

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

Floor Debate
January 22, 2016

[LB47 LB176 LB276 LB289 LB467 LB737 LB738 LB775 LB798 LB803 LB876 LB1030
LB1032 LB1110 LR419 LR420]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE TWELFTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS REVEREND GREG GAHAN OF THE CRAIG ALDER GROVE PARISH IN CRAIG, NEBRASKA, SENATOR BRASCH'S DISTRICT. PLEASE RISE.

REVEREND GAHAN: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, REVEREND GAHAN. I CALL TO ORDER THE TWELFTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

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

ASSISTANT CLERK: I HAVE NO CORRECTIONS THIS MORNING.

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

ASSISTANT CLERK: THERE ARE, MR. PRESIDENT. A REFERENCE REPORT FOR LEGISLATIVE BILLS LB1039 THROUGH LB1110. I HAVE A REPORT OF REGISTERED LOBBYISTS FOR THE CURRENT WEEK AS REQUIRED BY LAW. THE REPORTS THAT HAVE BEEN FILED ELECTRONICALLY WITH THE LEGISLATURE ARE AVAILABLE THROUGH THE WEB SITE. YOUR COMMITTEE ON REVENUE REPORTS LB775 TO GENERAL FILE AND REPORTS ON THE APPOINTMENT OF THE STATE TAX COMMISSIONER. IN ADDITION TO THAT, YOUR COMMITTEE ON NATURAL RESOURCES REPORTS LB737 TO GENERAL FILE AND REPORTS ON TWO DIFFERENT GUBERNATORIAL APPOINTMENTS, MR. PRESIDENT. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 389-392.) [LB775 LB737]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, SELECT FILE 2016, SENATOR PRIORITY BILL, LB176. MR. CLERK. [LB176]

ASSISTANT CLERK: MR. PRESIDENT, LB176 WAS CONSIDERED BY THE LEGISLATURE YESTERDAY. AT THE TIME WE ADJOURNED, WE WERE CONSIDERING THE DAVIS AMENDMENT, AM1848. [LB176]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR LARSON, YOU'RE RECOGNIZED. [LB176]

SENATOR LARSON: DOES SENATOR SCHILZ GET TO DO A REVIEW OF LB176? [LB176]

PRESIDENT FOLEY: NO, THIS IS A SPEAKING OPPORTUNITY, SENATOR. [LB176]

SENATOR LARSON: ON LB176? HE'S NOT GOING TO REVIEW WHAT WE DISCUSSED YESTERDAY FIRST? [LB176]

PRESIDENT FOLEY: WELL, I DON'T THINK WE NEED TO REVIEW IT. IT'S SO RECENT. [LB176]

SENATOR LARSON: OKAY. GUESS YOU CAUGHT ME OFF GUARD, MR. PRESIDENT. USUALLY, WE HAVE THE REVIEW. COLLEAGUES, LB176, REGARDLESS OF WHAT WE HEAR FROM THE OPPONENTS ON THE FLOOR, IS AN ECONOMIC DEVELOPMENT TOOL AND A TOOL FOR ANY INDIVIDUAL, ESPECIALLY YOUNG INDIVIDUALS, IN MY MIND, TO GET INTO AGRICULTURE AND GROW. WE HEARD ON THE FLOOR A LOT YESTERDAY FROM THE OPPONENTS, OR THE DETRACTORS, AND WE...I FEEL LIKE I KIND OF DISCUSSED THE NONSENSE OF THE GEOPOLITICAL MESS THAT PEOPLE TRY TO MENTION CHINA OR THESE THINGS. IN ESSENCE, THAT'S NONSENSE. THE FACT OF THE MATTER IS DO WE WANT TO GIVE OUR AGRICULTURAL PRODUCERS THIS OPPORTUNITY? I HEARD SENATOR GROENE TALK ABOUT PEOPLE SHOULD START OFF...OR THESE YOUNG GUYS SHOULD START OFF WITH THE TEN HOGS AND BUILD UP, OR THIS IS HOW WE DID IT BACK IN THE DAY. I HEARD THAT FROM OTHERS AS WELL. WELL, FOLKS, THIS ISN'T BACK IN THE DAY. AGRICULTURE IS A BUSINESS, LIKE ANYTHING ELSE. YOU EITHER GROW AND INNOVATE OR YOU PERISH BY THE WAYSIDE. IT'S AS SIMPLE AS THAT. LIKE ANY OTHER BUSINESS, YOU GROW AND INNOVATE OR

