULAR BASIS? [LB643]

SENATOR GARRETT: YES, THEY ARE. YES. YES, THEY ARE INSPECTED BY THE STATE AND... [LB643]

SENATOR BOLZ: AND WHAT ARE THEY INSPECTING FOR? WHAT IS THE CRITERIA THAT A COMPASSION CARE CENTER HAS TO MEET IN ORDER TO PASS INSPECTION? [LB643]

SENATOR GARRETT: WELL, THE COMPASSION CENTER WOULD OBVIOUSLY...THERE'S SOME PRETTY DETAILED INFORMATION ABOUT WHEN THEY DISTRIBUTE MEDICAL CANNABIS. IT'S ACTUALLY GOT A BAR CODE ON IT. THEY'LL TRACK HOW MUCH IS DISPENSED FOR WHAT PATIENTS. AND THEY'LL HAVE TO ACCOUNT FOR ALL THE CANNABIS THEY TAKE RECEIPT FROM, FROM THE MANUFACTURER, SO NONE GOES OUT THE BACK DOOR. [LB643]

SENATOR BOLZ: SO THE INSPECTION WOULD BE RELATED TO COMPLIANCE WITH THE LAW AND THE REGULATION; AND THE REGULATION INCLUDES AUDITING PRACTICES, SECURITY PRACTICES, PRACTICES RELATED TO THE STAFFING. DOES IT INCLUDE LABELING PRACTICES? [LB643]

SENATOR GARRETT: YES. IT HAS TO MEET THE FEDERAL LABELING STANDARDS. IT HAS TO HAVE THE PATIENT'S NAME, ADDRESS, WHAT THEIR AILMENT IS, WHAT THE PRESCRIPTION IS, WHAT THE DOSAGE IS. [LB643]

SENATOR BOLZ: AND WHAT HAPPENS IF A COMPASSION CARE CENTER FAILS TO MEET INSPECTION? [LB643]

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SENATOR GARRETT: THERE'S A SERIES OF FINES, DEPENDING ON THE VIOLATION. IT COULD BE UP TO AND INCLUDING SHUTTING THEM DOWN, BUT THERE ARE FINES ASSOCIATED WITH... [LB643]

SENATOR BOLZ: CAN YOU DESCRIBE THOSE FINES FOR ME? [LB643]

SENATOR GARRETT: THERE'S A... [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR BOLZ: THAT CAN WAIT FOR OFF THE MIKE. [LB643]

SENATOR GARRETT: OKAY. [LB643]

SENATOR BOLZ: THE CONCERN I HAVE IS JUST THAT THOSE FINES ARE SUFFICIENT TO REALLY DETER SOMEONE FROM ACTING UNETHICALLY IN THE DISTRIBUTION OF THESE PRODUCTS. ANOTHER SORT OF SIMILAR TECHNICAL QUESTION I HAVE IS WHAT, SENATOR GARRETT, IS THE DIFFERENCE...WHAT IS THE LEGAL DIFFERENCE BETWEEN A CERTIFICATION AND A PRESCRIPTION? IS THERE...HAVE YOU TIGHTENED UP THE BILL TO ENSURE THAT A CERTIFICATION WILL NOT BE MISUSED IN ANY WAY, SHAPE, OR FORM? [LB643]

SENATOR GARRETT: YES. THE WAY THE PROCESS WORKS RIGHT NOW IS THE PATIENT GOES TO THEIR PHYSICIAN. IT HAS TO BE A PHYSICIAN WHO'S ACCREDITED UNDER THE PROGRAM. AND THE PHYSICIAN HAS TO CERTIFY THAT THAT PARTICULAR PATIENT IS SUFFERING FROM ONE OF THE AILMENTS THAT MEDICAL CANNABIS IS CLEARED FOR TREATMENT FOR, AND THEY'LL MAKE THAT CERTIFICATION TO THE BOARD AND ALONG... [LB643]

SENATOR BOLZ: SO THE PHYSICIAN... [LB643]

SENATOR KRIST: TIME, SENATORS. [LB643]

SENATOR BOLZ: I'LL ASK YOU OFF THE MIKE. THANK YOU. [LB643]

SENATOR GARRETT: OKAY. [LB643]

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SENATOR KRIST: THANK YOU, SENATOR BOLZ AND SENATOR GARRETT. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB643]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND GOOD EVENING, COLLEAGUES. I NEEDED TO LOOK AT MY AGENDA ONE MORE TIME. THIS IS THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. FOR A MINUTE THERE, AFTER HEARING SENATOR GARRETT, I THOUGHT THIS MIGHT HAVE BEEN MAYWEATHER VERSUS PACQUIAO FIGHT THIS EVENING. I HEARD THE WORDS "BRING IT ON" SEVERAL TIMES. I THINK WE'RE ALL PASSIONATE ABOUT HELPING THOSE WHO ARE IN NEED OF HELP, WHETHER THEY'RE CHILDREN OR ADULTS, REGARDLESS OF AGE. BUT I DO BELIEVE THAT WE ALSO NEED TO TAKE A LOOK AT THIS AMENDMENT. IT IS VERY, VERY TECHNICAL. I WAS WONDERING IF SENATOR GARRETT WOULD YIELD TO A QUESTION, PLEASE. [LB643]

SENATOR KRIST: SENATOR GARRETT, WILL YOU YIELD TO SENATOR BRASCH FOR A QUESTION? [LB643]

SENATOR GARRETT: YES. [LB643]

SENATOR BRASCH: THANK YOU, SENATOR GARRETT. AND, AGAIN, I THINK THAT WE CAN BE REASONABLE AND AGREE THAT THIS IS A MAJOR ISSUE WE'RE LOOKING AT. AND OUR BELIEFS MAY NOT ALIGN, BUT WE DO, AT THE END OF THE DAY, WANT TO BE HELPFUL. AS I LOOK AT YOUR TECHNICAL AMENDMENT, IT IS QUITE DETAILED. AND I'D LIKE TO ASK YOU, WHO IS THE AUTHOR? WHAT IS THE BASIS FOR ALL OF THIS INFORMATION? [LB643]

SENATOR GARRETT: WE TOOK OUR...WE TOOK OUR LAST BILL THAT WE HAD ON GENERAL FILE AND WE HAD SENATOR GLOOR AND SENATOR CAMPBELL AND WE MET WITH SENATOR MELLO AS WELL AND CONFERRED WITH SENATOR HARR TO GET THEIR INPUTS. AND WE SAT DOWN WITH THEM AND WENT LINE BY LINE AND TWEAKED THE BILL TO WHERE IT WAS...MET THEIR REQUIREMENTS. AND WE WERE WILLING TO TAKE REQUIREMENTS FROM ANYBODY ELSE THAT WAS WILLING TO OFFER THEM. [LB643]

SENATOR BRASCH: THANK YOU, SENATOR GARRETT. AND AS WE GO THROUGH IT LINE BY LINE PERHAPS THIS EVENING, IS WHAT I'M ALSO WONDERING IS WHEN YOU'RE TALKING ABOUT THE FIRST PAGE, SECTION 5, THE QUESTIONS ABOUT DISQUALIFYING A FELONY OFFENSE AND YOUR EXPLANATION THERE, I HAVE QUESTIONS, IF YOU COULD TELL ME IF ISSUES ON WHAT IF THE FELONY

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OFFENSE COMES FROM ANOTHER STATE OR THERE'S MULTIPLE FELONY OFFENSES. HOW WILL THIS BE LITIGATED OR RESOLVED IN NEBRASKA? [LB643]

SENATOR GARRETT: THE WAY WE WROTE IT, WE CHANGED IT TO "ANY FELONY OFFENSE." WE'RE NOT SAYING WHAT CLASS FELONY. IT DOESN'T HAVE...IT CAN BE FROM ANY STATE. IF YOU'VE GOT A FELONY CONVICTION, WE DON'T WANT YOU IN THE BUSINESS. [LB643]

SENATOR BRASCH: AND THAT COULD ALSO BE MULTIPLE MARIJUANA MISDEMEANORS AS WELL OR HOW DO YOU...WHAT IF THERE ARE MULTIPLE MARIJUANA MISDEMEANORS? [LB643]

SENATOR GARRETT: WE HADN'T DISCUSSED MISDEMEANORS. I THINK THAT'S PROBABLY GETTING DOWN TOO MUCH INTO THE WEEDS, I THINK IF YOU'LL PARDON THE PUN. WE WERE JUST LOOKING AT FELONIES. [LB643]

SENATOR BRASCH: THANK YOU. AND THEN MY OTHER QUESTION IS I SEE A TIME LINE HERE. YOUR EXPECTATIONS ARE THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WILL BE PREPARED, STAFFED, KNOWLEDGEABLE, INFORMED BY JUNE OF NEXT YEAR TO FULLY IMPLEMENT THIS. IS THAT CORRECT? [LB643]

SENATOR GARRETT: THAT WAS THE TIME LINE WE...MEETING WITH SENATOR CAMPBELL AND TALKING ABOUT HHS, AND WE MET WITH THE NEW DIRECTOR OF HHS ORIGINALLY AS WELL, AND THAT WAS PART OF THEIR CONCERN WAS THE TIME LINE. AND THAT'S WHY WE'VE EXTENDED IT BY SIX MONTHS, WITH AN ADDITIONAL SIX-MONTH DELAY. AND I'LL JUST SAY THIS AGAIN ON THE MIKE. [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR GARRETT: MOST STATES THAT HAVE DONE THIS HAVE DONE IT IN 100 TO 120 DAYS. SO THIS IS NOT, LIKE I SAID, IT'S NOT LIKE NEBRASKA PUTTING A MAN ON THE MOON. [LB643]

SENATOR BRASCH: AND...BUT THE HEALTH AND HUMAN SERVICES DIVISION DID NOT SAY THAT THEY COULD MEET OR COULD NOT MEET...YOU'RE MANDATING A DEADLINE OF OPERATION FOR THEM, CORRECT? [LB643]

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SENATOR GARRETT: I'M SORRY, I DIDN'T HEAR YOUR QUESTION. [LB643]

SENATOR BRASCH: SO THEY MUST BE PREPARED TO ADMINISTRATE THIS REGARDLESS OR IS THERE AN EXTENSION OF TIME? YOU KNOW, THE MANUFACTURERS THAT WILL REQUIRE...ALSO WOULD IT BE THE STATE PATROL WHO WOULD REGULATE THE MANUFACTURERS? IS THERE LAW ENFORCEMENT? [LB643]

SENATOR KRIST: TIME, SENATORS. [LB643]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR BRASCH AND SENATOR GARRETT. THOSE STILL WISHING TO SPEAK: SENATOR McCOY, SCHEER, PANSING BROOKS, GARRETT, CAMPBELL, BOLZ, WILLIAMS, HILKEMANN, AND BRASCH. SENATOR McCOY, YOU'RE RECOGNIZED. [LB643]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR GARRETT YIELD, PLEASE? [LB643]

SENATOR KRIST: SENATOR GARRETT, WILL YOU YIELD? [LB643]

SENATOR GARRETT: YES, I WILL. [LB643]

SENATOR McCOY: THANK YOU, SENATOR. CAN YOU TELL ME WHO WOULD PRESCRIBE THIS MEDICAL MARIJUANA UNDER YOUR BILL? [LB643]

SENATOR GARRETT: WELL, "PRESCRIBE" IS NOT EXACTLY RIGHT, BUT THE DEFINITE TERM, BUT IT WOULD BE A MEDICAL DOCTOR MAKING THE RECOMMENDATION. [LB643]

SENATOR McCOY: WELL, WAIT A SECOND HERE. SO IT'S NOT PRESCRIBING A TREATMENT AS IF YOU OR I WENT TO THE DOCTOR FOR A COLD THAT'S LASTED TOO LONG AND WE THOUGHT WE MIGHT HAVE BRONCHITIS OR SOMETHING ELSE. WHAT DO YOU MEAN IT'S NOT PRESCRIBING? [LB643]

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SENATOR GARRETT: SENATOR, IF YOU READ THE BILL, THERE'S A VERY SPECIFIC SET OF AILMENTS AND DISEASES THAT THIS CAN BE PRESCRIBED FOR. AND IT HAS TO BE A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP, AND THE PATIENT HAS TO HAVE VISITED WITH THE DOCTOR THREE TIMES. THE DOCTOR HAS TO CERTIFY THAT THE PATIENT HAS ONE OF THE QUALIFYING AILMENTS AND MAKES THE RECOMMENDATION THAT THAT PATIENT, WITH THAT PATIENT'S CONCURRENCE, BE ELIGIBLE FOR THE MEDICAL MARIJUANA. [LB643]

SENATOR McCOY: BUT THE PHYSICIAN DOESN'T WRITE A PRESCRIPTION? [LB643]

SENATOR GARRETT: NO, BECAUSE IT'S A SCHEDULE I DRUG. YOU CAN'T WRITE A PRESCRIPTION FOR A SCHEDULE I DRUG. [LB643]

SENATOR McCOY: AND WHY IS IT A SCHEDULE I DRUG? [LB643]

SENATOR GARRETT: WELL, YOU ASK...WHY DON'T YOU ASK THE DEA AND THE FDA THAT BECAUSE 24 OTHER STATES AND THE DISTRICT OF COLUMBIA AND GUAM HAVE SAID THE SAME THING--WHY IS IT A SCHEDULE I DRUG? IT'S ONE OF THE BIGGEST JOKES AROUND. [LB643]

SENATOR McCOY: WELL, SENATOR, I WANT TO EXPLORE THIS RELATIONSHIP. SO THESE THREE VISITS, IS THERE ANY TIME, LENGTH OF TIME BETWEEN THESE THREE VISITS TO A PHYSICIAN? [LB643]

SENATOR GARRETT: NO. WE'LL LET HHS PUT THAT SPECIFICALLY IN RULES AND REGULATIONS. WHEN WE FIRST BROUGHT THIS BILL, WE EXCLUDED PTSD, THEN WE ADDED PTSD BECAUSE OF THE VETERANS, THEY WERE SO AGITATED ABOUT IT. AND THEN VETERANS WHO SEE VA DOCTORS, WE HAD A TIME LIMIT. THEY HAD TO HAVE THREE DOCTOR VISITS IN I THINK A TWO-MONTH PERIOD OR SOMETHING. AND VA PATIENTS ARE LUCKY TO GET A DOCTOR'S APPOINTMENT ONCE EVERY SIX MONTHS. [LB643]

SENATOR McCOY: SO, WE CAN'T HAVE A...UNDER YOUR BILL, WE CAN'T HAVE A TRADITIONAL PHYSICIAN-PATIENT RELATIONSHIP BECAUSE A PHYSICIAN CAN'T PRESCRIBE A SCHEDULE I DRUG, IS WHAT YOU'RE SAYING, CORRECT? [LB643]

SENATOR GARRETT: NO. I'M NOT SAYING THEY CAN'T HAVE A TYPICAL PHYSICIAN-PATIENT RELATIONSHIP. THEY CERTAINLY CAN. BUT THE DOCTOR

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CANNOT WRITE A PRESCRIPTION. YOU CAN'T GO DOWN TO THE CVS PHARMACY OR WALGREENS AND GET MEDICAL CANNABIS BECAUSE IT'S SCHEDULE I. [LB643]

SENATOR McCOY: IF YOU DON'T HAVE...WELL, THEN, OKAY, DOES THE PHYSICIAN THEN DETERMINE THE DOSAGE? [LB643]

SENATOR GARRETT: THE PHYSICIAN MAKES THE CERTIFICATION OF THE DISEASE, AND THEN THE BOARD BACK HERE THAT--AFTER DOING RESEARCH ON THOSE SPECIFIC DISEASES AND AILMENTS--MAKES A DETERMINATION ON WHAT DOSAGES FROM THE EXPERIENCES OF THE OTHER STATES WOULD BE MOST APPROPRIATE FOR THAT PARTICULAR PATIENT, AND THEY ENTER THAT INTO THE SYSTEM. [LB643]

SENATOR McCOY: SO THE BOARD IS GOING TO INDIVIDUALLY REVIEW EACH CASE... [LB643]

SENATOR GARRETT: NO, THEY... [LB643]

SENATOR McCOY: ...TO DETERMINE THE DOSAGE FOR EACH INDIVIDUAL PERSON? [LB643]

SENATOR GARRETT: THE BOARD IS GOING TO MAKE A DETERMINATION AS TO WHAT DOSAGES, OF WHAT PERCENTAGE THC AND THE VARIOUS CANNABIDIOLS ARE MOST EFFECTIVE FOR ALS, MS, SEIZURES OR WHATEVER ELSE. AND WHATEVER THAT PATIENT HAS BEEN DIAGNOSED WITH WILL GET THAT DOSAGE. [LB643]

SENATOR McCOY: SO WE'RE ASKING THE PHARMACIST THEN TO DETERMINE DOSAGE? [LB643]

SENATOR GARRETT: NO. THIS IS BASED ON SCIENTIFIC STUDIES THAT WOULD BE... [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