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YOU PERISH. IF YOU DON'T, YOU'RE GOING TO FALL. AND WE DO NOT RESTRICT OTHER BUSINESSES FROM THE CONTRACTS THAT THEY CAN HAVE WITH COMPANIES, WHETHER THEY'RE IN STATE OR OUT OF STATE. THE FEDERAL GOVERNMENT CAN WITH SANCTIONS, BUT I DON'T THINK WE CURRENTLY HAVE ANY SANCTIONS ON CHINA. ACTUALLY, I KNOW WE DON'T. WHY DO WE WANT TO LIMIT BUSINESS OPPORTUNITIES? I KNOW WE DON'T HAVE ANY SANCTIONS ON IOWA OR KANSAS BECAUSE THIS IS WHERE MOST OF THESE AGRICULTURAL PRODUCERS ARE GETTING THE CONTRACTS NOW. WHY DO WE WANT TO LIMIT THEIR ABILITY TO DO BUSINESS WITH NEBRASKA PRODUCERS? I THINK SENATOR GROENE ALSO MENTIONED, YOU KNOW, CRITICIZED KIND OF A LITTLE BIT OF SENATOR WILLIAMS AND SENATOR STINNER ON THE BANKING SIDE, SAYING WHY DO THE BANKERS NEED THIS CONTRACT? SAID SENATOR SULLIVAN'S BANK, SHE'D PROBABLY GIVE THEM THE CONTRACT WITHOUT THAT OR GIVE THEM THE MONEY WITHOUT THAT CONTRACT. I'D LIKE TO SEE THAT, ESPECIALLY IN TODAY'S ECONOMY, HOW TRUSTING ALL THOSE BANKS ARE. THAT'S NOTHING AGAINST SENATOR STINNER AND SENATOR WILLIAMS. I THINK THEY'RE GOOD BANKERS. THEY WERE SUCCESSFUL BANKERS AND I UNDERSTAND WHY THEY WANT THAT CONTRACT. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR LARSON: TO SHOW THAT THEY'RE GOING TO, IF SOMETHING HAPPENS, THAT LOAN CAN GET PAID BACK. THAT IS REASONABLE, THAT'S BUSINESS, AND THAT'S GOOD BUSINESS. IF THEY DIDN'T, THEN I'D WORRY BECAUSE I'M NOT SURE THOSE BANKS WOULD BE THERE ANYMORE. COLLEAGUES, LB176, THERE IS A LOT OF SCARE TACTICS, THERE'S A LOT OF FEARMONGERING HAPPENING. BUT IN THE END, THIS IS GROWING AGRICULTURE IN THE STATE OF NEBRASKA. WITHOUT IT, YOU LIMIT AGRICULTURE. YOU THINK YOU'RE PROTECTING IT, BUT IN THE END, YOU'RE NOT PROTECTING IT. YOU'RE HELPING ITS DEMISE. GIVE PEOPLE THE TOOLS TO INNOVATE AND GROW. DON'T HAMSTRING THEM AND THINK THAT YOU'RE DOING WHAT'S BEST FOR THEM. DON'T LOOK OVER THEM AND TELL THEM WE KNOW BEST. LET THEM DECIDE WHAT'S BEST FOR THEMSELVES. THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. (DOCTOR OF THE DAY INTRODUCED.) SENATOR BLOOMFIELD. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. SENATOR LARSON JUST EXPLAINED FROM THEIR SIDE OF THE

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ISSUE HOW THIS HELPS THE NEW GUYS GET STARTED. HE SAID THEY COULD GO TO THE BANK WITH THIS CONTRACT AND POSSIBLY BORROW WELL IN EXCESS OF \$100,000 TO BUILD A FACILITY. TO MY URBAN COLLEAGUES, THAT SAME YOUNG MAN COULD GO TO ANOTHER PORK PRODUCER AND BUY A BRED SOW FOR A FEW HUNDRED DOLLARS AND GET STARTED. HE CAN TURN THAT INVESTMENT IN LESS THAN FIVE MONTHS INSTEAD OF FIVE YEARS. HOGS ARE ONE OF THE VERY FEW FARMING OPERATIONS THAT YOU CAN TURN MORE THAN ONCE A YEAR. SO THE IDEA THAT THE ONLY WAY TO DO THIS IS BY GOING IN DEBT UP OVER YOUR EYEBALLS TO GET STARTED IN A MEGA SYSTEM IS JUST WRONG. I DROPPED, A FEW MINUTES AGO, AN AMENDMENT THAT CHANGES IN THE BILL FROM SWINE TO LIVESTOCK. IF EVERYBODY THINKS THIS VERTICAL INTEGRATION IS SUCH A WONDERFUL THING, THEN WE PROBABLY SHOULD INCLUDE IT FOR ALL LIVESTOCK. SO LET'S HAVE A LOOK AT THAT AMENDMENT IF WE GET A CHANCE. LET'S SEE WHERE IT GOES. LET'S SEE IF THE PEOPLE THAT ARE PUSHING THIS REALLY THINK IT'S A GOOD IDEA OR WHETHER THEY'RE JUST BLOWING SMOKE. I YIELD THE REMAINDER OF MY TIME TO SENATOR DAVIS IF HE WOULD LIKE IT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR DAVIS, 2:41, IF YOU CARE TO USE IT. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. I APPRECIATE THE OPPORTUNITY TO TALK. ONE THING I WANT TO LET EVERYBODY KNOW, I JUST PASSED OUT A MAP OF THE LEGISLATIVE DISTRICTS. YOU CAN SEE THAT PART OF THAT MAP IS HIGHLIGHTED IN YELLOW. AND THOSE PEOPLE REPRESENT THE PORTIONS OF THE STATE WHERE SENATORS WHO ARE IN THIS BODY ARE OPPOSED TO THIS LEGISLATION. AND I WOULD ASK MY URBAN COHORTS TO LOOK AT THAT MAP PRETTY CAREFULLY. BECAUSE WHAT IT TELLS YOU IS WHERE ALL THIS AGRICULTURAL ACTIVITY IS GOING TO TAKE PLACE, AT LEAST IN 50 PERCENT OF THE STATE, THE PEOPLE ARE OPPOSED. I REPRESENT 21 PERCENT OF THE STATE AND YOU CAN ADD THE REST OF IT UP AND FIGURE IT OUT FOR YOURSELF. SO IF YOU CAN'T SEE A UNITED FRONT OUT OF THIS AG REPRESENTATION, THEN THE LAST THING YOU WANT TO DO IS TAKE SOME DRACONIAN STEP TO MOVE THE STATE TO A PLACE THAT'S IN IRREVERSIBLE LOCATION. AND DON'T KID YOURSELF, CATTLE ARE NEXT IN THE QUEUE. SENATOR BLOOMFIELD JUST, ESSENTIALLY, CALLED THE BLUFF ON THAT. WE ALL KNOW THAT'S WHAT THE ULTIMATE INTENT IS. NEBRASKA IS THE NUMBER ONE CATTLE FEEDING STATE IN THE COUNTRY. NOT BECAUSE OF DROUGHT, NOT BECAUSE OF ANYTHING ELSE, BECAUSE WE'VE GOT GOOD FARMER FEEDERS HERE, GOOD OPEN MARKETS. OUR STATE IS LOOKED TO