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SENATOR McCOY: BUT SCIENTIFIC STUDIES, SENATOR, DON'T DICTATE IF YOU HAVE SOMEONE WHO IS 6 FOOT 6 AND 300 POUNDS AND SOMEONE WHO IS 5 FOOT 1 AND 90 POUNDS, RIGHT? [LB643]

SENATOR GARRETT: THAT'S CORRECT. [LB643]

SENATOR McCOY: COULDN'T THOSE TWO SAME PEOPLE HAVE THE SAME AILMENT? AND THE BOARD COULD COME UP WITH A DOSAGE FOR THAT AILMENT, ALS OR ANY SUCH AILMENT, BUT THE DOSAGE WOULD BE RADICALLY DIFFERENT DEPENDING ON BODY TYPE, AGE, A WHOLE HOST OF OTHER FACTORS. WHO DETERMINES THAT? [LB643]

SENATOR GARRETT: THAT'S WHY WE HAVE PHARMACISTS INVOLVED IN THE COMPASSION CENTERS. [LB643]

SENATOR McCOY: BUT PHARMACISTS AREN'T PHYSICIANS, SENATOR GARRETT. SO WE'RE ASKING...WE'RE GOING TO THEN ASK PHARMACISTS...SO WE ARE ASKING PHARMACISTS TO COME UP WITH A DOSAGE. SO THERE WE'RE ASKING THEM TO MAKE A PHYSICIAN RECOMMENDATION. SO IF SOMEONE WALKS IN WITH THAT PHYSICIAN RECOMMENDATION INTO A PHARMACY, AND WE'RE ASKING THAT PHARMACIST TO MAKE A JUDGMENT CALL ON, WELL, I THINK THIS PERSON IS A BODY TYPE THAT THEY SHOULD HAVE THIS DOSE. IS THAT WHAT WE'RE ASKING? [LB643]

SENATOR KRIST: TIME, SENATORS. THANK YOU, SENATOR McCOY AND SENATOR GARRETT. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB643]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. SENATOR GARRETT, COULD YOU YIELD TO...MORE INFORMATION THAN I GUESS...QUESTIONS. [LB643]

SENATOR KRIST: SENATOR GARRETT, WILL YOU YIELD? [LB643]

SENATOR GARRETT: CERTAINLY. [LB643]

SENATOR SCHEER: SENATOR GARRETT, I WAS FOLLOWING DISCUSSION YOU WERE HAVING WITH SENATOR McCOY, AND I'M...BECAUSE WE'VE GOT ESSENTIALLY A NEW BILL IN FRONT OF US WITH THE CHANGES, CAN YOU WALK ME THROUGH THE PROCESS? WE START WITH...YOU WERE TALKING ABOUT THE

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COMMITTEE. WHAT IS THE COMMITTEE'S RESPONSIBILITY, AND HOW LARGE IS IT, AND WHO APPOINTS THEM? [LB643]

SENATOR GARRETT: THE COMMITTEE IS COMPRISED OF FIVE INDIVIDUALS SELECTED BY THE GOVERNOR: ONE INDIVIDUAL FROM EACH CONGRESSIONAL DISTRICT; A LICENSED PHYSICIAN; AND A LICENSED PHARMACIST. [LB643]

SENATOR SCHEER: OKAY. AND THEY CAN BE...WELL, THAT'S...I DON'T WANT TO TRY TO NITPICK. OKAY, SO YOU'VE GOT FIVE INDIVIDUALS, AND ARE THEY NOW EMPLOYEES OF THE STATE, WORKING AS THIS COMMITTEE? IS THAT...WOULD THAT BE MY UNDERSTANDING THEN? [LB643]

SENATOR GARRETT: AS FAR AS BEING EMPLOYEES OF THE STATE, I DON'T KNOW THAT THEY WOULD NECESSARILY BE EMPLOYEES OF THE STATE. WE ORIGINALLY HAD THESE INDIVIDUALS RECEIVING PER DIEM AND WE ELIMINATED THAT AFTER SOME CONCERNS ABOUT PAYING THEM PER DIEM. [LB643]

SENATOR SCHEER: OKAY, WELL, IT...OKAY, WE NOW HAVE A FIVE-MEMBER COMMITTEE, AND THEY MAKE THE DECISION ON EACH INDIVIDUAL OR THEY JUST APPROVE AN INDIVIDUAL TO RECEIVE WHAT TYPE OF CANNABIS OR WHAT FORM THEY WOULD RECEIVE FOR WHATEVER THE AILMENT IS THAT THEY ARE...THE DOCTOR CERTIFIES THEM FOR? [LB643]

SENATOR GARRETT: YEAH, THE DOCTOR WOULD CERTIFY THAT THEY HAVE ONE OF THE QUALIFYING MEDICAL CONDITIONS AND WOULD SEND THE...WOULD HAVE THE PATIENT FILL OUT AN APPLICATION, AND THAT WOULD BE SUBMITTED TO THE BOARD, ALONG WITH THE DOCTOR'S CERTIFICATION. [LB643]

SENATOR SCHEER: OKAY, SO WHEN...SO THAT MIGHT TAKE CARE OF PART OF SENATOR McCOY'S...THE APPLICATION, I'M ASSUMING, THEN WOULD HAVE THE BODY STRUCTURE, MALE, FEMALE, HEIGHT, WEIGHT, AND SO FORTH. WOULD THAT BE...AM I STILL FOLLOWING CORRECTLY? [LB643]

SENATOR GARRETT: I'M SORRY, I DIDN'T CATCH THE LAST PART. [LB643]

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SENATOR SCHEER: THE APPLICATION THAT YOU'RE TALKING ABOUT, I'M ASSUMING THEN THAT HAS THE PHYSICAL ATTRIBUTES OF THE PERSON... [LB643]

SENATOR GARRETT: OH, YES. YES, INDEED. [LB643]

SENATOR SCHEER: OKAY, SO THAT, ALONG WITH THE DOCTOR'S ACKNOWLEDGMENT OF SEEING THEM A MINIMUM OF THREE TIMES FOR WHICHEVER AILMENT WE MAY BE DISCUSSING ABOUT, THEN GOES TO THIS BOARD. AND WHAT DOES THE BOARD DO WITH IT? [LB643]

SENATOR GARRETT: THE BOARD REVIEWS THE REGISTRATION OF THE CERTIFICATION FROM THE DOCTOR AND THE APPLICATION OF THE PATIENT, AND THAT INFORMATION IS REVIEWED AS WELL, AND MAKES THE RECOMMENDATION WHETHER OR NOT TO APPROVE THEM. [LB643]

SENATOR SCHEER: OKAY. AND WE'LL ASSUME THAT THEY ARE APPROVED. THEN WHAT HAPPENS? [LB643]

SENATOR GARRETT: WELL, ONCE A PATIENT HAS RECEIVED THEIR REGISTRY VERIFICATION, THEY CAN ONLY PURCHASE MEDICAL CANNABIS FROM A REGISTERED COMPASSION CENTER. AND TO STAY ENROLLED IN THE REGISTRY PROGRAM, A PATIENT SHALL CONTINUE TO RECEIVE REGULARLY SCHEDULED TREATMENT FOR HIS OR HER QUALIFYING MEDICAL CONDITION FROM THE PARTICIPATING PHYSICIAN AND REPORT CHANGES IN THEIR QUALIFYING CONDITION TO THE PARTICIPATING PHYSICIAN. [LB643]

SENATOR SCHEER: OKAY, AND I'M ASSUMING THE...AND THEY'RE NOT A PHARMACY, BUT I'M SORRY, I'VE ALREADY FORGOTTEN WHAT YOU CALLED IT, AND THAT'S NOT IMPORTANT. BUT ARE THOSE LIMITED IN RELATIONSHIP TO HOW MANY ARE IN THE STATE OR IN A COMMUNITY OR GEOGRAPHICALLY PUT THROUGHOUT THE STATE? [LB643]

SENATOR GARRETT: YES, WE'RE LIMITING IT TO THREE MANUFACTURERS, ONE IN EACH CONGRESSIONAL DISTRICT, AND FOUR COMPASSION CENTERS, OR DISPENSARIES, LIMITED TO FOUR IN EACH ONE OF THOSE CONGRESSIONAL DISTRICTS AS WELL. [LB643]

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SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR SCHEER: OKAY, AND THE COMPASSION CENTERS THEN ESSENTIALLY HAVE ALL THE PRODUCT WITHIN THAT? [LB643]

SENATOR GARRETT: YES. [LB643]

SENATOR SCHEER: SO IF...THEN I GO UP TO THE COMPASSION CENTER AND I JUST GIVE THEM MY NUMBER OR WHATEVER THE ID MIGHT BE AND THEY WOULD KNOW WHAT I WOULD BE PICKING UP THEN. YOU'D HAVE TO HAVE THAT NUMBER. [LB643]

SENATOR GARRETT: YES, YOU WOULD HAVE TO HAVE YOUR REGISTRY NUMBER AND AN ID TO PROVE WHO YOU ARE. [LB643]

SENATOR SCHEER: AND THEN...NOW CORRECT ME IF I'M WRONG. THEN BECAUSE IT IS CANNABIS, DO I--AND I'M ONLY GOING BY WHAT I'VE READ IN COLORADO--DO I HAVE TO PAY FOR THAT PRODUCT WITH CASH THEN? [LB643]

SENATOR GARRETT: YES, YOU WOULD, OR DEBIT CARD. [LB643]

SENATOR SCHEER: OKAY. YOU CAN TAKE DEBIT CARDS? [LB643]

SENATOR GARRETT: I BELIEVE. I THINK YOU COULD TAKE A DEBIT CARD, BUT FOR SURE, CASH. YOU CAN'T USE CREDIT AND YOU CAN'T USE A CHECK. [LB643]

SENATOR SCHEER: OKAY, YOU KNOW, I JUST REMEMBER READING IN RELATIONSHIP TO COLORADO THAT IT WAS CASH ONLY. SO YOU MAY OR MAY NOT BE CORRECT. I... [LB643]

SENATOR GARRETT: IT COULD VERY WELL BE CASH ONLY. I DIDN'T GET INTO THAT. [LB643]

SENATOR SCHEER: OKAY, AND I THINK I'M RUNNING... [LB643]

SENATOR KRIST: TIME, SENATORS. [LB643]

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SENATOR SCHEER: THANK YOU. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR SCHEER AND SENATOR GARRETT.
SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB643]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB643 AND SENATOR GARRETT'S UNDERLYING AMENDMENT. I JUST WANT TO REMIND MY COLLEAGUES THAT, OF COURSE, WE'RE TALKING ABOUT A DRUG THAT DOCTORS WILL PRESCRIBE. SENATOR McCOY, COULD YOU PLEASE ANSWER A QUESTION FOR ME? [LB643]

SENATOR KRIST: SENATOR McCOY, WILL YOU YIELD? [LB643]

SENATOR McCOY: YES. [LB643]

SENATOR PANSING BROOKS: THANK YOU, SENATOR McCOY. I GUESS I'M INTERESTED, AS A NEW PERSON IN THE LEGISLATURE, WHEN WAS THE LAST TIME THAT YOU ALL DISCUSSED A SPECIFIC DRUG? BECAUSE, OF COURSE, IT'S THE FIRST TIME THIS YEAR. [LB643]

SENATOR McCOY: WHAT DO YOU MEAN BY A SPECIFIC DRUG? [LB643]

SENATOR PANSING BROOKS: DID...HAVE YOU LEGISLATED AND CREATED A LAW ON ANY OTHER DRUG THAT WE HAVE IN THE BAILIWICK FOR DOCTORS TO USE? [LB643]

SENATOR McCOY: WELL, OF COURSE. I COULDN'T THINK OF A SPECIFIC ONE OFF THE TOP OF MY HEAD. [LB643]

SENATOR PANSING BROOKS: WHAT DRUG IS IT THAT WE'VE HAD LEGISLATION SPECIFICALLY ON, SO I COULD LOOK THAT UP? [LB643]

SENATOR McCOY: I COULDN'T TELL YOU OFF THE TOP OF MY HEAD, SENATOR PANSING BROOKS. [LB643]

SENATOR PANSING BROOKS: OKAY, THANK YOU SO MUCH. SENATOR CAMPBELL, COULD YOU PLEASE ANSWER A QUESTION? [LB643]

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SENATOR KRIST: SENATOR CAMPBELL, WOULD YOU YIELD TO A QUESTION?
[LB643]

SENATOR CAMPBELL: YES, CERTAINLY. [LB643]

SENATOR PANSING BROOKS: SENATOR CAMPBELL, ARE YOU AWARE OF A SPECIFIC DRUG THAT THE LEGISLATIVE BODY ARGUED AND TRIED TO DETERMINE WHETHER OR NOT IT'S A VALID DRUG OR NOT AND DETERMINED WHETHER OR NOT IT'S DANGEROUS FOR OTHER PEOPLE TO HAVE IN THE HOUSE OR ANYTHING LIKE THAT? [LB643]

SENATOR CAMPBELL: I CANNOT, WITHIN MY RECOLLECTION, IN THE TIME I'VE BEEN ON THE HEALTH AND HUMAN SERVICES COMMITTEE, REMEMBER THAT, BUT I'D HAVE TO DO SOME RESEARCH, SENATOR. I'M NOT SURE I'M GIVING YOU THE BEST ANSWER. [LB643]

SENATOR PANSING BROOKS: THANK YOU VERY MUCH, SENATOR CAMPBELL. I THINK THAT'S PROBABLY BECAUSE GENERALLY IT'S NOT OUR JOB TO LOOK AT A DRUG AND WEIGH ITS PROS AND CONS. THAT'S A DECISION FOR THE MEDICAL PROFESSIONALS THAT SURROUND US. THAT'S A DECISION FOR HEALTH AND HUMAN SERVICES AND IT'S A JOB FOR THE PHYSICIANS WHO TAKE CARE OF US. SO WHEN WE'RE SITTING HERE TRYING TO DECIDE WHETHER OR NOT IT'S SAFE, THAT IT MIGHT GET INTO THE HANDS OF CHILDREN, WELL, WE BETTER START LOOKING AT EVERY DRUG THEN, BECAUSE EVERY OTHER SINGLE DRUG, MORPHINE, ALL THE DIFFERENT DRUGS, ALL THE OPIATES, HOW SAFE ARE THOSE IN OUR HOUSEHOLD IF THEY GET INTO THE HANDS OF CHILDREN? THAT'S NOT THE DISCUSSION HERE. THE DISCUSSION IS, IS THERE A POSSIBILITY THAT A DOCTOR COULD FIND THIS VALUABLE, AND IS IT A VALID PUBLIC POLICY DECISION TO ALLOW THIS MEDICAL MARIJUANA, NOT SOCIAL AND DRUG MARIJUANA BUT MEDICAL MARIJUANA, TO BE ALLOWED TO BE IN A DOCTOR'S TOOL CHEST? THAT'S ALL WE'RE TALKING ABOUT. THIS IS A POLICY ISSUE THAT CAME TO THE JUDICIARY COMMITTEE. NOW EVERYBODY IS TRYING TO JUMP ONTO SENATOR GARRETT'S BACK AND SAY, OH, WELL, YOU DIDN'T THINK OF THIS SPECIFIC RULE; OH, YOU DIDN'T COVER THIS CONTINGENCY. WELL, IT CAME TO JUDICIARY, AND WE LOOKED AT THE BROAD OVERVIEW OF WHETHER OR NOT THIS IS A POSITIVE PUBLIC POLICY DECISION AND THEN THOUGHT THAT HEALTH AND HUMAN SERVICES WOULD MAKE THE SPECIFIC REGULATIONS THAT ARE RELATED TO THAT DRUG. AGAIN, DO WE WANT TO BRING EVERY SINGLE DRUG UP HERE AND LOOK AT THEIR SIDE EFFECTS AND WHAT MIGHT

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HAPPEN IF THEY GET INTO THE HANDS OF SOMEONE ELSE? I DON'T THINK SO, BECAUSE I DON'T THINK THOSE ARE ALL THE ISSUES WE'RE TALKING ABOUT. AND IT'S MY UNDERSTANDING THAT THIS...THE SENATORS THAT WORKED TOGETHER WITH SENATOR GARRETT WORKED TOGETHER TO DETERMINE AND SET A LONGER DATE... [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR PANSING BROOKS: ...SO THAT HEALTH AND HUMAN SERVICES COULD SET UP A VALID AND POSITIVE SET OF RULES THAT WOULD HELP WITH THIS, WITH THE DISSEMINATION OF THIS DRUG. SO AGAIN, SOMEBODY SAID, WELL, HOW WILL THIS BE LITIGATED? WELL, HOW DO YOU LITIGATE MORPHINE OVERDOSE, OR HOW DO YOU LITIGATE IT IF SOMEBODY GETS OPIATES AND SELLS IT? THAT'S NOT THE QUESTION HERE. THE QUESTION IS, SHOULD MEDICAL MARIJUANA BE ALLOWED TO BE A TOOL IN A DOCTOR'S TOOL BAG? THAT'S THE QUESTION. THAT IS THE QUESTION. THERE HAVE BEEN DECADES OF USE OF THIS DRUG. THERE IS NO RECORDED OVERDOSE FROM THIS DRUG. THERE ARE PEOPLE CRYING OUT FOR THEIR DOCTORS TO BE ABLE TO PRESCRIBE IT. THIS CAME TO JUDICIARY, NOT HEALTH AND HUMAN SERVICES. WE DON'T LOOK AT THE DEATH PENALTY AND LOOK AT EVERY SINGLE STEP OF HOW WE PUT SOMEONE TO DEATH. [LB643]

SENATOR KRIST: TIME, SENATOR. [LB643]

SENATOR PANSING BROOKS: WE LOOK AT THE SOCIAL POLICY ISSUE. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR PANSING BROOKS. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB643]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. I DON'T WANT TO PROLONG THIS. LIKE I SAY, OUR INTENT IS TO PULL AM1702 AND INCORPORATE ALL OF SENATOR BEAU McCOY'S AMENDMENTS UP TO THIS POINT WITH SENATOR HARR'S AM1722. BUT AGAIN, I JUST GOT TO TELL YOU, FOLKS, THAT WE HAVE AN OPPORTUNITY IN THE LEGISLATURE TO MAKE LIFE BETTER FOR NEBRASKANS. AND WE DEBATE ALL MANNER OF THINGS, ALCOHOL AND GAMBLING AND A MYRIAD OF OTHER THINGS, CIGAR BARS. HERE IS SOMETHING THAT, DOGGONE IT, AT THE END OF THE DAY, IF YOU HAVEN'T SEEN THE MOMS, THEN YOU'VE BEEN HIDING FROM THEM, YOU'VE BEEN A COWARD, BECAUSE THE MOMS HAVE

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BEEN IN HERE TIRELESSLY, CAMPAIGNING, TRYING TO GET YOU GUYS TO UNDERSTAND THAT THEY'RE OUT OF OPTIONS, THEIR BABIES ARE OUT OF OPTIONS. THEY'VE GOT ALL THESE WONDERFUL MEDICATIONS THAT THEY'VE TRIED. THEY'VE EXHAUSTED EVERY MEDICAL TREATMENT SHORT OF BRAIN SURGERY, AND THEY'RE LOOKING FOR...AND THIS ISN'T A MIRACLE CURE. IT'S NOT GOING TO SOLVE EVERY ONE OF THEIR PROBLEMS. BUT IF IT WAS YOUR CHILD, ASK YOURSELF, IF IT WAS YOUR CHILD THAT THE NEXT STEP WAS BRAIN SURGERY OR YOU HAD THIS ONE CHANCE THAT MAYBE MEDICAL MARIJUANA COULD HELP, I CANNOT FATHOM HOW YOU WOULD NOT WANT TO DO THIS. ANY OF YOU THAT ARE PARENTS KNOW WHAT IT'S LIKE TO HOLD YOUR CHILD. IT'S JUST AMAZING TO ME. WE KEEP TALKING ABOUT THIS LIKE IT'S...LIKE WE'RE TALKING ABOUT A BUNCH OF STONERS GETTING HIGH. EVERYONE HAS THIS PERCEPTION BECAUSE OF MARIJUANA AND ALL THE PEOPLE WHO ABUSE IT TO GET HIGH. THIS IS NOT WHAT WE'RE TALKING ABOUT, LADIES AND GENTLEMEN, COLLEAGUES. THIS...AND I'VE SAID FROM DAY ONE, HELP US TO MAKE THIS BILL AS AIRTIGHT AS WE CAN POSSIBLY MAKE IT. WE DON'T...THOSE OF US WHO SUPPORT THIS BILL DON'T WANT IT TO BE ABUSED. SENATOR McCOY WAS BRINGING UP SOME GOOD POINTS ON SOME THINGS. HEY, I WISH WE WOULD HAVE HAD THAT EARLIER SO WE COULD HAVE PUT THAT INTO THE BILL. WE'VE BEEN BEGGING FOLKS TO GIVE US INPUT ON THIS. AT THE END OF THE DAY, THIS IS ALL ABOUT PEOPLE WHO HAVE NO OTHER OPTIONS. AND AGAIN, WE'RE NOT PUSHING IT ON ANYBODY. NOT EVERY DOCTOR IS GOING TO WANT TO PRESCRIBE THIS. NOT EVERY PATIENT IS GOING TO WANT IT. BUT, MY GOD, FOR THE PEOPLE WHO ARE HURTING AND AILING...AND TO DENY THE EVIDENCE THAT 24 OTHER STATES HAVE ALREADY SEEN FIT TO DO THIS, GUAM, THE DISTRICT OF COLUMBIA, THE...AH, AND 12 OTHER STATES LOOKING AT IT. THE FRONT PAGE OF TIME MAGAZINE, THE FRONT PAGE OF NATIONAL GEOGRAPHIC HAVE ARTICLES ABOUT THIS AND THEY DECRY THE FACT THAT THE FEDERAL GOVERNMENT HAS SLOW ROLLED EVERYBODY ON THIS. WHY HAVE THEY DONE THAT? YOU KNOW, I HATE TO BE THE CONSPIRACY THEORIST HERE, BUT, BOY, BIG "PHARMA" SURE HAS A LOT TO LOSE IF MEDICAL MARIJUANA GETS PASSED IN ALL 50 STATES. THINK OF ALL THE MEDICATIONS. EVERY OTHER TV COMMERCIAL YOU SEE ON TV IS FOR A BIG "PHARMA" COMMERCIAL AND THERE ARE A LIST OF A MILLION AND ONE SIDE EFFECTS. HOW MUCH DO YOU THINK THEY'RE GOING TO LOSE WHEN BROOKE LAWLOR GETS \$35,000 A YEAR WORTH OF MEDICATIONS ON MEDICAID THAT DON'T WORK, HOW MUCH DO YOU THINK BIG "PHARMA" IS GOING TO SUFFER WHEN THIS...WHEN MEDICAL MARIJUANA BECOMES COMMON THROUGHOUT ALL THE STATES? COLLEAGUES, I JUST DON'T GET IT. YOU HAVE TO BE PRETTY STONE COLD TO RUN AWAY FROM THESE MOMS WHO ARE PLEADING AND BEGGING FOR HELP. YOU TURN YOUR

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BACK ON THESE MOMS AND THESE PEOPLE THAT SHOWED UP BEFORE THE JUDICIARY COMMITTEE. I JUST CAN'T BELIEVE IT. YOU KNOW WHAT'S BETTER, YOU KNOW. [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. IF YOU HAD TAKEN THE TIME TO DO THE RESEARCH AND DO THE STUDIES ON THIS AND LOOK AT THE INFORMATION THAT'S OUT THERE, I JUST DON'T KNOW HOW YOU CANNOT SUPPORT THIS. DON'T MAKE PEOPLE BEG FOR MEDICINE. DON'T MAKE THEM BEG. THIS IS NOT THE...IT GOES BACK TO THAT REEFER MADNESS THING. THIS IS NOT REEFER MADNESS. THIS IS ABOUT SUPPORTING SICK AND AILING NEBRASKANS. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR GARRETT. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB643]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I CAN ONLY IMAGINE THE STORIES THAT THE JUDICIARY COMMITTEE HEARD IN THEIR TESTIMONY. I THINK WE HEAR A LOT OF STORIES IN THE HEALTH AND HUMAN SERVICES COMMITTEE THAT ARE HEARTRENDING, HEARTBREAKING, AND HEART-TUGGING. AND I UNDERSTAND THAT WE ARE DETERMINING AND LOOKING AT A PUBLIC POLICY. BUT QUITE FRANKLY, WE ALSO NEED TO BE IN...ENSURE THAT THE BILL WE PUT FORWARD HAS THE FRAMEWORK THAT WILL ACHIEVE THE RESULTS THAT WE WANT. BECAUSE IF WE DO NOT PUT THAT IN PLACE, THEN IT IS CRUEL TO FAMILIES TO GET HUNG UP WITH, OH, WE DIDN'T PUT THE RIGHT FRAMEWORK IN PLACE. AND REALLY, THAT WAS SENATOR GLOOR'S AND MY CONCERNS AS WE SAT DOWN AND FIRST TALKED TO SENATOR GARRETT. AND I WANT TO THANK SENATOR GARRETT. THERE'S A NUMBER OF SENATORS THAT WOULD HAVE SAID, THANK YOU VERY MUCH, I'VE HEARD ALL I NEED TO, I'VE DONE ALL THE STUDIES, BUT HE DIDN'T. HE WAS WILLING TO LISTEN. AND HERE ARE SOME OF THE THINGS THAT I FELT NEEDED TO BE CHANGED. I FELT THE TIME LINE WAS INADEQUATE AND I ASKED SENATOR GARRETT'S AIDE TO PUT FORWARD A WRITTEN DESCRIPTION OF THE TIME LINE, BECAUSE I FELT IT WAS TOO TIGHT IN TERMS OF THE RULES AND REGULATIONS AND ALL THAT NEEDED TO BE ACHIEVED. AND TO SENATOR GARRETT'S CREDIT, THEY MADE A CHANGE. I FELT THAT THE MANUFACTURING AND THE DISTRIBUTION NEED TO BE SEPARATED. IT GOES BACK TO THE KINDS OF SECURITY AND QUESTIONS THAT SENATOR BOLZ WAS ASKING, WHICH ARE VALID, AND THEY SEPARATED THEM. I

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FELT THAT THE LABORATORY NEEDED TO PROVIDE AN INDEPENDENT REVIEW TO THE MANUFACTURER AND NO DOUBT IT WILL BE IN THE RULES AND REGS TO THE DEPARTMENT. IT GOES TO THE CONCERN THAT HAS BEEN EXPRESSED. I ALSO FELT THAT WE NEEDED TO CLARIFY THE OVERSIGHT THAT'S IN THE DEPARTMENT. THEY ARE GOING TO PROVIDE THE RULES AND REGS, BUT WHAT IS OUR EXPECTATIONS OF THAT DEPARTMENT? AND THROUGHOUT THE REVISED AMENDMENT YOU WILL SEE THAT. IN PARTICULAR, LOOK AT SECTION 49. SECTION 49 SAYS THAT THE DEPARTMENT OR ITS DESIGNEE MAY EXAMINE RECORDS, BUSINESS AFFAIRS, PRACTICES, AND CONDITIONS. THAT GOES TO WHAT SENATOR BOLZ WAS ASKING. IT'S A VALID QUESTION. I ALSO WAS CONCERNED THAT THE PATIENT WOULD PAY A FEE. IN WHAT OTHER INSTANCE DO WE REQUIRE A PATIENT TO REGISTER? IT WAS TAKEN OUT. SENATOR GLOOR AND I ALSO TALKED TO THEM ABOUT, WHAT ABOUT LOCAL ZONING PRACTICES? AND SENATOR GARRETT AND THE LEGAL FOLKS ADDRESSED THAT. ONE OF THE QUESTIONS ASKED ON THE FLOOR WAS, WHAT ABOUT THE DOSAGES? HOW ARE THESE DETERMINED? PLEASE TAKE A LOOK AT SECTION 21, AND IT EXPLAINS HOW THE DEPARTMENT WILL HAVE TO DO THAT. IN SECTION 34, IT ALSO EXPLAINS HOW THE PHARMACIST WILL CONSULT WITH THE PATIENT. I AM VERY HOPEFUL THAT, WITH THE CHANGES THAT HAVE BEEN MADE, WE HAVE PROVIDED A SUFFICIENT STRUCTURE AND FRAMEWORK FOR THE POLICY DECISION THAT WE HAVE TO MAKE. AND SO I WOULD HOPE THAT YOU WOULD TAKE A VERY SERIOUS LOOK... [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR CAMPBELL: ...AT THE AMENDED VERSION THAT IS BEFORE YOU AND WHICH WE WILL PROBABLY SEE ADDITIONAL. BUT THE FRAMEWORK HAS TO BE THERE TO MAKE THE PUBLIC POLICY WORK. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB643]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. FOR ME, THIS IS NOT SO MUCH ABOUT THE WHAT. IT'S...AT THIS STAGE OF THE DEBATE, FOR ME, IT'S ABOUT THE HOW: HOW DO WE DO THIS IN A WAY THAT ALL FAMILIES CAN FEEL COMFORTABLE WITH? AND I DO APPRECIATE YOUR COMMENTS, SENATOR CAMPBELL, ABOUT THE SYSTEMS AND THE STRUCTURES THAT HELP US HAVE CONFIDENCE THAT THIS COULD WORK. BUT I DO HAVE ANOTHER CONCERN I'D

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LIKE TO ADDRESS, AND SENATOR McCOY STARTED DOWN THIS PATH, AND THE QUESTION RELATES TO HOW THE APPROPRIATE MEDICATIONS GET TO THE APPROPRIATE PERSON IN THE APPROPRIATE DOSAGE BECAUSE, FRANKLY, THE ONLY THING I CAN THINK OF THAT'S WORSE THAN HAVING A SICK CHILD WOULD BE GIVING A SICK CHILD A MEDICATION THAT MAKES THEM MORE SICK OR MAKES THEM SICK FOR THE REST OF THEIR LIVES OR INADVERTENTLY GETS IN THE HANDS OF THEIR LITTLE BROTHER OR SISTER AND MAKES THEM SICK. THAT IS THE ONLY THING THAT IS WORSE. SO ACTUALLY, SENATOR CAMPBELL, WOULD YOU YIELD TO A QUESTION? [LB643]

SENATOR KRIST: SENATOR CAMPBELL, WILL YOU YIELD? [LB643]

SENATOR CAMPBELL: CERTAINLY. [LB643]

SENATOR BOLZ: THANK YOU, SENATOR CAMPBELL. I'M HAVING A DIFFICULT TIME HAVING CONFIDENCE IN HOW THIS ALL FLOWS FORWARD BECAUSE THIS IS NOT FDA APPROVED. I... YOU KNOW, TO SENATOR PANSING BROOKS'S POINT, I DON'T PARTICULARLY THINK THAT THIS IS THE BEST FORUM TO BE DEBATING MEDICATIONS. BUT ABSENT THE FDA APPROVAL, THIS IS WHERE WE'RE AT. SO MY CONCERN IS THAT THERE'S SORT OF... WHAT I'M UNDERSTANDING IS THAT THERE'S A MULTISTEP PROCESS THAT A DOCTOR CERTIFIES, BUT A PHARMACIST ACTUALLY PUTS TOGETHER THIS DOSAGE, THIS MEDICATION, BASED ON A SCHEDULE FROM THE BOARD. AND MY CONCERN IS, CAN A PHARMACIST ETHICALLY AND EFFECTIVELY PUT TOGETHER THAT MEDICATION FOR AN INDIVIDUAL AT THE RIGHT THC LEVEL WITHOUT PUTTING THAT PERSON IN A PRECARIOUS POSITION? I MEAN, IN A NORMAL SITUATION, THERE WOULD BE A PRESCRIPTION AND THE PHARMACIST WOULD FILL IT. CAN YOU HELP ME SORT THROUGH THE ETHICS AND THE EFFECTIVENESS OF HOW ALL OF THIS WOULD WORK FOR PUTTING TOGETHER THE RIGHT MEDICATION FOR THE RIGHT PERSON AT THE RIGHT TIME? [LB643]

SENATOR CAMPBELL: SENATOR BOLZ, I HAVE TO SAY, I SPENT TIME ON THIS. I'M NOT SURE I CAN GIVE YOU ALL THE EXACTING DETAILS. BUT THERE ARE TRACKING NUMBERS. THE PATIENT HAS A NUMBER. THE DOSAGE THAT'S GIVEN HAS A NUMBER. I KNOW THAT SENATOR GARRETT... ONE OF THE QUESTIONS I HAD IS, HAVE YOU SAT DOWN WITH PHYSICIANS AND PHARMACISTS AND LOOKED THROUGH THIS? AND I THINK WHAT THEY'VE TRIED TO DO IS BE AS SPECIFIC AS THEY CAN TO ENSURE THAT THE RIGHT TRACKING NUMBER FOR THE RIGHT DOSE GOES AND THAT THE MANUFACTURER AND THE DISTRIBUTOR

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ARE KEEPING VERY GOOD RECORDS OF THAT. THE CONSULTATION WITH THE PHYSICIAN AND THE PHARMACIST BY THE PATIENT IS CRITICAL. [LB643]

SENATOR BOLZ: SENATOR CAMPBELL, ARE YOU ABLE TO ANSWER FOR ME, WHO MAKES THE FINAL DECISION ABOUT WHAT THIS THC-LEVEL PACKAGE OF MEDICATION ACTUALLY GETS PUT TOGETHER AS AND HANDED TO THE PATIENT? WHO MAKES THAT FINAL DECISION ABOUT WHAT THAT IS AND WHAT IT LOOKS LIKE AND WHAT IT CONTAINS? [LB643]