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NATIONALLY FOR THE MARKET, BECAUSE THERE AREN'T MARKETS IN OTHER STATES. SO IF YOU WANT TO DRIVE DOWN COMPETITION, VOTE FOR THIS BILL. IT TAKES PEOPLE OUT OF THE MARKET. ONCE THAT HAPPENS, THE OTHER FOLKS WHO ARE THERE DON'T HAVE AN OUTLET FOR THEIR HOGS. SO WHAT DO THEY DO? THEY EITHER HAVE TO GO OUT OF THE BUSINESS OR THEY HAVE TO...
[LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR DAVIS: ...CAPITULATE AND GO INTO THE AGREEMENT WITH SMITHFIELD. SO SENATOR LARSON MADE SOME COMMENTS A FEW MINUTES AGO ABOUT HOW CHINA, WE SHOULDN'T WORRY ABOUT CHINA. I'M GOING LIKE, HEY, LOOK AT WHAT CHINA...WHAT IS CHINA? WHAT HAS IT DONE? I SAW PROGRAM LAST NIGHT ABOUT HOW CHINA HAS TRIED TO INFILTRATE STEEL PATENTS, STEEL TECHNOLOGY, STEEL IDEAS. THEY'VE BUILT THEIR...THEY'RE BUILDING UP A FOREST TO TAKE OVER SOME ISLANDS AND EXTEND THEIR INFLUENCE IN THE SOUTH CHINA SEA. DRACONIAN POPULATION CONTROLS THAT HAVE BEEN IN PLACE THERE FOR YEARS AND YEARS, NOT FRIENDLY TO A DEMOCRATIC PROCESS, AND WE WANT TO SELL OUR FOOD OUT TO THEM? ARE WE KIDDING? THIS IS A BIG MISTAKE, FOLKS, THIS BILL IS A BAD BILL. I WANT TO TALK A LITTLE BIT, TOO, ABOUT SOME THINGS I HEARD YESTERDAY ON THE FLOOR. AND ONE WAS FROM SENATOR WILLIAMS WHO TALKED ABOUT THE CONSOLIDATION OF BANKING AND HOW THAT REALLY WASN'T SUCH A BAD THING. IT WORKED OUT OKAY AND WE'RE ALL STILL HERE. YEAH, WE ARE ALL STILL HERE. [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR DAVIS: HERE'S WHAT HAPPENED...THANK YOU, MR. PRESIDENT...HERE'S WHAT HAPPENED IN MY COMMUNITY AND A LOT OF MY LITTLE COMMUNITIES IN MY DISTRICT... [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR DAVIS: TIME? [LB176]

PRESIDENT FOLEY: YES, THAT'S TIME. [LB176]

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SENATOR DAVIS: THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. GOOD MORNING. IT'S FRIDAY. DOES IT FEEL LIKE IT? SURE DOES TO ME. ANYWAY, THANK YOU, MR. PRESIDENT. FOLKS, TO SIT HERE, I WANT TO TAKE THE OPPORTUNITY TO JUST DO A LITTLE BIT OF RECAPPING OF WHAT'S GOING ON. WE HAVE A BILL IN PLACE THAT WOULD ALLOW PROCESSORS OF HOGS IN THE STATE OF NEBRASKA TO CONTRACT WITH NEBRASKANS. WE HAVE A LAW IN PLACE RIGHT NOW THAT DOES NOT ALLOW NEBRASKA PACKERS TO DO THIS. PACKERS FROM MISSOURI, PACKERS FROM IOWA, IF THEY DON'T HAVE A FACILITY IN NEBRASKA, CAN DO THIS. NOW, NOT MANY OF THEM ARE BECAUSE THEIR STATES ALREADY ALLOW THEM TO DO THAT IN THEIR STATES. SO REMEMBER. SO THAT'S THE SIMPLE THING THAT THIS BILL WOULD DO. TO HELP FOLKS OUT TO UNDERSTAND THAT THESE CONTRACTS WOULD NOT BE ONEROUS AND OVERBEARING, WE PUT IN AM1755, WHICH WOULD ADD MANDATORY CONTRACT PROVISIONS CLEARLY STATING THE GROWER'S ABILITY TO CANCEL THE CONTRACT, HOW THE CONTRACT MAY BE CANCELED, DEADLINES FOR CANCELLATIONS, THE CHOICE OF BEING BOUND BY ARBITRATION OR TO AVOID IT, MONITORING OF UNFAIR CONTRACTING BY THE ATTORNEY GENERAL, AND GIVES THE POWER TO THE DEPARTMENT OF AGRICULTURE TO PROMULGATE FURTHER RULES AS NEEDED FOR THE PROTECTION OF NEBRASKA GROWERS. BUT THE OPPONENTS DON'T WANT YOU TO HEAR THAT. SO THEY KEEP FIGHTING ON THESE AMENDMENTS. AM1855, WHICH WE WILL GET TO PROBABLY AT ABOUT 11:00, WOULD FURTHER ADD LANGUAGE BANNING THE USE OF A CONFIDENTIALITY CLAUSE. SO THERE IS THAT. SENATOR BLOOMFIELD, I AM ABSOLUTELY AGAINST ALLOWING CATTLE TO BE PART OF THIS. AND IF YOU WOULD EXAMINE AND GO TALK TO...I WOULD ASK YOU...I DON'T WANT TO DO THIS ON THE FLOOR, BUT I WILL IF I HAVE TO, I WILL ASK YOU TO GO TALK TO A CONSTITUTIONAL ATTORNEY AND ASK THEM WHY INITIATIVE 300 WAS KICKED OUT OF COURT...OR KICKED OUT OF THE LAND. BECAUSE IT'S GOT THE SAME PROBLEMS AS THIS LAW THAT'S IN PLACE NOW DOES. BUT LIKE THEY DID IN IOWA, AND I'M NOT LOOKING AT THEM BECAUSE THEY'VE GOT THE MODEL PROGRAM GOING ON, I'M LOOKING AT THEM BECAUSE OF HOW THEY WENT ABOUT STRUCTURING IT. AND THEY WENT ABOUT IT A LITTLE DIFFERENTLY. THE ATTORNEY GENERAL IN IOWA ACTUALLY HAD A NEGOTIATION WITH THE PROCESSORS AND SAID OKAY, WE SEE WHAT'S COMING OVER THE HILL, HOW DO WE PROTECT OURSELVES? AND THEY PUT IN PLACE