SENATOR CAMPBELL: WELL, IN THE SECTION 21, YOU MIGHT WANT TO TAKE A LOOK AT THAT ONE BECAUSE IT DETAILS OUT ABOUT HOW THE DOSAGES ARE TO BE DETERMINED AND PUT TOGETHER AND ON THE WEB SITE OF THE DEPARTMENT. THEN I WOULD SAY THAT THE PHARMACIST AND THE PHYSICIAN WILL MAKE THAT FINAL DETERMINATION BECAUSE IT...SORRY. [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR BOLZ: THE PHARMACIST AND THE PHYSICIAN TOGETHER WILL MAKE THAT DETERMINATION? AND THE PHARMACIST AND THE PHYSICIAN TOGETHER WILL MAKE THAT DETERMINATION BASED ON THE SCHEDULE, BUT THE SCHEDULE WOULD NOT REQUIRE A SPECIFIC PACKAGE OF MEDICATION? BASED ON THE SCHEDULE, THERE WOULD BE SOME DETERMINATION BETWEEN THE PHARMACIST AND THE DOCTOR? [LB643]

SENATOR CAMPBELL: THAT IS HOW I SEE THE TWO WORKING TOGETHER, AS THEY WOULD NOW. [LB643]

SENATOR BOLZ: AND CAN A DOCTOR AND A PHARMACIST ETHICALLY DO THAT? CAN THEY DO THAT WITHOUT HAVING RECOMMENDATIONS FROM THE FDA ABOUT WHAT THAT SHOULD BE AND HOW IT SHOULD LOOK LIKE? [LB643]

SENATOR CAMPBELL: I WOULD SAY THAT THAT'S A QUESTION YOU PROBABLY NEED TO ADDRESS TO SENATOR GARRETT IN TERMS OF THEIR CONVERSATIONS WITH THE PHARMACISTS. [LB643]

SENATOR BOLZ: OKAY. WELL, I APPRECIATE YOUR INSIGHT, SENATOR CAMPBELL. IF I HAVE ENOUGH TIME, I WOULD ASK SENATOR GARRETT THAT SAME QUESTION, IF HE'S AVAILABLE. [LB643]

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SENATOR KRIST: TIME, SENATOR. [LB643]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR BOLZ AND SENATOR CAMPBELL.
SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB643]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND GOOD EVENING, EVERYONE. YOU KNOW, ONE OF MY CONCERNS WITH WHERE WE ARE RIGHT NOW IS THE PRACTICE THAT WE ARE DOING TONIGHT AND THE POLICIES THAT WE FOLLOW AS A LEGISLATURE. AND I BELIEVE WHOLEHEARTEDLY IN OUR COMMITTEE SYSTEM AND HOW THAT WORKS. AND ONE OF THE BEAUTIES OF OUR LEGISLATURE IS EVERY BILL HAS ITS OPPORTUNITY TO HAVE A HEARING. MY CONCERN IS THAT THE BILL THAT WE ARE CURRENTLY LOOKING AT HAS NEVER HAD THAT OPPORTUNITY. AND I TRACKED THIS THROUGH ON GENERAL FILE ABOUT WHERE WE STARTED WITH THIS AS FAR AS SENATOR GARRETT'S FIRST GREEN-COPY BILL, A COMPLETE AMENDMENT TO THAT BEFORE THE HEARING, ANOTHER COMPLETE AMENDMENT TO THAT AFTER THE HEARING, AND ONE THEN RIGHT BEFORE WE STARTED ON GENERAL FILE. AND THAT ONE WAS THE ONE THAT WAS VOTED OUT OF COMMITTEE. AND I AM ON THE JUDICIARY COMMITTEE. I WAS THE ONE NO VOTE TO BRING THE BILL OUT OF COMMITTEE, BECAUSE PEOPLE ON THE COMMITTEE HAD SIMPLY NOT HAD TIME TO REALLY READ THE BILL AND UNDERSTAND THE BILL. WE WERE HANDED THE BILL AS WE WALKED INTO THE JUDICIARY COMMITTEE MEETING ON APRIL 20. FORTUNATELY, I HAD RECEIVED THE BILL, SO I HAD IT OVER THE WEEKEND AND REVIEWED IT. BUT I KNOW AT LEAST FIVE OF THE MEMBERS OF THE COMMITTEE HAD NOT HAD THAT OPPORTUNITY. AND YET IT WAS VOTED OUT OF COMMITTEE. BUT THEN IT CHANGED AGAIN, SINCE THEN. AND NOW, AS YOU NOTICED, WE HAVE BEEN HANDED ANOTHER COMPLETE WHITE-COPY AMENDMENT CREATED BY SENATOR BURKE HARR, AM1722. I'M CONCERNED WITH THIS PROCESS THAT WE ARE MAKING A SIGNIFICANT CHANGE TO OUR CURRENT LAW. AND I HAVE MET SENATOR GARRETT WITH THESE MOTHERS, AND I AM VERY EMPATHETIC AND SYMPATHETIC TO THEIR PLIGHT. AND I WOULD BE DOING EXACTLY THE SAME THING THAT THEY ARE DOING IF I WERE IN THEIR SHOES. BUT WE AS THE 49 SENATORS IN HERE ARE NOT IN THEIR SHOES. WE ARE CHARGED WITH MAKING PUBLIC POLICY FOR EVERYONE IN OUR STATE, PUBLIC POLICY THAT IS SOUND, PUBLIC POLICY THAT CAN BE FOLLOWED. AND I AM CONCERNED BECAUSE THERE HAVE BEEN QUESTIONS AND ANSWERS GIVEN THIS EVENING THAT SIMPLY ARE NOT CORRECT UNDER THE BILL THAT WE HAVE IN FRONT OF US, THAT I'VE HAD THE OPPORTUNITY TO SPEND ALMOST ALL OF TODAY

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ANALYZING. AND ONE OF THOSE THINGS ARE THE QUESTIONS THAT WERE JUST GOING FROM SENATOR BOLZ TO SENATOR CAMPBELL ABOUT THE DOCTOR'S ROLE AND THE PHARMACIST'S ROLE. AND IT'S CLEAR, ON PAGE 14, BEGINNING AT LINE 6, UNDER SECTION 30, THE ROLE OF THE DOCTOR. AND THE DOCTOR HAS NOTHING TO DO WITH THE, QUOTE, PRESCRIBING, END QUOTE. AS DOCTOR GARRETT...OR SENATOR GARRETT MENTIONED, IT'S NOT REALLY PRESCRIBING, BUT THE DOCTOR SIMPLY DETERMINES THAT HIS PATIENT HAS ONE OF THESE ILLNESSES THAT'S DESCRIBED IN THIS BILL. AND I WOULD REMIND YOU THAT THE BILL WE HAD LAST WEEK ON GENERAL FILE HAD NINE AILMENTS LISTED. THE CURRENT ONE NOW HAS 17, YOU KNOW, DIFFERENT THINGS COVERED WITH THIS. BUT THE DOCTOR CERTIFIES THAT THE PATIENT HAS THIS CONDITION, THAT HE HAS SEEN HIM OR HER THREE TIMES, AND THEN THEY GIVE THEM THE INFORMATION PROVIDED BY THE DEPARTMENT. AND WE GET CONFUSED OF THIS BOARD AND THE DEPARTMENT. AND IT'S REALLY THE DEPARTMENT, HHS, THAT SENATOR CAMPBELL OVERSEES, THAT HAS THE RESPONSIBILITY THEN OF PUTTING TOGETHER WHAT ARE THESE DOSAGES FOR DIFFERENT AILMENTS THAT WILL BE SENT TO THE PATIENTS THAT THEY THEN TAKE TO THE CANNABIS CENTER AND RECEIVE FROM THE PHARMACIST THERE THEIR MARIJUANA. SO I HAVE A REAL CONCERN WITH THAT PROCESS THAT WE HAVE GONE THROUGH,... [LB643]

SENATOR KRIST: TIME, SENATOR. [LB643]

SENATOR WILLIAMS: ...THAT WE WILL GO THROUGH. THANK YOU. [LB643]

SENATOR KRIST: THANK YOU, SENATOR WILLIAMS. AND I APOLOGIZE, I MISSED YOUR ONE-MINUTE CALL. MR. CLERK FOR ANNOUNCEMENTS. [LB643]

CLERK: A FEW ITEMS, MR. PRESIDENT. LB265 IS REPORTED CORRECTLY ENGROSSED, AS IS LB265A, LB320A, LB500, AND LB500A, THOSE ALL REPORTED CORRECTLY ENGROSSED. TO BE PRINTED: A MOTION WITH RESPECT TO LB268, SENATOR McCOY; SENATOR NORDQUIST TO LB623. AND A NEW RESOLUTION, LR349, BY SENATOR HOWARD. THAT WILL BE LAID OVER. THAT'S ALL THAT I HAVE, MR. PRESIDENT. THANK YOU. (LEGISLATIVE JOURNAL PAGES 1732-1733.) [LB265 LB265A LB320A LB500 LB500A LB268 LB623 LR349]

SENATOR KRIST: SENATOR HILKEMANN, YOU ARE RECOGNIZED. [LB643]

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SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I'M STILL NOT CONVINCED, I THINK, ON THIS BILL. I HAD A CONTACT FROM A LADY WHO IS THE...IN CHARGE OF THE HEARTLAND FAMILY SERVICES. WE HAD A LONG TALK ON THE PHONE ABOUT A WEEK AGO. AND SHE GAVE ME PERMISSION TO READ SOME OF THE COMMENTS OR SOME OF THE THINGS THAT WE TALKED ABOUT, AND SO THAT PROBABLY WOULD BE THE EASIEST THING THEN. AND SHE'S WORKED FOR OVER 13 YEARS IN THE PREVENTION AND TREATMENT OF DRUGS. AND SHE SAYS, I SPEAK WITH KIDS ON A DAILY BASIS, AND THEY ARE SO CONFUSED ABOUT THE MESSAGES THAT THEY ARE SEEING WITH THE MARIJUANA. IT DOESN'T SEEM, QUOTE UNQUOTE, THAT BAD TO USE IT BECAUSE IT IS MEDICINE IN MANY STATES. AND THEY ARE CONSTANTLY BOMBARDED WITH THAT MESSAGE FROM OUR MAINSTREAM MEDIA, NEWS DOCUMENTARIES, MOVIES, MUSIC, ETCETERA. THE BOTTOM LINE IS THAT WE HAVE A LOT OF HURTING KIDS OUT THERE FOR MANY REASONS. NO MATTER THE REASON, MANY OF THEM WILL CHOOSE TO ABUSE ALCOHOL OR DRUGS TO FORGET ABOUT WHY THEY ARE HURTING. IF WE LEGALIZE MEDICAL MARIJUANA IN NEBRASKA, THIS WILL EXPONENTIALLY INCREASE ACCESS TO THIS DANGEROUS DRUG FOR THESE YOUNG PEOPLE AND ALL PEOPLE. IT ALSO SENDS THE MESSAGE THAT MARIJUANA USE IS NOT DANGEROUS AND USING IT WILL NOT PUT ME AT RISK TO LOSE THOSE THINGS THAT ARE IMPORTANT TO ME. I TALKED WITH HER ABOUT THE REQUIREMENTS THAT WE HAVE IN HERE FOR REGULATIONS, AND SHE SAID WE HAVE 23 STATES NOW THAT HAVE LEGALIZED MARIJUANA FOR MEDICAL PURPOSES IN SOME FORM. TWENTY-THREE OTHER STATES, SHE SAYS, HAVE FAILED TO REGULATE THE MEDICAL MARIJUANA AND KEEP IT OUT OF THE HANDS OF PEOPLE, YOUNG AND OLD, WHO WANT TO USE IT TO GET HIGH. JUST BECAUSE WE DON'T WANT IT TO HAPPEN, SHE SAYS, DOES NOT MEAN THAT IT WON'T HAPPEN. UNFORTUNATELY, IT IS INEVITABLE. WE NEED TO USE THESE 23 OTHER STATES' FAILED EXPERIMENTS TO SHOW US THAT IT IS NOT POSSIBLE TO LEGALIZE MEDICAL MARIJUANA AHEAD OF THE REGULATORY PROCESS. WE NEED THE FDA APPROVAL PROCESS TO HAPPEN ON THIS ISSUE. AS MANY HAVE SAID, I AM CONCERNED BECAUSE I, TOO, HAVE MET WITH THOSE PEOPLE WHO PROBABLY MAY BE AFFECTED WITH IT. THIS IS A HUGE STEP THAT WE'RE TAKING IN THIS STATE. WHAT ABOUT THIS BILL IS DIFFERENT FROM ALL OF THE OTHER STATES? WE'RE GETTING THESE CHANGES. THEY'RE COMING IN HERE LAST MINUTE ON THIS. WE...SOME OF US...I'VE BEEN TRYING TO READ THROUGH THIS NOW WHILE I'VE BEEN SITTING HERE. I'M JUST VERY CONCERNED THAT WE DON'T START ON THE SLIPPERY SLOPE AND THAT WE GO FROM MEDICINAL MARIJUANA AND THEN PRETTY SOON IT'S INTO THE...I DON'T LIKE TO EVEN PUT THOSE TWO TOGETHER. BUT IT DOES HAPPEN, AND I HAVE TALKED WITH PHYSICIANS THROUGH...IN MY PROFESSION AND OTHERS THAT IT IS A DEFINITE CONCERN.

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AND I JUST WANT US TO BE EXTREMELY CAREFUL OF HOW WE DO IT, IF WE'RE GOING TO DO THIS, AND I WOULD JUST CAUTION US ALONG THAT LINE. [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR HILKEMANN: I'M NOT GOING TO LIVE OR DIE AND SCREAM AND YELL IF THIS HAPPENS TO GO THROUGH. I HAVE TOLD SENATOR GARRETT I WILL GIVE HIM A CLOTURE VOTE BECAUSE I THINK THAT THIS ISSUE IS TOO IMPORTANT NOT FOR...FOR THIS BODY NOT TO MAKE A DECISION ON IT. BUT I WILL NOT BE VOTING FOR LB643 AT THIS TIME. THANK YOU. [LB643]

SENATOR KRIST: THANK YOU, SENATOR HILKEMANN. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB643]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES, ONCE AGAIN. AND I DO APPLAUD SENATOR GARRETT FOR HIS PASSION. BUT, COLLEAGUES, WE MUST SORT PASSION FROM THROWING PUNCHES. I UNDERSTAND HIS FRUSTRATION, BUT I ALSO UNDERSTAND THAT WE ARE TALKING ABOUT A DRUG, BE IT MEDICAL OR BE IT PERCEIVED AS RECREATIONAL, BUT IT IS A DRUG. IT'S BEEN ALSO SAID THAT IT IS NOT FDA APPROVED. I WOULD BE MUCH MORE COMFORTABLE IF WE WERE THE FDA DISCUSSING THIS TONIGHT, OR THE DEA, BUT WE'RE NOT. ON ONE HAND, I'M HEARING THAT NO ONE HAS EVER OVERDOSED, BUT WHY IN THE STATUTES DID WE INCLUDE THE ABILITY ON PAGE 25 FOR THE HEALTH AND HUMAN SERVICES DIVISION TO ADDRESS OVERDOSE? THEY WILL DISCUSS...THEY WILL FIGURE OUT REGULATION OF LAW ENFORCEMENT, HEALTHCARE, AND OVERDOSE. THAT'S IN THE STATUTE. SO APPARENTLY, THERE MAY BE A POTENTIAL FOR OVERDOSE. SO WHAT WE'RE SAYING ON THE MIKE IS NOT SYNCING WITH WHAT WE ARE SAYING IN STATUTE. I AM UNCOMFORTABLE TO TURN PEOPLE INTO HUMAN LABORATORIES AND HAVE THEM TEST THIS. WE'RE NOT TALKING ABOUT ADVIL. AND ARE THE PHARMACISTS EQUIPPED AND EDUCATED ON DISPENSING, ON WHAT THE OUTCOMES? WILL OUR COLLEGES BE PREPARED TO SEND GRADUATES OUT THE DOOR KNOWING HOW TO DEAL WITH THIS? AND WHAT ABOUT OUR PHYSICIANS? CURRENTLY, IS IT A GP, A GENERAL PRACTITIONER? OR LOOKING AT THE LIST OF AILMENTS, AND IT KEEPS GROWING ON THIS LIST FROM THE LAST TIME WE SAW IT, GOING FROM CHRONIC PAIN AND LUPUS, HUNTINGTON'S DISEASE, PARKINSON'S DISEASE, SHOULD THIS BE A NEUROLOGIST? OR SPINAL CORD INJURY...SCHIZOPHRENIA, WOULD THIS BE A PSYCHIATRIST? WHAT SPECIALTIES, OR IS THERE NO SPECIALTY? I BELIEVE