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THAT HOGS COULD BE CONTRACTED. LB176 IS MUCH THE SAME. SO IF YOU'RE TRULY SERIOUS ABOUT PROTECTING CATTLE AT THIS JUNCTURE, LB176 GIVES YOU AN OPTION. IT DOESN'T RELIEVE THE FACT THAT THERE ARE STILL STRUCTURAL ISSUES WITH THE BILLS. BUT WHAT IT DOES IS IT GIVES THOSE FOLKS THAT WILL HAVE THE ABILITY, SOONER OR LATER, TO DO IT NOW AND NOT DISRUPT THOSE INDUSTRIES THAT DON'T WANT TO BE IMPACTED. THAT'S WHAT WE'RE TALKING ABOUT HERE. LB176 IS THE FIX. LB176 IS WHAT PROTECTS... [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR SCHILZ: ...THE CATTLE MARKET, THE CATTLE INDUSTRY FROM THIS SAME THING. FOLKS, LOOK WHAT SENATOR BLOOMFIELD IS DOING. OKAY? THIS IS NOT WHERE THIS BILL WAS SUPPOSED TO GO. IT WAS NEVER WRITTEN THAT WAY. IT WAS NEVER INTENDED THAT WAY. SO WE HAVE THREE THINGS WE NEED TO DO TODAY. WE NEED TO VOTE DOWN DAVIS' AMENDMENT. WE NEED TO VOTE IN AM1755 TO GIVE THE CONTRACT PROTECTIONS. WE NEED TO VOTE IN AM1855 TO GIVE THE ABILITY FOR THE CONFIDENTIALITY CLAUSE, AND THEN WE NEED TO GET RID OF SENATOR BLOOMFIELD'S AMENDMENT. AND THEN WE NEED TO VOTE FOR THE UNDERLYING BILL. I APPRECIATE EVERYBODY'S SUPPORT THAT'S BEEN HERE. GUYS, IF YOU'RE AGAINST THIS, TAKE WHAT I SAID TO YOU AND GO ASK PEOPLE THAT KNOW. [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR SCHILZ: THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB176]

SENATOR SCHNOOR: THANK YOU, SIR. THIS BILL IS ABOUT BIG CORPORATIONS COMING IN WITH BIG MONEY AND TAKING MORE MONEY. THEY'RE BUYING THEIR VOTE AND THEY'RE SWAYING PEOPLE THAT WAY. THE RICH GET RICHER AND THE DIVISION GETS BIGGER. THIS ISN'T FARMERS COMING WITH THIS BILL; THIS IS SMITHFIELD FOODS, PERIOD. THE LARGEST MEAT PROCESSOR IN THE UNITED STATES, AS FAR AS I KNOW, OR MAYBE THE SECOND LARGEST, THEY ARE COMING WITH THIS BILL AND THEY'RE SWAYING THE VOTE WITH THEIR MONEY. SO YOU HAVE TO DECIDE WHEN YOU PRESS THE BUTTON, ARE YOU SUPPORTING THE PEOPLE OR ARE YOU SUPPORTING THE BIG BUSINESS CORPORATIONS THAT