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THAT THERE IS A LOT OF SPECIFICS AND DETAILS HERE THAT WE'RE THROWING AT THE HEALTH AND HUMAN SERVICES IN A SHORT TIME. AND AGAIN, WE CAN BE REASONABLE TO DISAGREE, TO DEBATE, TO LOOK AT WHAT LACK OF TRUE KNOWLEDGE WE HAVE. AND WHAT EXPERTISE ARE WE LACKING HERE? AND THE DOCTORS, YOU KNOW, ARE THEY COMFORTABLE WITH THESE TIME LINES? SENATOR CAMPBELL HAS LEFT THE FLOOR, BUT OTHERS MAY RECALL THE DEBATE WE HAD HERE WHEN WE WERE ATTEMPTING TO RATE DAY-CARE AND CHILDCARE PROVIDER FACILITIES ON DIFFERENT SCALES. AND HEALTH AND HUMAN SERVICES NEEDED TWO YEARS JUST TO GET THEIR WEB SITE OPERATIONAL AT THAT POINT. BUT WE TOOK A LOT OF TIME AND A LOT OF CARE BEFORE WE DECIDED HOW TO WORK WITH OUR CHILDREN IN A DAY-CARE SITUATION. AND NOW, FOR KIDS, FOR THESE LITTLE ONES THAT WE MIGHT NOT BE PREPARED ON, YOU KNOW, WHAT IS THE DOSAGE? WHAT WILL THE OUTCOME BE? YOU KNOW, IS IT ALL POSITIVE? THE TESTS ARE STILL OUT THERE. I'M NOT COMFORTABLE UNTIL WE GET THAT GOLD SEAL OF APPROVAL AND OUR PHYSICIANS COME FORWARD. UNO HANDLED EBOLA. [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR BRASCH: THEY COULD WRITE US A LETTER SAYING THAT WE CAN TAKE CARE OF THIS. I'D LIKE TO SEE THAT LETTER SAYING, ALL IS WELL, LEGISLATURE, WE'RE PREPARED, OUR STUDENTS ARE PREPARED, OUR DOCTORS ARE PREPARED, OUR PHARMACISTS ARE PREPARED. I THINK WE'RE NOT READY YET. THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. [LB643]

SENATOR KRIST: THANK YOU, SENATOR BRASCH. SENATOR McCOY, YOU'RE RECOGNIZED. SENATOR McCOY. [LB643]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. AM I BEING RECOGNIZED TO CLOSE? I APOLOGIZE, I WAS ON THE PHONE. [LB643]

SENATOR KRIST: NO, SIR, YOU WERE IN THE QUEUE. I'M RECOGNIZING YOU TO TALK. [LB643]

SENATOR McCOY: OKAY, THANK YOU. I APOLOGIZE. I WASN'T SURE WHAT. I'M GOING TO CONTINUE WITH A FEW COMMENTS I GUESS I HAVE FROM SOME THINGS THAT HAVE BEEN SAID SINCE I WAS LAST ON THE MICROPHONE AND SOME CONTINUED CONCERNS THAT ARE OUTLINED IN SOME OF THE AMENDMENTS THAT I HAD DRAFTED, THE FIRST ONE OF WHICH WE HAVE IN

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FRONT OF US. AND I GUESS I WOULD ADD TO WHAT SENATOR BOLZ SAID. AND SENATOR PANSING BROOKS GOT ME ON THE MICROPHONE A LITTLE BIT EARLIER TO ASK ME A QUESTION OF, DO WE TALK ABOUT INDIVIDUAL DRUGS? AND THE ANSWER I WOULD HAVE TO THAT IS, AFTER I GAVE IT A LITTLE BIT OF THOUGHT AND TRIED TO THINK BACK GENUINELY AND FIND OUT WHEN THE LAST TIME WE HAD A DISCUSSION ABOUT A DRUG, AND THE ANSWER IS, I DON'T KNOW THAT WE EVER HAVE, BECAUSE THAT'S WHAT THE FOOD AND DRUG ADMINISTRATION AND THE DEA DO FOR US. THAT'S THEIR ROLE. WE DON'T TALK ABOUT INDIVIDUAL DRUGS BECAUSE THAT'S REGULATED BY THE FEDERAL GOVERNMENT. BUT AS SENATOR BOLZ SAID, WE DON'T HAVE THAT LUXURY WITH THIS ISSUE BECAUSE WE'RE DEALING WITH A DRUG THAT IS NOT ALLOWABLE UNDER FEDERAL LAW. I THINK THAT'S VERY DISCONCERTING. THE OTHER THING I WOULD SAY, AND IF SHE WERE HERE I'D ASK HER A QUESTION, BUT IN RESPONSE TO SENATOR PANSING BROOKS, YOU KNOW, SHE OPPOSED THE LB330 THAT WE TALKED ABOUT YESTERDAY, THE POWDERED ALCOHOL BILL, AS DID I. AND I THINK WE SHARED SIMILAR CONCERNS ABOUT THIS, IN MY OPINION, DANGEROUS SUBSTANCE REACHING THE HANDS OF CHILDREN. WELL, COULD YOU NOT MAKE...AND I CERTAINLY BELIEVE THAT YOU CAN. THAT'S WHY I OPPOSED THIS BILL, AS WELL. YOU CAN MAKE THE SAME CASE FOR THIS BILL, THE VERY SAME CASE. WE HAVE NO IDEA, WITH A PHYSICIAN NOT MAKING A DOSING DECISION, A PRESCRIBING DECISION, WE HAVE NO IDEA HOW THIS WILL RESULT IN AN INDIVIDUAL PATIENT. YOU KNOW, ANOTHER QUESTION I WOULD HAVE THAT I WOULD POSE IS, DO PHARMACISTS... YOU KNOW, THERE IS A GOOD REASON WHY, AND I DON'T THINK WE HAVE ONE OF OUR...WELL, THE ATTORNEY THAT I WOULD ASK THIS QUESTION TO WOULD BE SENATOR HARR. I DON'T SEE HIM HERE IN THE CHAMBER. BUT I DON'T BELIEVE, AND I'LL GET SOME CLARIFICATION ON THIS, MEMBERS, THAT PHARMACISTS HAVE THE MALPRACTICE COVERAGE THAT PHYSICIANS DO. SO COULD THEY EVEN TECHNICALLY BE COVERED ON A LIABILITY STANDPOINT IF THEY MAKE A DOSING JUDGMENT AND THERE IS A TRAGEDY THAT RESULTS? I WOULD IMAGINE THAT THE INSURANCE COVERAGE THEY HAVE, THE MALPRACTICE COVERAGE THEY HAVE, EVEN IF THEY HAVE MALPRACTICE COVERAGE...I'M NOT ENTIRELY SURE IN THE STATE OF NEBRASKA. I'LL DO SOME CHECKING TO FIND OUT. THAT'S JUST ONE OF THE THINGS I THOUGHT OF AS WE WERE SITTING HERE WITH SOME BACK-AND-FORTH. THAT'S WHY PHYSICIANS HAVE MALPRACTICE INSURANCE. IF THEY MAKE AN INCORRECT DIAGNOSIS AND A TRAGEDY HAPPENS, THERE IS THAT PROTECTION FOR THE PATIENTS. WHERE IS THAT TYPE OF PROTECTION FOR PATIENTS IN THIS STANDPOINT? WELL, THERE CAN'T BE, BECAUSE THERE ISN'T THE TRADITIONAL PHYSICIAN-PATIENT RELATIONSHIP. WE ARE ASKING PHARMACISTS... WE ARE PUTTING... [LB643 LB330]

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SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR McCOY: ...PHARMACISTS IN A LOSE-LOSE SITUATION. WE ARE ASKING THEM TO BE A PHYSICIAN. ONE OF OUR FAMILY'S VERY, VERY GOOD FRIENDS IS A PHARMACIST AND SHE IS A WONDERFUL PHARMACIST. BUT I WOULD IMAGINE, IF I WERE TO ASK HER, AND I HAVEN'T HAD THE OPPORTUNITY, SHE IS GOING TO SAY, I DIDN'T GO TO SCHOOL TO BE A PHYSICIAN, I WENT TO SCHOOL TO BE A PHARMACIST, I DON'T DIAGNOSE, I DON'T WRITE A PRESCRIPTION, I FILL A PRESCRIPTION. THAT'S NOT COVERED IN AM1702, AND IT'S NOT COVERED IN SENATOR HARR'S OTHER REWRITE TO THE BILL. AS SENATOR WILLIAMS OUTLINED, THIS HAS BEEN REWRITTEN OVER A HANDFUL OF TIMES NOW. THIS BILL NEEDS TO SIT AND WAIT FOR ANOTHER SESSION. [LB643]

SENATOR KRIST: TIME, SENATOR. THANK YOU, SENATOR McCOY. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB643]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. YOU KNOW, THE INTERNET IS A WONDERFUL THING BECAUSE YOU CAN GET ALL KINDS OF INFORMATION FROM IT. AND I'VE BEEN SPENDING SOME TIME RESEARCHING THE SUBJECT MATTER THAT WE'RE TALKING ABOUT TODAY. THE DRUG IS...IT HAS, AS ITS SOURCE, PLANT MATERIAL LONG ASSOCIATED WITH ILLICIT DRUG USE. THE METHOD USED TO PRODUCE IT IS TO EXTRACT FROM THE CRUSHED PLANT WITH DILUTED SULFURIC ACID NOT SO STRONG AS TO REACT WITH THE MOLECULES OF THE ALKALOID. THE EXTRACTION IS PERFORMED IN MANY STEPS. ONE AMOUNT OF THE CRUSHED PLANT IS EXTRACTED AT LEAST SIX TO TEN TIMES, SO PRACTICALLY EVERY BIT GOES INTO THE SOLUTION. FROM THE SOLUTION OBTAINED AT THE LAST EXTRACTION STEP, THE DRUGS ARE PRECIPITATED BY EITHER AMMONIUM HYDROXIDE OR SODIUM CARBONATE. THE LAST STEP IS PURIFYING AND SEPARATING THE DRUG FROM OTHER CHEMICALS IN THE PLANT. THE SOMEWHAT SIMILAR GREGORY PROCESS WAS DEVELOPED IN THE UNITED KINGDOM DURING THE SECOND WORLD WAR WHICH BEGINS WITH STEWING THE ENTIRE PLANT, IN MOST CASES SAVE THE ROOTS AND LEAVES IN PLAIN OR MILDLY ACIDIC WATER, AND THEN PRODUCING (SIC--PROCEEDING) THROUGH PROCEDURES OF STEPS OF CONCENTRATION, EXTRACTION, AND PURIFICATION. OTHER METHODS OF PROCESSING USE STEAM OR ONE OR MORE OF SEVERAL TYPES OF ALCOHOL OR OTHER ORGANIC SOLVENTS. THE DRUG IS USED TO RELIEVE MODERATE TO SEVERE PAIN. IT ACTS ON THE CENTRAL NERVOUS SYSTEM TO RELIEVE THE PAIN PATH. EXTENDED-RELEASE CAPSULES OR TABLETS SHOULD NOT BE USED IF YOU NEED PAIN MEDICATION FOR A SHORT TIME, SUCH AS WHEN

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RECOVERING FROM SURGERY. DO NOT USE THIS MEDICINE TO RELIEVE--AND THIS IS FROM THE MAYO CLINIC SITE--TO RELIEVE MILD PAIN OR IN SITUATIONS WHEN OTHER MEDICATION IS EFFECTIVE. THE MEDICINE SHOULD NOT BE USED TO TREAT PAIN THAT YOU ONLY HAVE ONCE IN A WHILE OR "AS NEEDED." THE DRUG IS USED FOR A LONG TIME. IT MAY BECOME HABIT FORMING, CAUSE MENTAL OR PHYSICAL DEPENDENCE. HOWEVER, PEOPLE WHO HAVE CONTINUING PAIN SHOULD NOT LET FEAR OF DEPENDENCE KEEP THEM FROM USING DRUGS TO RELIEVE THAT PAIN. MENTAL DEPENDENCE, ADDICTION, IS NOT LIKELY TO OCCUR WHEN NARCOTICS ARE USED FOR THIS PURPOSE. PHYSICAL DEPENDENCE MAY LEAD TO WITHDRAWAL SIDE EFFECTS IF TREATMENT IS STOPPED SUDDENLY. HOWEVER, SEVERE WITHDRAWAL SIDE EFFECTS CAN USUALLY BE PREVENTED BY GRADUALLY REDUCING THE DOSE OVER A PERIOD OF TIME BEFORE STOPPING IT COMPLETELY. THE MEDICINE IS AVAILABLE IN CAPSULE FORM. IN DECIDING TO USE IT, THE RISK OF TAKING THE MEDICINE MUST BE WEIGHED AGAINST THE GOOD IT WILL DO, THE DECISION YOU AND YOUR DOCTOR WILL MAKE. FOR THIS MEDICINE, THE FOLLOWING SHOULD BE CONSIDERED: TELL YOUR DOCTOR IF YOU HAVE ANY UNUSUAL OR ALLERGIC REACTION TO THIS MEDICINE OR ANY OTHER MEDICINE. ALSO, TELL YOUR HEALTHCARE PROFESSIONAL IF YOU HAVE ANY OTHER TYPES OF ALLERGIES, SUCH AS FOOD, DYES, PRESERVATIVES, OR ANIMALS. FOR NONPRESCRIPTION PRODUCTS, READ THE LABEL OR PACKAGE INGREDIENTS CAREFULLY. APPROPRIATE STUDIES HAVE NOT BEEN PERFORMED ON THE RELATIONSHIP OF AGE TO THE EFFECT OF THE DRUG IN THE PEDIATRIC POPULATION. SAFETY AND EFFICACY HAVE NOT BEEN ESTABLISHED. APPROPRIATE STUDIES TO DATE HAVE NOT DEMONSTRATED GERIATRIC-SPECIFIC PROBLEMS THAT WOULD LIMIT THE EFFECTIVENESS OF THE DRUG IN THE ELDERLY. HOWEVER, ELDERLY PATIENTS ARE MORE LIKELY TO HAVE AGE-RELATED LUNG, LIVER, KIDNEY, OR HEART PROBLEMS WHICH MAY REQUIRE CAUTION AND AN ADJUSTMENT IN THE DOSE FOR PATIENTS RECEIVING THE DRUG IN ORDER TO AVOID POTENTIALLY SERIOUS SIDE EFFECTS. ANIMAL STUDIES HAVE SHOWN AN ADVERSE EFFECT. AND THERE ARE NO ADEQUATE STUDIES IN PREGNANT WOMEN OR IN...OR ANIMAL STUDIES HAVE BEEN CONDUCTED AND THERE ARE NO ADEQUATE STUDIES IN PREGNANT WOMEN. STUDIES IN WOMEN SUGGEST THAT MEDICATION POSES MINIMAL RISK TO THE INFANT WHILE USING DURING BREAST FEEDING. [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR SCHUMACHER: USING THIS MEDICINE WITH ANY OF THE FOLLOWING MEDICATION USUALLY IS NOT RECOMMENDED BUT MAY BE REQUIRED IN SOME

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CASES, AND THEN IT GOES ON TO LIST 100 POSSIBLY CONFLICTING DRUGS. OH, THE PLANT IS THE MOTHER OF HEROIN AND OPIUM. IT IS THE POPPY AND THE DRUG IS MORPHINE. WE ARE EXPERIENCING A CASE OF HYSTERIA IN THIS BODY. THANK YOU. [LB643]

SENATOR KRIST: THANK YOU, SENATOR SCHUMACHER. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB643]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I'VE BEEN LISTENING VERY CLOSELY TO ALL THE QUESTIONS AND ALL THE COMMENTS. I'M TRYING TO DETERMINE HOW TO GO ABOUT MAKING A DECISION AND PART OF MY PROBLEM IS THE CONFUSION THAT WE ALL ARE HAVING. AND PART OF THE CONFUSION IS THIS ISN'T A NORMAL OR THE USUAL PROCESS THAT PEOPLE WILL RECEIVE MEDICATION. IT DOESN'T HAVE THE NORMAL DOCTOR-PATIENT RELATIONSHIP. THE DOCTOR DOESN'T WRITE A PRESCRIPTION. HE WRITES A CERTIFICATE OF NEED OR WHATEVER WE WANT TO CALL IT. IT GOES TO A DIFFERENT BODY TO DETERMINE WHAT TYPE AND WHAT STRENGTH OF PRODUCT THE PATIENT WOULD RECEIVE. THAT'S DIFFERENT. USUALLY THE DOCTOR DOES THAT. WE TALKED ABOUT THE PHARMACIST BEING INVOLVED, BUT THE ONLY TIME I HEARD ABOUT A PHARMACIST WAS THAT...ON THE FIVE-MEMBER COMMITTEE, ONE OF WHICH WAS A PHARMACIST, ONE WAS A DOCTOR. AND THEN WE TALKED ABOUT THE COMPASSION CENTERS WHERE THE PEOPLE THAT WOULD BE WANTING THESE PRODUCTS WOULD GO TO. YOU KNOW, I... YOU KNOW, WHEN THEY WERE RUNNING AROUND SAYING, ARE YOU SUPPORTIVE OR AGAINST IT, I SAID, YOU KNOW, I DON'T KNOW, I DON'T KNOW ENOUGH TO BE SUPPORTIVE OR AGAINST IT. BUT I'VE GOTTEN A LOT OF QUESTIONS, AND IT DOESN'T HELP WHEN WE ASK QUESTIONS AND TEMPERS FLY AND PEOPLE GET DEFENSIVE. THIS ISN'T MY BILL. WHEN PEOPLE ASK QUESTIONS, THEY DESERVE AN ANSWER. AND WE SHOULDN'T BE CHASTISED, BECAUSE WE ASK QUESTIONS, THAT WE'RE NOT COMPASSIONATE. I THINK WE'RE ALL COMPASSIONATE. BUT WE'RE HERE TO DO A JOB. AND THIS HAS NOTHING TO DO WITH COURAGE. THIS HAS EVERYTHING TO DO WITH DOING OUR JOB. THIS IS COMPLETELY DIFFERENT THAN ANYTHING ELSE THAT WE'VE DONE. WE SEEM TO BE DOING THAT A LOT. YOU KNOW, I AM CONCERNED HOW WE GO ABOUT THE ACTUAL DISTRIBUTION OF THAT PRODUCT. I DON'T THINK IT'S GOING TO BE A PHARMACIST THAT'S GOING TO BE MIXING A BLEND FOR SOMEBODY. SO WHERE DOES THE TRAINING COME FROM? WHO CONTROLS THE TRAINING? WHO MAKES SURE THAT THEY ALL ARE TRAINED? WHAT TYPE OF CERTIFICATE DO YOU GIVE SOMEBODY LIKE THAT? YOU KNOW, I DON'T KNOW. THESE ARE ALL THINGS OUT THERE THAT I'M NOT SURE OF. IT JUST SEEMS THAT THERE IS A LOT OF QUESTIONS STILL LEFT

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UNANSWERED. I AM COMPASSIONATE, AND I CARE ABOUT THE CITIZENS, STATE OF NEBRASKA, AND I WANT TO MAKE SURE THAT, IF THEY RECEIVE SOMETHING, THEY'RE NOT RECEIVING SOMETHING THAT'S GOING TO HURT THEM WORSE THAN THEY ALREADY DO. I DON'T KNOW THAT YOU CAN HAVE AN OVERDOSE FROM THIS, HAVE NO IDEA. BUT IT'S IN THE BILL THAT WE HAVE TO WORRY ABOUT IT. YOU KNOW, THE QUESTIONS NEED TO BE ANSWERED. THE PROCESS NEEDS TO BE BETTER DEFINED. [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I LOOKED, AS SENATOR CAMPBELL ASKED US TO LOOK AT SECTION 49. BUT AS I WAS LOOKING AT THE AUDIT, I DON'T KNOW, MY MIND GOES DIFFERENT PLACES. YOUR PHARMACIST IS AUDITED FOR INVENTORY. IF THEY'RE SUPPOSED TO HAVE 112 OXYCONTIN PILLS THAT ARE 10 MILLIGRAM OR 40 MILLIGRAM, THEY DANG WELL BETTER HAVE 112 CAPSULES. I DON'T SEE ANYWHERE WHERE THEY WERE INVENTORYING THEIR INVENTORY LEVELS AS AN AUDIT. THEY BUY THE MATERIAL AND THEY SELL THE MATERIAL, BUT IT DOESN'T SAY ANYWHERE THERE THAT THEY'RE HELD RESPONSIBLE FOR WHATEVER IS IN THERE OR IS NOT THERE. SO IS STUFF GOING OUT THE BACK DOOR? IS THE RIGHT MEDICATION BEING SERVED? HOW DO WE CONTROL THESE? I THINK THESE ARE ALL LEGITIMATE POLICY QUESTIONS. AND I THINK IT'S OUR JOB TO MAKE SURE THAT WE DO DUE DILIGENCE. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. THOSE STILL WISHING TO SPEAK: SENATOR RIEPE, GROENE, BLOOMFIELD, FRIESEN, KINTNER, AND OTHERS. SENATOR RIEPE, YOU ARE RECOGNIZED. [LB643]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT AND MEMBERS OF THIS AUGUST GROUP OF NEBRASKANS. I FIRST WANTED TO ADDRESS THE POINT THAT THERE WERE COMMENTS THAT SENATOR McCOY HAD FAILED TO RESPOND TO THE CONSTITUENTS OF HIS FROM ELKHORN AND HER DAUGHTER BROOKE. AND I'D LIKE TO SAY THAT, WELL, THAT'S NOT MY DISTRICT. I DID, IN FACT, RESPOND TO HER THREE DIFFERENT TIMES. AND I TOLD HER WHERE I STOOD ON THIS BILL AND THAT I CARED VERY MUCH FOR HER DAUGHTER, NOT AS MUCH AS SHE DID, AND SO FOR THREE TIMES, SO SHE DID GET SOME ATTENTION. IT MAY NOT HAVE BEEN FROM HER PARTICULAR SENATOR, BUT I THINK, AS WE SAY, WE ALL REPRESENT THE ENTIRE STATE AND I...MY HEART DID GO OUT TO HER BECAUSE, AS SENATOR WILLIAMS HAS SAID, IF IT WAS MY GRANDCHILD OR MY CHILD I

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WOULD PROBABLY BE EQUALLY AS CONCERNED AND LOOKING AT EACH AND EVERY OPTION THAT I COULD, PROBABLY WITH NO REGARD FOR MONEY. I ALSO WOULD LIKE TO RESPOND OR REACT WITH SOME FACTS, NOT OPINIONS, NOT EMOTIONS. THIS IS WHAT I CALL EXPERT TESTIMONY. FOR THOSE OF YOU WHO KNOW, AND I THINK I KNOW FAIRLY WELL, THERE ARE ALL KINDS OF DIFFERENT DOCTORS. THERE ARE DOCTORS THAT ARE ALLERGISTS. THERE ARE DOCTORS THAT ARE OPHTHALMOLOGISTS. AND, QUITE FRANKLY, I'D BE HERE TO TELL YOU THAT, WHEN YOU SEEN ONE DOCTOR, YOU'VE SEEN ONE DOCTOR. YOU MIGHT ALSO SEE OR HEAR OF A DERMATOLOGIST. THESE ARE NOT THE KINDS OF DOCTORS THAT YOU MIGHT WANT TO BE WRITING ANY KIND OF A PRESCRIPTION. YOU ALSO MIGHT HAVE THE MISFORTUNE OF RUNNING INTO A PROCTOLOGIST WHO WOULD WANT TO GIVE YOU THE MEDICAL MARIJUANA IN A SUPPOSITORY, AND I DON'T THINK THAT THAT WOULD BE TO YOUR ADVANTAGE, EITHER. THAT WAS SUPPOSED TO BE FUNNY. OKAY. ANYWAY, MY EXPERT WITNESS THAT I WANTED TO TALK A LITTLE BIT ABOUT WAS THE PRESIDENT OF THE AMERICAN EPILEPSY SOCIETY STATED, AND I QUOTE-- ACADEMIC CORRECTNESS IS IMPORTANT TO ME--TO HAVE LEGISLATURES GO FORWARD WITHOUT CLEAR AND WELL-ESTABLISHED MECHANISMS TO DETERMINE IF THERAPIES ARE SAFE AND EFFECTIVE POSE RISK TO PEOPLE WHO CHOOSE TO USE THAT THERAPY. AND THAT QUOTE IS DIRECTLY FROM THE WALL STREET JOURNAL ON AN ARTICLE TITLED, "MARIJUANA EXTRACT FOR CHILDREN WITH EPILEPSY IS QUESTIONED," DATED MARCH 24 (SIC--23), 2015, SO IT'S VERY TIMELY, IF YOU WILL. I ALSO NOTICED THAT THIS PAST WEEK, IN FACT, THIS WAS MAY 1 AND 3, IN THE LINCOLN JOURNAL STAR, IN THE ARTICLE THERE WAS THAT DENVER HALTS MARIJUANA SALES OVER CONTAMINATION CONCERNS. MY POINT IN BRINGING SOME OF THESE OUT IS THAT IT'S VERY SERIOUS, WITH A LOT OF MOVING PARTS, AS WE TRY TO ENTER SOMETHING THAT IS THIS WAY. I ALSO HAVE A VERY LARGE CONCERN IN THE FACT THAT WE ARE EITHER (A) TRYING TO ACT LIKE THE FOOD AND DRUG ADMINISTRATION, OR WE'RE TRYING TO PRACTICE MEDICINE IN THIS CHAMBER AND I THINK THAT THAT...BY SETTING POLICY THAT WE DON'T KNOW A LOT ABOUT. THE FDA HAS CRACKED DOWN ON MEDICAL MARIJUANA. AND THIS ARTICLE NOTES THE PRODUCTS ALSO ARE MISBRANDED. THEIR LABELS FAIL TO BEAR ADEQUATE DIRECTIONS FOR USE. THIS GOES ON AND ON AND ON. I ALSO HAVE A COUPLE OF QUESTIONS THAT I WOULD LIKE TO ASK SENATOR GARRETT, IF HE WOULD YIELD TO THOSE QUESTIONS, SENATOR GARRETT. [LB643]

SENATOR KRIST: SENATOR GARRETT, WILL YOU YIELD? AND ONE MINUTE.
[LB643]

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SENATOR RIEPE: THANK YOU, SIR. [LB643]

SENATOR GARRETT: YES, I WILL. [LB643]

SENATOR RIEPE: THANK YOU, SENATOR GARRETT. IN THE HEARING WITH THE JUDICIARY COMMITTEE, I'D LIKE TO KNOW WHY THE NEBRASKA PHARMACY ASSOCIATION TOOK A NEUTRAL POSITION. [LB643]

SENATOR GARRETT: I DON'T WANT TO ANSWER FOR THEM. BUT WE HAD WORKED WITH THEM. WE HAD WORKED WITH THEIR LOBBYIST AND SAT DOWN WITH THEM. THEY HAD SOME CONCERNS. THEY WANTED US TO RESCHEDULE FROM SCHEDULE I TO SCHEDULE II. THEY FELT THAT THEY NEEDED TO DO THAT TO BE A PARTICIPANT WHEN, IN FACT, THEY DON'T. MINNESOTA AND SOME OTHER STATES ARE DOING IT WITHOUT RESCHEDULING, SO...BUT... [LB643]

SENATOR RIEPE: OKAY. THANK YOU. I HAVE A SECOND QUESTION: WHY DIDN'T THE NEBRASKA MEDICAL ASSOCIATION TESTIFY IN SUPPORT? THEY WERE NOT...THEY WERE A NO SHOW. [LB643]

SENATOR GARRETT: I MET...ACTUALLY, THERE WAS A REPRESENTATIVE. DR. LINDA FORD WAS THERE FROM THE AMA. AND I HAD MET WITH HER PERSONALLY TO ASK ABOUT THEIR... [LB643]

SENATOR KRIST: TIME, SENATORS. THANK YOU, SENATOR RIEPE AND SENATOR GARRETT. [LB643]

SENATOR RIEPE: WELL, THANK YOU, SIR. THANK... [LB643]

SENATOR KRIST: SENATOR GROENE, YOU'RE RECOGNIZED. [LB643]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I SIT NEXT TO SENATOR GARRETT. AND I'VE DELAYED A DECISION ON THIS A LONG TIME, AND HE KNOWS THAT. I DIDN'T VOTE ON THE FIRST ROUND AT ALL, MAINLY BECAUSE OF SENATOR GARRETT AND HIS PASSION. BUT I CAN'T SUPPORT LB643. I TOLD HIM I JUST CAN'T DO IT MAINLY BECAUSE OF WHAT MY CONSTITUENTS WANT ME TO DO. I'VE...I WISH THEY COULD TAKE SENATOR CRAWFORD'S AND SENATOR GARRETT'S AND DO ONE STUDY INSIDE A HOSPITAL WARD OR SOMETHING AND PEOPLE CAME TO IT AND EVERYTHING WAS DOCUMENTED, DOSAGES, MEDICAL

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DOCTORS OBSERVING. THAT'S WHAT I CALL SCIENCE. BUT WE'RE NOT HAVING THAT. IF THEY COULD DO THAT, I WOULD PROBABLY...AND EVERYBODY WHO WANTED IT AS BAD AS THEY WANT IT COULD TRAVEL TO OMAHA OR DO SOMETHING AND TRY IT. BUT THAT'S NOT WHAT'S HAPPENING HERE. I TALKED TO THE MOST RESPECTED FAMILY PHYSICIAN IN OUR COMMUNITY OF NORTH PLATTE, OUR BIGGEST COMMUNITY, BEEN A DOCTOR 35 YEARS, PLEASANT MAN. I ASKED HIM WHAT HE THOUGHT. HE SAID, MIKE, I DON'T WANT TO COMMENT BUT I WILL TELL YOU THIS. I'VE SEEN IT ALL. WITH THE RIGHT DOSAGES OF PRESCRIPTION MEDICINE DONE RIGHT, I'VE CONTROLLED MOST EVERYTHING I'VE SEEN. HE SAID, AND BESIDES, ANYTHING BEYOND THAT I CAN'T ANSWER. HE SAID, I'M A FAMILY PRACTITIONER. NEUROSURGEONS, NEUROLOGISTS SHOULD BE HANDLING THAT AND THOSE PRESCRIPTIONS, NOT A FAMILY DOCTOR. HE SAID, I WOULDN'T DEEM MY ABILITIES TO DO THAT. I TALKED TO ONE OF THE MOST WIDELY RENOWNED HOLISTIC HEALERS IN THIS STATE. HE'S INTO CHIROPRACTICS; HE'S INTO HEALING. HE SAID, I HAVE CURED A LOT OF THINGS--OR SHE SAID--I'VE DONE A LOT, AMAZING THINGS WITH HOLISTICS. HE SAID...I SAID, WHAT DO YOU THINK OF MARIJUANA? HE SAID, I'VE NEVER SEEN IT...IT ONLY MASKS AND HOLISTICALLY WE CURE. WE DO NOT MASK SYMPTOMS. BUT THAT'S WHAT MARIJUANA DOES. IT MASKS THE SYMPTOMS, HEALS NOTHING, CURES NOTHING. I'VE A PERSONAL EXPERIENCE. I HAD A FRIEND IN HIGH SCHOOL, SMALL TOWN, EPILEPTIC SEIZURES BAD. WE HAD TO WATCH HIM ALL THE TIME. BUT HE GOT INTO MARIJUANA AND HE WAS WORSE IN THE COLLEGE DAYS. IT DIDN'T HELP HIM. THAT'S A PERSONAL EXPERIENCE BECAUSE THAT'S WHAT WE'RE GOING ON HERE, FOLKS. WE'RE NOT GOING ON ANY SCIENTIFIC EVIDENCE. EARLIER, I HEARD SENATOR PANSING BROOKS SAY...ASK, WHAT'S THE LEGISLATURE DOING ON MEDICINE? WE NEVER DO ANYTHING ON MEDICAL. THAT'S THE FDA. THE ONLY THING WE RULE ON IS ILLEGAL DRUGS. SENATOR WILLIAMS HAD A BILL. WE HAVEN'T SEEN IT ON THE FLOOR YET. I CAN'T THINK OF ONE IN HISTORY WHERE WE'VE TAKEN ONE ILLEGAL DRUG, MORPHINE, HEROIN, HASHISH, AND LATER ON IN OUR HISTORY OF CIVILIZATION WE TURNED IT INTO A MEDICINE AND SAID IT'S...LET'S LEGALIZE IT, WHEN THE GENERATIONS BEFORE US KNEW THE DAMAGE THESE DRUGS WOULD DO AND THEY OUTLAWED THEM. NO, I UNDERSTAND. I'VE GOT A NIECE WHO IS A HOLISTIC OUT IN OREGON, TALKED TO HER. SHE SAYS, YES, IT WORKS, UNCLE MIKE. SHE SAID, I SEE IT, I DON'T PRESCRIBE IT, I CAN'T, BUT FOR THE ELDERLY AND IT GIVES THEM APPETITE, NAUSEA AND STUFF. BUT, I SAID, WHAT ABOUT A GENERAL MEDICINE THAT CURES? IT DOESN'T CURE ANYTHING. [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

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SENATOR GROENE: IT MASKS. IT MASKS SYMPTOMS. AND IF I WAS...I'M GOING TO YIELD BECAUSE I PROMISED SENATOR BOLZ I WOULD YIELD HER A MINUTE, IF SHE'LL TAKE IT. [LB643]