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ARE TRYING TO PUT PEOPLE OUT OF BUSINESS? BECAUSE A FARMER RAISES LIVESTOCK TO MAKE A PROFIT. WHY DO YOU THINK SMITHFIELD WANTS THIS? BECAUSE THEY CAN TAKE THAT PROFIT MARGIN. THEY MAKE MORE MONEY. THIS IS ALL ABOUT MONEY. THAT'S WHY SMITHFIELD IS DOING IT. IT'S ABOUT MONEY. IT'S ABOUT OUR MONEY. AND THEY DON'T CARE ABOUT JOBS. IN THE WORLD-HERALD YESTERDAY, SEVERAL HUNDRED IN SALES FORCE WILL BE LAID OFF IN MARCH--CONAGRA, BIG BUSINESS. THEY DON'T CARE ABOUT THE PEOPLE, THEY CARE ABOUT THEIR MONEY. SO WHO ARE YOU GOING TO SIDE WITH? AND WHAT SENATOR BLOOMFIELD DID, YOU KNOW, I'VE MADE IT CLEAR, MY BIGGEST FEAR IS THAT THIS WILL MOVE TO CATTLE. THIS IS THE FIRST STEP. THESE CORPORATIONS WILL COME IN WITH THEIR BIG MONEY ONCE AGAIN, FILE A LAWSUIT AND THEN GET CONTROL OF THE CATTLE MARKET THROUGH VERTICAL INTEGRATION. THE HOG INDUSTRY HAS THE NUMBER OF HOG PRODUCERS HAS DWINDLED OVER THE YEARS BECAUSE OF VERTICAL INTEGRATION. AND NOW WE ARE JUST WILLING TO PUT A NAIL IN THE COFFIN AND SAY VERTICAL INTEGRATION IS GOOD? THE ACTUAL NUMBERS OF HOGS ON FEED HERE HAVE INCREASED THE WAY WE'RE CURRENTLY DOING IT. SO DON'T FALL FOR THIS. SUPPORT THE INDIVIDUAL. MAKE YOUR VOTE BASED ON THAT INDIVIDUAL AND NOT ON BIG INDUSTRY. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR SCHNOOR: THANK YOU, SIR. YOU KNOW, I'VE SAID THERE IS A LOT OF DIFFERENCE OF OPINIONS HERE. JUST WITHIN THE AG SECTOR, ANYBODY HERE IN THIS BODY THAT'S INVOLVED IN THE AGRICULTURE, DIRECTLY OR INDIRECTLY, WE HAVE DIFFERENCES OF OPINION. THAT'S WHAT MAKES FARMING SO UNIQUE AND SO GREAT. DAN HUGHES CAN GO PLANT HIS CROP AND DO HOWEVER HE WANTS WITH IT--FERTILIZE IT, MAINTAIN IT, IT'S UP TO HIM. THAT'S THE UNIQUENESS OF OUR INDUSTRY. BUT LET'S NOT PUT THE HANDS OF ALL OF THIS INTO THE PACKERS. LET'S STILL KEEP THAT MARKET OPEN, FREE MARKET, FREE TRADE. [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR SCHNOOR: THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB176]

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SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I'D LIKE TO KIND OF FINISH SOME OF THE POINTS THAT I WAS TALKING ABOUT EARLIER. SO SENATOR WILLIAMS MADE THE COMMENT ABOUT THE BANKING CONSOLIDATION AND HOW WELL IT WAS SOMEWHAT DISRUPTIVE WHEN IT HAPPENED, BUT EVERYTHING WORKED OUT OKAY AND WE'RE ALL HUNKY-DORY. BUT I'M GOING TO TELL YOU THAT ISN'T THE CASE IN A LOT OF RURAL NEBRASKA BECAUSE WHAT HAPPENED IN MY COMMUNITY WAS THE BANK ENDED UP BEING SOLD TO A SAN FRANCISCO BANK, WHICH NOW IS OWNED BY AN INTERNATIONAL BANK. SO WHAT HAPPENED THEN? WELL, WE LOST ALL OF OUR LOAN OFFICERS. THEY COULDN'T MAKE AG LOANS ANYMORE BECAUSE NOBODY AT THAT BANK KNEW ENOUGH ABOUT AG LOANS TO MAKE THEM. PRETTY SOON ONCE THE AG LOAN PEOPLE WERE ALL RUN OUT OF THAT BANK, THERE WASN'T ANYTHING LEFT BUT THE DEPOSITORS. ONCE THE DEPOSITORS WERE ALL THAT WAS LEFT, THE BANK ENDED UP CLOSING. AND THAT'S THE STORY THAT'S HAPPENED IN A LOT OF RURAL COMMUNITIES. SO THEN I'M GOING TO TALK A LITTLE BIT ABOUT TURKEY FARM AT DUNNING, NEBRASKA. IT WAS A FAMILY THAT HAD INVESTED IN TURKEYS, HAD A LOT OF INFRASTRUCTURE, A LOT OF BARNS AND THINGS THAT WERE PUT THERE AND BUILT THERE. AND THEY WERE VICTIMS OF A CHANGE IN NEBRASKA AGRICULTURAL POLICY WHICH WAS GOOD FOR FARMERS, BUT WASN'T SO GOOD FOR THE TURKEY INDUSTRY AND THAT WAS THE ETHANOL INDUSTRY--DROVE PRICES UP; TURKEY CAN'T USE THE BY-PRODUCT. AT THE SAME TIME, THE PACKING PLANT THAT WAS AT GIBBON, I BELIEVE, WAS SOLD TO A RUSSIAN CONGLOMERATE AND PRETTY SOON THE PACKING PLANT CLOSED DOWN. THEN WHAT HAPPENED? WELL, THERE IS NO MARKET FOR THOSE TURKEYS, SO THOSE FOLKS ARE SITTING OUT THERE WITH A BUNCH OF EMPTY BARNS, EMPTY INFRASTRUCTURE. LET'S BE HONEST, FOLKS. THE PACKERS OWN EVERYTHING THAT MAKES MONEY HERE. THE FARMERS OWN EVERYTHING THAT COSTS MONEY. SO WE HEAR THAT THIS IS GOING TO BE GOOD FOR YOUNG AGRICULTURAL FOLKS. BUT HERE IS WHAT THEY'RE GOING TO DO. THEY'RE GOING TO HAVE TO GO DOWN TO "ROBO" BANK BECAUSE THERE AREN'T ANY LOCAL BANKS LEFT ANYMORE IN A LOT OF RURAL NEBRASKA AND BORROW THIS MONEY AND THEN THEY'RE REALLY CHAINED INTO A LONG-TERM ARRANGEMENT WITH SMITHFIELD FOODS. THAT'S WHAT'S GOING TO HAPPEN TO THEM BECAUSE THEY'VE GOT TO PAY OFF THAT BARN WITH HALF-A-MILLION DOLLAR BARN OR WHATEVER IT COST. SO THEY SIGN THE CONTRACT. NOW THEY'RE INTO A LONG-TERM ARRANGEMENT. NOW WHO DICTATES PRICE? ONCE YOU'RE INTO THAT CONTRACT AND THERE IS NO LIVE MARKET LEFT, WHO DICTATES PRICE? IT'S NOT THE OPEN MARKET ANYMORE. NEBRASKA IS THE LAST REAL BASTION OF THE OPEN MARKET, WE'RE GOING TO DRIVE THAT OUT WITH THIS. SO IT'S JUST GOING TO BE SMITHFIELD. THEY'RE GOING TO SET THE