SENATOR KRIST: SENATOR BOLZ, ONE MINUTE. [LB643]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR GROENE. AS OUR TIME TOGETHER WANES THIS EVENING, I REMAIN OPEN-MINDED AND OPENHEARTED TO THIS IDEA, BUT I ALSO REMAIN CONCERNED. AND I WANTED TO PUT OUT TO SENATOR GARRETT AND OUT TO THE BODY MY TWO HEART-AND-SOUL CONCERNS ABOUT WHERE WE'RE AT RIGHT NOW. THE FIRST IS IT REMAINS UNCLEAR TO ME SPECIFICALLY, EXACTLY, WHO IS RESPONSIBLE AND HOW THE RESPONSIBILITY FLOWS FOR PRECISELY WHO PUTS TOGETHER THE PACKAGE OF MEDICATION, THE RIGHT MEDICATION FOR THE RIGHT PERSON AT THE RIGHT TIME. AND ONE OF THE REASONS THAT I'M CONCERNED IS THAT THIS IS A SCHEDULE I DRUG. AND IF YOU HAVEN'T BEEN TAUGHT ABOUT IT IN SCHOOL AND YOU DON'T HAVE THE FDA TO RELY ON, HOW DO YOU ETHICALLY AND PRACTICALLY PRESCRIBE THIS DRUG? IF THIS IS A DRUG THAT WE HAVEN'T EVEN BEEN ABLE TO STUDY BECAUSE IT IS A SCHEDULE I DRUG, HOW DO WE KNOW WE'RE DOING IT CORRECTLY? I DON'T BRING THOSE CONCERNS TO TRY TO HOLD BACK THE PROGRESS THAT IS SO DESPERATELY NEEDED FOR PEOPLE WHO ARE SICK. [LB643]

SENATOR KRIST: TIME, SENATOR. [LB643]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR GROENE AND SENATOR BOLZ. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB643]

SENATOR BLOOMFIELD: QUESTION. [LB643]

SENATOR KRIST: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO SEE FIVE HANDS. MR. SPEAKER, COULD YOU APPROACH THE CHAIR, PLEASE? THERE HAS BEEN A REQUEST FOR A CALL OF THE HOUSE. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB643]

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CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB643]

SENATOR KRIST: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS SEILER, KUEHN, BURKE HARR, CHAMBERS, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR SEILER, PLEASE RETURN TO CHAMBER. THE HOUSE IS UNDER CALL. EVERYONE IS ACCOUNTED FOR. JUST TO REVIEW EVERYONE'S MEMORY, REFRESH EVERYONE'S MEMORY, THE QUESTION WAS CALLED. I SAW FIVE HANDS. SO THE QUESTION BEFORE YOU IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB643]

CLERK: 29 AYES, 8 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB643]

SENATOR KRIST: DEBATE DOES CEASE. SENATOR McCOY, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB643]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. LET ME TAKE A FEW MINUTES AND TALK ABOUT WHAT THIS AMENDMENT DOES SINCE THE DISCUSSION HAS BEEN FAIRLY FAR RANGING AND HASN'T DEVOTED ITSELF A TREMENDOUS AMOUNT TO THE ACTUAL AMENDMENT, WHICH IS FINE. THAT'S TO BE EXPECTED ON AN ISSUE SUCH AS THIS. BUT LET ME EXPLAIN WHAT THIS AMENDMENT DOES. IT'S, TO BE CLEAR, NOT A FILIBUSTER AMENDMENT. THIS IS A SERIOUS AMENDMENT. AND IF YOU LOOK AT SENATOR GARRETT'S AMENDMENT, AM1702, ON PAGE 4, STARTING IN LINE 28 AND CONCLUDING IN LINE 31, IT SAYS, "NOTHING IN THE MEDICAL CANNABIS ACT REQUIRES THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO THE MEDICAL ASSISTANCE ACT TO REIMBURSE AN ENROLLEE OR A PROVIDER UNDER THE MEDICAL ASSISTANCE PROGRAM FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF CANNABIS." AGAIN, THE IMPORTANT WORD HERE AND THE WORD THAT MY AMENDMENT, AM1711, CHANGES, THE IMPORTANT WORD WOULD BE "REQUIRES." IN OTHER WORDS, SENATOR GARRETT'S AMENDMENT, THE WAY I INTERPRET IT, AND I THINK, SENATOR GARRETT, HE AND I MAY DISAGREE ON THE UNDERLYING TENETS OF THIS LEGISLATION, BUT I THINK FOR THE PURPOSE OF HIS AMENDMENT IT WAS MEANT TO SAY THAT OBVIOUSLY WE'RE NOT GOING TO REQUIRE MEDICAID TO PAY FOR SOMEONE'S MEDICAL MARIJUANA. MY

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AMENDMENT VERY SIMPLY CHANGES THE WORD "REQUIRES" TO THE WORD "ALLOWS." SO WE VERY CLEARLY AND UNEQUIVOCALLY SAY, IF THIS LEGISLATION WERE TO GO FORWARD, THAT WE DO NOT WANT A GOVERNMENT ASSISTANCE PROGRAM TO PAY FOR SOMEONE'S MEDICAL MARIJUANA. I THINK TO DO SO WOULD ENTER INTO A TERRITORY WHERE WE WOULD NOT WANT TO BE AND I THINK WE OPEN UP A WHOLE HOST OF OTHER ISSUES IF THAT WERE TO TAKE PLACE. THAT'S VERY SIMPLY ALL THAT THIS AMENDMENT DOES, CHANGES ONE WORD, THE WORD "REQUIRES" TO THE WORD "ALLOWS," AND...BUT NOT TO MEAN THAT WE'RE ALLOWING, TO MAKE IT REALLY CONFUSING AT 8:35 AT NIGHT. BUT I JUST WANT TO MAKE IT VERY CLEAR FOR THOSE WHO WERE OUTSIDE OF THE CHAMBER WHO ARE NOW COMING BACK INTO THE CHAMBER WHAT THIS DOES. AGAIN, THIS SIMPLY WOULD SAY WE ARE NOT GOING TO ALLOW A MEDICAL ASSISTANCE PROGRAM TO PAY FOR SOMEONE'S MEDICAL MARIJUANA. THAT'S ALL THIS AMENDMENT DOES. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR McCOY. YOU HAVE HEARD THE CLOSING ON AM1711. THE QUESTION BEFORE YOU IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB643]

CLERK: 22 AYES, 9 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB643]

SENATOR KRIST: THE AMENDMENT IS NOT ADOPTED. RAISE THE CALL. MR. CLERK. [LB643]

CLERK: SENATOR, DO I UNDERSTAND CORRECTLY THAT YOU WISH TO WITHDRAW AM1702? [LB643]

SENATOR GARRETT: YES. [LB643]

CLERK: AND AS I UNDERSTAND IT, SENATOR, WE WOULD THEN PROCEED, AS A SUBSTITUTE, SENATOR BURKE HARR'S AM1722. [LB643]

SENATOR GARRETT: YES. [LB643]

SENATOR KRIST: NO OBJECTIONS, SO ORDERED. [LB643]

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CLERK: SENATOR HARR, AM1722. (LEGISLATIVE JOURNAL PAGE 1734.) [LB643]

SENATOR KRIST: SENATOR HARR, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB643]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I WANT TO KIND OF CHANGE THE TONE OF THIS DEBATE A LITTLE BIT. I WANT TO THANK SENATOR GARRETT. HE HAS GREAT PASSION FOR THIS CAUSE AND THIS BILL. AND SENATOR McCOY EARLIER TALKED ABOUT THIS BILL IS VERY TRANSFORMATIONAL. IT'S GOING TO HAVE A LARGE EFFECT. AND WE NEED TO BE DILIGENT. WE NEED TO READ THIS BILL LINE FOR LINE. AND WE HAVE TO REALLY THINK ABOUT THE RAMIFICATIONS OF WHAT WE'RE DOING. AND I AM NOT AN EXPERT ON THE HEALTH AND HUMAN SERVICES PORTION OF THE BILL. AND I WANT TO THANK SENATOR GARRETT FOR TAKING A COLLABORATIVE STEP IN CREATING...TALKING TO MEMBERS OF THE BODY. HE WORKED HARD IN COMMITTEE AND TRIED TO GET THE BEST BILL OUT THAT WE COULD...THAT HE COULD, AND WE...I THINK THE JUDICIARY COMMITTEE DID A GREAT JOB. IT CAME THROUGH ON GENERAL AND, YOU KNOW, HE ADMITTED THIS BILL COULD BE BETTER. AND HE SAID, ANYONE WHO HAS ISSUES WITH IT, COME SEE ME. AND I LIKE THAT COLLABORATION. I LIKE THAT TEAM ASPECT. AND I LIKE TO SEE LEGISLATION DONE THAT WAY. AND WE'RE...I THINK WHAT WE'RE SEEING TONIGHT IS THE BEST OF THE LEGISLATURE BECAUSE WE'RE HAVING OPEN, FAIR, AND HONEST DEBATE. AND I THINK THERE ARE TECHNICAL ISSUES WITH THE BILL THAT WE CAN STILL IMPROVE ON, AND THAT'S WHAT THIS AMENDMENT DOES. I KNOW SENATOR CAMPBELL AND SENATOR GLOOR WORKED WITH SENATOR GARRETT. SENATOR GARRETT TOOK NO PRIDE OF AUTHORSHIP. HE SAID, HEY, WHAT I WANT TO DO IS MAKE SURE WE PROVIDE MEDICAL MARIJUANA FOR THOSE WHO NEED IT, A FORM OF TREATMENT. AND HE KEPT HIS EYE ON THAT GOAL. AND HE SAID, YOU KNOW, HOWEVER WE GET THERE, AS LONG AS WE GET THERE, AND I WANT TO COMMEND HIM FOR THAT. AND SO, YOU KNOW, HERE IT WAS. HE INTRODUCED THE AMENDMENT. I READ IT THIS AFTERNOON, AND I VOICED SOME OF MY CONCERNS. AND YOU KNOW, AGAIN, FOCUSING ON WHAT IS IMPORTANT, HE SAID, WELL, HOW CAN WE MAKE IT BETTER? AND I GAVE HIM SOME SUGGESTIONS. AND THIS AMENDMENT WOULD TAKE...DOES TAKE SENATOR GARRETT'S PREVIOUS AMENDMENTS THAT WE JUST DEBATED. IT TAKES THE TWO AMENDMENTS SENATOR McCOY HAD, ONE WHICH WE JUST VOTED DOWN. I DID NOT VOTE FOR IT. I THINK IT'S A GOOD AMENDMENT BUT I KNEW I HAD IT WITHIN MY AMENDMENT. AND I HOPE YOU'LL SEE THAT THIS IS A FRIENDLY AMENDMENT. BUT WHAT I DID WAS KIND OF LOOKED AT IT FROM, NOT AN HHS POINT OF VIEW, BUT MORE OF A LAW

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ENFORCEMENT POINT OF VIEW. AND WITH THAT IN MIND, THINKING ABOUT HOW WE CAN MAKE SURE WE CREATE A BILL THAT ALLOWS THOSE WHO SHOULD HAVE THIS MEDICATION TO HAVE THIS MEDICATION WHILE TRYING AS BEST WE CAN TO ELIMINATE ABUSE, THE ABILITY FOR ABUSE, AND TO MAKE SURE THAT THOSE WHO DO ABUSE THIS PROCESS ARE PROPERLY REPRIMANDED AND/OR PUNISHED. AND SO THAT'S WHAT...THAT WAS MY POINT OF VIEW. I WANT TO MAKE SURE THAT WE HAVE A SYSTEM THAT FLOWS. AND SO I KIND OF WALKED MYSELF: IF I WERE A PATIENT, HOW WOULD I DO THIS? WHAT WOULD BE SOME OF THE PITFALLS? AND SO I MADE SOME CHANGES. ONE OF THE CHANGES I MADE IS SECTION 5 ORIGINALLY SAID, HEY,...IT TALKS ABOUT DISQUALIFYING FELONY OFFENSES. AND IT SAID, WELL, IF YOU PREVIOUSLY...IF THE HHS DETERMINES IT WAS...YOU HAD USED MARIJUANA FOR THE--A FELONY--MARIJUANA FOR THE PURPOSE OF MEDICATION, IT WOULDN'T BE DISQUALIFYING. WELL, IF YOU HAVE MERE POSSESSION, YOU'RE NOT GOING TO HAVE A FELONY. AND IF YOU'RE DEALING, YOU'RE PROBABLY NOT A PERSON WHO SHOULD BE HAVING THIS PRESCRIPTION. AND SO I TALKED TO HIM ABOUT IT AND HE AGREED TO TAKE OUT THAT LANGUAGE. AS WE GO THROUGH, WE GOT RID OF, FOR SENATOR McCOY, THE PTSD AND SCHIZOPHRENIA. AND I CAN GO THROUGH LINE BY LINE. WE ALSO...THERE WAS A PROTECTION FROM CRIMINAL LIABILITY IF YOU ARE ACTING IN FURTHERANCE OF THIS ACT. WELL, YOU KNOW, THE EXAMPLE IS, YOU COULD BE DRIVING A VEHICLE IN FURTHERANCE OF THIS ACT, HAVE NOTHING TO DO WITH MARIJUANA BUT IN THE FURTHERANCE OF THIS ACT, BUT YOU'RE (INAUDIBLE)...YOU KILL SOMEBODY. YOU'RE DRIVING A CAR AND YOU KILL SOMEONE BY MISTAKE. WELL, WE SAID YOU SHOULDN'T BE FREE FROM CRIMINAL PROSECUTION. SO THAT'S ELIMINATED ANY CRIMINAL AND CIVIL PROSECUTION. THERE IS AN AMENDMENT IN HERE THAT TALKED ABOUT AN ATTORNEY MAY NOT BE PROSECUTED...MAY NOT BE DISCIPLINED FOR GIVING LEGAL ADVICE. WELL, I WANTED THE TERM "SHALL," BECAUSE "MAY" MEANS YOU MAY BE AND YOU MAY NOT. AND SO I TRIED TO TIGHTEN THE LANGUAGE. AND IF ANYONE HAS ANY QUESTIONS, I'M WILLING TO GO THROUGH IT LINE BY LINE, BUT WHAT THIS DOES IS TAKES A BILL AND, YOU KNOW, THIS BILL HAS BECOME SOMEWHAT LIKE STONE SOUP: WE'VE ALL CONTRIBUTED A LITTLE BIT TO THIS BILL TO MAKE IT BETTER. AND SO I WANT TO THANK SENATOR GARRETT FOR HIS OPENNESS, HIS WILLINGNESS TO WORK WITH REALLY ANYONE WHO COMES TO HIM, WITH A SINCERE EFFORT TO MAKE THIS BILL BETTER, BECAUSE THAT'S WHAT HE WANTS AND THAT'S WHAT WE'RE GOING TO TRY TO DO. AND SO I'D ASK FOR YOUR...THIS IS A FRIENDLY AMENDMENT ONTO LB643. AND I WOULD ENTERTAIN ANY QUESTIONS ANYONE HAS AND ASK FOR YOUR SUPPORT ON AM1722. THANK YOU. [LB643]

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SENATOR KRIST: THANK YOU, SENATOR HARR. MR. CLERK. [LB643]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR McCOY WOULD MOVE TO AMEND AM1722 WITH FA75. (LEGISLATIVE JOURNAL PAGE 1734.) [LB643]

SENATOR KRIST: SENATOR McCOY, YOU'RE RECOGNIZED. [LB643]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. AND I APPRECIATE WHAT SENATOR HARR JUST WENT THROUGH. AND I THINK, SENATOR, ACTUALLY, THE FIRST THREE AMENDMENTS THAT I HAD TO SENATOR GARRETT'S NOW-WITHDRAWN AM1702, I BELIEVE, NEAR AS WE CAN TELL, MY OFFICE AND MYSELF, YOU INCORPORATED, I BELIEVE, ALL THREE OF THOSE. AND I DON'T KNOW THAT YOU WENT OVER THE THIRD. I THINK YOU WENT OVER TWO OF THE THREE. BUT I WANT TO OUTLINE THE THIRD, WHICH WAS ACTUALLY MY SECOND AMENDMENT, AND THAT IS THAT, UNDER SENATOR GARRETT'S AM1702, YOU ACTUALLY HAD A SITUATION IN WHICH A COMPASSIONATE CARE CENTER AND A MANUFACTURER COULD SHARE OFFICE SPACE WITH A PHYSICIAN. THIS WOULD SEPARATE THAT AND SAY THAT THAT CANNOT HAPPEN. AND THAT WAS PART OF WHAT WAS PART OF ONE OF MY AMENDMENTS, FIRST THREE AMENDMENTS, THAT SENATOR HARR INCORPORATED INTO AM1722, I BELIEVE. I WANT TO TALK ABOUT WHAT FA75 IS BECAUSE I THINK THIS IS SOMETHING ELSE THAT WE RAN ACROSS IN THE COURSE OF THIS. AND I THINK THIS NEEDS TO BE REMOVED. IF YOU LOOK AT PAGE 23 OF SENATOR HARR'S AM1722, THIS WOULD BE SECTION 46, STARTING ON LINE 27, YOU'LL SEE WHERE IT SAYS, "THE MEDICAL CANNABIS REGULATION FUND IS CREATED AND SHALL CONSIST OF FUNDS FROM CONTRACTS, GRANTS, GIFTS, OR FEES UNDER THE MEDICAL CANNABIS ACT." WHAT FA75 DOES IS TO STRIKE THE WORD "GIFTS." THE RATIONALE BEHIND THIS IS--I'M NOT SURE--I THINK THIS IS ESSENTIALLY BOILERPLATE LANGUAGE FROM...IN OTHER AREAS OF STATUTE WHERE FUNDS ARE CREATED. WE TALK ABOUT GIFTS, ALTHOUGH I DON'T RECALL THAT BEING USED VERY OFTEN, BUT I THINK ON RARE OCCASIONS IT IS. I DON'T BELIEVE THAT THAT HAS A PLACE HERE, AND I WON'T ASK SENATOR HARR BECAUSE HE PROBABLY HASN'T GONE INTO THIS...GREAT ENOUGH DETAIL ON THIS PARTICULAR SECTION OF IT, SINCE HE'S TRYING TO HELP POLISH, WITH SOME CLEANUP LANGUAGE, SENATOR GARRETT'S BILL. BUT I WOULD ASK SENATOR GARRETT THIS QUESTION, IF HE WOULD YIELD. [LB643]

SENATOR KRIST: SENATOR GARRETT, WILL YOU YIELD? [LB643]

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SENATOR GARRETT: YES, I WILL. [LB643]

SENATOR McCOY: THANK YOU, SENATOR GARRETT. SENATOR GARRETT, ON, AGAIN, PAGE 23, STARTING IN LINE 27 OF AM1722, CAN YOU HELP WALK THROUGH WITH ME, IF YOU WOULD, PLEASE, WHEN YOU TALK ABOUT CREATING THE MEDICAL CANNABIS REGULATION FUND. WHAT ROLE WOULD "GIFTS" ...AND WHAT WOULD THAT ENTAIL? [LB643]

SENATOR GARRETT: WELL, AS YOU SAID EARLIER, THAT IS VERY MUCH JUST BOILERPLATE LANGUAGE, SO...THAT WE TOOK FROM THE ORIGINAL MINNESOTA LAW. SO I'M NOT OPPOSED TO STRIKING THAT PROVISION TO ALLOW GIFTS. [LB643]

SENATOR McCOY: THANK YOU. THANK YOU, SENATOR. I APPRECIATE THAT. YOU KNOW, I'M NOT SURE WHAT ROLE, NECESSARILY, GRANTS WOULD HAVE IN THIS PARTICULAR PLACE, EITHER. WE COULD HAVE ALSO STRUCK THIS, AND DIDN'T, WITH ANOTHER AMENDMENT OR UNDER THIS AMENDMENT. BUT, MEMBERS, THIS HIGHLIGHTS TO ME THAT, AGAIN, WHAT I SAID WAS--AND I REALLY BELIEVE THIS TO BE TRUE--A LITANY OF CHANGES THAT WOULD HAVE TO BE MADE TO THIS BILL THAT, FRANKLY, MEMBERS, WE JUST DON'T HAVE TIME FOR. IT'S TOO LATE IN THE SESSION TO TRY AND FIX. AND AGAIN, AS SENATOR WILLIAMS SAID, WE'RE LOOKING AT THE...UNLESS I COUNTED WRONG, SENATOR WILLIAMS, THE SIXTH ITERATION, SEVENTH ITERATION, APOLOGIZE, SEVENTH VERSION OF THIS LEGISLATION NOW THAT WE'RE TALKING ABOUT IN AM1722. I CAN RECALL MAYBE A COUPLE OF OTHER INSTANCES, MEMBERS, WHEN WE HAD A SEVENTH REWRITE OF A PIECE OF LEGISLATION AND, I WOULD ARGUE, STILL HAS PROBABLY 15 OR 20 CHANGES, AT LEAST, LIKE WHAT I'M HIGHLIGHTING IN FA75. THIS ISSUE, AS SENATOR GARRETT HAS TALKED ABOUT AND OTHERS, IS A SERIOUS ONE. IT'S A VERY SERIOUS ONE. WE'RE TALKING ABOUT A SCHEDULE I DRUG. AND SENATOR GARRETT AND OTHERS CAN SAY ALL THEY WANT ABOUT THIS BEING A CONSPIRACY BY BIG "PHARMA," AND I UNDERSTAND WHAT HE'S SAYING. I DON'T AGREE WITH IT, BUT I UNDERSTAND WHERE HE'S COMING FROM. AND THAT'S COMPLETELY WITHIN HIS RIGHTS TO TALK ABOUT THAT. BUT THIS IS A...THIS IS AN IMPORTANT ISSUE AND THIS IS ONE THAT WE BETTER BE VERY, VERY CAREFUL TO HIGHLIGHT AND OUTLINE BEFORE WE PROCEED DOWN THIS PATHWAY. AS IT'S BEEN SAID BY OTHER SENATORS, THIS COULD GET IN THE HANDS OF SMALL CHILDREN, THIS COULD GET IN THE HANDS OF THE ELDERLY WHO WOULDN'T KNOW THE PROPER DOSAGE WITHOUT A PHYSICIAN TO GIVE THEM THAT DIRECTION. WE'RE ASKING PHARMACISTS TO DO SOMETHING THAT JUST HONESTLY IS NOT WITHIN THEIR

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NORMAL SCOPE OF PRACTICE. THIS CROSSES OVER INTO A WHOLE HOST OF ACTS THAT WE HAVE IN STATUTE. TO TIE ALL THIS TOGETHER IS SOMETHING I JUST DON'T KNOW HOW WE DO. YOU KNOW, WE COULD SIT HERE, HONESTLY, AND I COULD COME UP WITH 20 AMENDMENTS LIKE THIS, AND MY GUESS WOULD BE THEY'D ALL BE ONES THAT SOMEBODY WOULD EVENTUALLY SAY, WELL, YEAH, I COULD SEE THAT POINT, THAT PROBABLY SHOULD BE CHANGED. WELL, HOW DO YOU CHANGE ALL THAT AND NOT HAVE TO REWRITE IT AGAIN? AND WE DON'T HAVE THE TIME TO DO THAT, AND WE AREN'T AT THE STAGE OF DEBATE TO DO THAT. WE'RE LITERALLY WRITING THIS LINE BY LINE ON THE FLOOR OF THE LEGISLATURE. AND THERE'S A TIME AND A PLACE FOR DEBATE AND THERE'S A TIME AND A PLACE FOR COMPROMISE AND THERE'S A TIME AND A PLACE FOR A LOT OF THINGS WE DO IN THE LEGISLATURE. BUT, MEMBERS, I WOULD SUBMIT TO YOU, REGARDLESS OF WHAT YOU FEEL ABOUT THE MERITS OF THE OVERARCHING MEDICAL MARIJUANA ISSUE, I WOULD HOPE THAT WE WOULD ALL AGREE THAT THE PLACE TO BE WORKING ON SOMETHING LIKE THIS IS NOT HERE ON THE FLOOR OF THE LEGISLATURE. IT'S OFF THE FLOOR. IT'S IN CONJUNCTION WITH HEALTH AND HUMAN SERVICES. IT'S IN CONJUNCTION WITH THE PHARMACISTS. IT'S IN CONJUNCTION WITH THE MEDICAL ASSOCIATION, THE PHYSICIANS, AND ALL OF THE STAKEHOLDERS IN THIS DISCUSSION. AND THEN WE CAN COME BACK AND HAVE AN OVERARCHING DEBATE ABOUT THE MERITS OF THIS ISSUE. THAT'S WHY I BRING FA75 TO YOU. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR McCOY. YOU HAVE HEARD THE OPENING ON FA75 AND AM1722. THOSE WISHING TO SPEAK: SENATOR FRIESEN, KINTNER, AND WILLIAMS AND OTHERS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB643]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WE HAVE DISCUSSED ABOUT EVERY ISSUE ON THIS FLOOR THAT WE COULD POSSIBLY IMAGINE. WE'VE TALKED ABOUT THE SCOPE OF PRACTICE FOR NURSE PRACTITIONERS. WE TALK ABOUT HIGHWAYS, BRIDGES, TAXES, EVERYTHING ELSE YOU CAN THINK OF. THIS IS OUT OF OUR SCOPE OF PRACTICE. WE'RE BEING ASKED TO APPROVE A DRUG THAT HAS NOT GONE THROUGH PROPER TESTING, AND WE'RE GOING TO ADMINISTER IT TO CHILDREN OR WHOEVER A DOCTOR MAY SUBSCRIBE IT FOR...PRESCRIBE IT FOR. I HAVE A REAL PROBLEM WITH THAT. I WANT TO KNOW WHAT IS THE LIABILITY OF THE STATE WHEN WE TAKE OVER AND APPROVE THINGS THAT ARE NOT APPROVED BY THE FOOD AND DRUG ADMINISTRATION OR A DRUG THAT'S NOT APPROVED BY THE FDA. SUDDENLY, WE'RE STEPPING INTO THAT ROLE AND CHOOSING WHAT MIRACLE DRUG MIGHT COME NEXT THAT SOMEBODY IS GOING TO APPROACH US WITH, THAT ISN'T APPROVED

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ANYWHERE BUT IT'S A MIRACLE DRUG AND WE'RE GOING TO BE ASKED TO APPROVE IT. AND WHAT ARE THE CONSEQUENCES OF THAT? I'VE GOT A FEW QUESTIONS. SENATOR GARRETT WOULD YOU YIELD TO A QUESTION? [LB643]

SENATOR KRIST: SENATOR GARRETT, WILL YOU YIELD? [LB643]

SENATOR GARRETT: YES, I WILL. [LB643]

SENATOR FRIESEN: SENATOR GARRETT, WHEN THIS PRODUCT IS MANUFACTURED, AND I'M GOING TO SKIP OVER A LOT OF THINGS, BUT I JUST HAVE...THESE ARE THE ONES THAT JUST POPPED OUT. BUT WHEN THIS DRUG IS MANUFACTURED, WHO IS GOING TO DETERMINE WHAT IS IN THE CONTENT OF THAT OIL OR DRUG OR PILL? WHO DETERMINES THAT? [LB643]

SENATOR GARRETT: THE COMPANIES THAT DO THE MANUFACTURING ACTUALLY DO THE TESTING. THEY HAVE THEIR OWN LABORATORIES, JUST LIKE ANY OTHER PHARMACEUTICAL COMPANY THAT PRODUCES DRUGS OR ANY OTHER KIND OF PRODUCTS. [LB643]

SENATOR FRIESEN: SO THEY DECIDE WHAT THE PRODUCT IS GOING TO BE? [LB643]

SENATOR GARRETT: THEY ALL HAVE THEIR OWN FORMULA FOR A SPECIFIC TYPE OF CANNABIDIOL. [LB643]

SENATOR FRIESEN: OKAY. WHO DEVELOPED THAT FORMULA? [LB643]

SENATOR GARRETT: WELL, OBVIOUSLY, THE COMPANIES DO. I MEAN THEY'LL MAKE A DETERMINATION AS TO WHAT PERCENTAGE OF THE VARIOUS CANNABIDIOLS AND THC STRENGTH. [LB643]

SENATOR FRIESEN: SO DO THEY BASE THIS ON ANY RESEARCH THAT'S BEEN DONE? [LB643]

SENATOR GARRETT: THEY OBVIOUSLY HAVE TO BASE THAT ON RESEARCH. IT'S...WHEN SENATOR DAVIS AND SENATOR CRAWFORD AND I AND A UNIVERSITY OF NEBRASKA PROFESSOR WENT OUT TO COLORADO LAST SUMMER TO SEE THE

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STANLEY BROTHERS' REALM OF CARING...TO SEE...WE WANTED TO SEE HOW THEY MANUFACTURED CHARLOTTE'S WEB CBD OIL THAT WAS...BEEN VERY SUCCESSFUL, WE WANTED TO SEE THEIR LABS AND HOW THEY DID THINGS. [LB643]

SENATOR FRIESEN: OKAY. AND SO THEN ONCE IT GOES DOWN THE CHAIN, THEN A PHARMACIST BASICALLY WILL DO THE PRESCRIPTION, BECAUSE A DOCTOR WILL JUST MAKE A RECOMMENDATION. AND AT THAT POINT, A PHARMACIST WILL TALK WITH THE PATIENT, ACCORDING TO THE BILL, AND DECIDE WHAT KIND OF DOSAGE WILL BE GIVEN, CORRECT? [LB643]

SENATOR GARRETT: I BELIEVE THAT'S...YOU KNOW, THAT'S GOING TO BE KIND OF IN THE RULES AND REGULATIONS THAT HHS WILL COME UP WITH. [LB643]

SENATOR FRIESEN: OKAY. AND SO THERE'S STILL GOING TO BE A BOARD THEN THAT TALKS ABOUT...THAT'S GOING TO BE IN CHARGE OF THIS, AND ON THAT BOARD THERE'S GOING TO BE ONE PHARMACIST, ONE DOCTOR, AND SOME OTHER PEOPLE. [LB643]

SENATOR GARRETT: YEAH, BUT HHS IS REALLY GOING TO BE INVOLVED IN THIS, AS WELL, BUT, YEAH, THE... [LB643]

SENATOR FRIESEN: SO... [LB643]

SENATOR GARRETT: ...WHEN THE DOCTOR MAKES THE RECOMMENDATION OR CERTIFIES THAT THE PATIENT HAS ONE OF THE LISTED, COVERED AILMENTS, AND SENDS THAT AND THE PATIENT'S APPLICATION TO THE BOARD FOR THEIR APPROVAL. [LB643]

SENATOR KRIST: ONE MINUTE. [LB643]

SENATOR GARRETT: AND THE BOARD COMMUNICATES INFORMATION TO THE DISPENSARIES WHAT THE PROPER DOSAGE IS OF THC AND CANNABIDIOL FOR SPECIFIC DISEASES, BASED ON THE EVIDENCE THEY'VE SEEN FROM THE OTHER STATES. [LB643]

SENATOR FRIESEN: THANK YOU, SENATOR GARRETT. AGAIN, DRUGS TAKE YEARS TO APPROVE. AND WE'RE GOING TO LET A MANUFACTURER DETERMINE

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WHAT GOES IN A DRUG AND WE ARE GOING TO APPROVE IT FOR USAGE IN PEOPLE. THIS IS BEYOND OUR SCOPE OF PRACTICE SO FAR I CAN'T EVEN DESCRIBE IT. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN AND SENATOR GARRETT. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB643]

SPEAKER HADLEY: THANK YOU, MR. PRESIDENT. I JUST WANTED TO KIND OF FINISH UP THE DAY. WE'VE BEEN DEBATING THIS BILL WHILE WE'VE BEEN WAITING FOR THE REVISORS. WE SEND BILLS UP TO...AFTER THEY CLEAR SELECT FILE AFTER THEY'RE VOTED ON, THEY GO UPSTAIRS TO PUT THEM IN FINAL FORM BECAUSE, FOR THE NEW PEOPLE HERE, WE HAVE WHAT'S CALLED A LAYOVER DAY. THAT LAYOVER DAY FOR THESE BILLS THAT WE READ IN TODAY IS TOMORROW. SO WE WILL HEAR THEM THEN ON THURSDAY FOR FINAL READING. IF WE DON'T HAVE THAT, THEN IT WOULD HAVE TO BE NEXT WEEK. SO WE HAVE AGREED TO DO THAT. THE PROBLEM WITH THIS BILL, IF WE CONTINUE ON IT, WE WOULD NOT HAVE ENOUGH TIME TONIGHT TO FINISH IT UP, BRING IT TO THE CLOTURE VOTE AND, DEPENDING ON HOW THE CLOTURE VOTE WENT, WE WOULD NOT HAVE ENOUGH TIME TO GET IT UPSTAIRS TO DO THE...TO THE REVISORS. SO I JUST WANTED TO YOU TO KNOW WHAT WE'VE KIND OF BEEN DOING HERE AT THIS POINT IN TIME. I APPRECIATE THE PEOPLE'S HELP IN UNDERSTANDING HOW WE'VE DONE THAT. THANK YOU, MR. PRESIDENT. [LB643]

SENATOR KRIST: THANK YOU, SPEAKER HADLEY. MR. CLERK. [LB643]

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS THEY HAVE EXAMINED AND ENGROSSED LB200, LB200A, LB226, LB231, LB361, LB390, LB390A, LB539, LB591, LB591A, AND LB623. I HAVE AMENDMENTS TO BE PRINTED: SENATOR LARSON TO LB619; SENATOR McCOY TO LB643. MR. PRESIDENT, A NEW RESOLUTION: SENATOR COASH OFFERS LR350. (ALSO, SENATOR BLOOMFIELD HAS AN AMENDMENT TO LB176, LEGISLATIVE JOURNAL PAGES 1734-1736.) [LB200 LB200A LB226 LB231 LB361 LB390 LB390A LB539 LB591 LB591A LB623 LB619 LB176 LB643 LR350]

MR. PRESIDENT, A PRIORITY MOTION: SENATOR COASH WOULD MOVE TO ADJOURN THE BODY UNTIL WEDNESDAY MORNING, MAY 20, AT 9:00 A.M.

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. WE ARE ADJOURNED TILL TOMORROW MORNING. DRIVE SAFE.