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PRICE AND VERTICAL INTEGRATION IS GOING TO TAKE PLACE. THAT'S ONE THING I HEARD. THEN I HEARD YESTERDAY THAT, OH, WE DO THIS IN WHEAT ALL THE TIME. WE CONTRACT OUR WHEAT. WE CONTRACT OUR GRAIN. THAT'S A DIFFERENT THING ALTOGETHER. YOU OWN THE GROUND THAT THAT WHEAT AND CORN IS PLANTED IN. YOU BUY THE SEED THAT YOU PUT IN THE GROUND AND THEN YOU USE SOME KIND OF A CONTRACT AT THAT POINT TO SELL THOSE. SO YOU OWN THOSE. YOU OWN THAT CROP UNTIL EXCHANGE TAKES PLACE. THIS IS NOT THE WAY THIS WORKS. SMITHFIELD OWNS THE WHOLE LIVESTOCK, FROM SOUP TO NUTS. SENATOR SCHILZ SAID WE NEED ALL THESE OPPORTUNITIES. THE FARMERS HAVE THE ABILITY TO MAKE DECISIONS IN THEIR BEST INTEREST. SO IF THAT'S REALLY THE CASE, WHERE WERE ALL THOSE FARMERS AT THESE HEARINGS? WHERE WERE THEY? YOU KNOW, THERE WERE A LOT OF PEOPLE THAT CAME AND TESTIFIED IN OPPOSITION TO THIS BILL AT THE HEARINGS. THIS IS THIS YEAR AND LAST YEAR, A LOT OF PEOPLE, A LOT OF INDIVIDUALS, A LOT OF REPRESENTATIVES FROM OTHER ORGANIZATIONS-- NEBRASKA FARMERS UNION, INDEPENDENT CATTLEMEN. I THINK THE WIFE GROUP MIGHT HAVE BEEN THERE; CENTER FOR RURAL AFFAIRS. AND WHO CAME TO TESTIFY FOR THE BILL? WELL, IT WAS FARM BUREAU, THE NEBRASKA PORK PRODUCERS, AND A COUPLE OF FARMERS FROM IOWA, COUPLE OF FARMERS FROM IOWA. WHERE WERE THE NEBRASKANS THAT WERE SAYING, LIKE, WE GOT TO HAVE THIS IF WE'RE GOING TO SURVIVE? THEY WEREN'T THERE BECAUSE THEY'RE NOT REALLY INTERESTED. THIS IS ALL ABOUT HELPING SMITHFIELD MOVE IN... [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. SO WE HEAR SENATOR SCHILZ SAY THAT THIS IS GOING TO BE PROTECTIVE OF THE CATTLE INDUSTRY AND, YOU KNOW, THIS IS WHY THIS IS SO IMPORTANT, BECAUSE THEY'LL SUE AND OVERTHROW IT. I SAID IT YESTERDAY, THEY WANT TO SUE, LET THEM SUE. BUT VOTING THIS BILL IN PLACE IS NOT GOING TO PROTECT THE CATTLE INDUSTRY; BECAUSE SOONER OR LATER THERE IS GOING TO BE SOME ENTITY THAT COMES IN AND SAYS--OH, YEAH, WE WANT TO DO THIS IN NEBRASKA. HEY, LEGISLATURE, WILL YOU TAKE CARE OF THAT FOR US? SO WE'VE HEARD A LITTLE BIT ABOUT THIS BEING A DAVID VERSUS GOLIATH THING, BUT, HEY, WHO IS THE BIG GOLIATH HERE? IT'S THE SENATORS SITTING IN THIS ROOM THAT ARE GOING TO MAKE A DECISION ON A BILL THAT IS GOING TO GRAVELY AFFECT AGRICULTURE ACROSS THE STATE OF NEBRASKA. LOOK AT THAT MAP, FELLOW SENATORS. LOOK AT THAT MAP; HALF THE SENATORS, HALF THE GEOGRAPHIC AREA OF THE STATE IS REPRESENTED BY PEOPLE VEHEMENTLY OPPOSED TO

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THIS BILL. THAT OUGHT TO TELL YOU IT'S A BAD BILL AND WE DON'T NEED IT. THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: TIME. THANK YOU, SENATOR DAVIS. SENATOR JOHNSON. [LB176]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT, LIEUTENANT GOVERNOR. COUPLE COMMENTS: THERE WAS NO HEARING THIS YEAR; THERE WAS A HEARING LAST YEAR. THERE WAS ALSO SOME INDIVIDUAL PORK PRODUCERS AT THAT HEARING THAT WERE NOT MENTIONED BY THE PREVIOUS SPEAKER. THEY ARE DOING PRODUCTION CONTRACTS RIGHT NOW AND DO HAVE AN INTEREST IN MOVING AHEAD WITH POSSIBLE PACKER BILL. THIS IS NOT A MANDATE. THIS IS AN OPPORTUNITY, THE WAY I LOOK AT IT. IT'S GOING TO BE UP TO THE PACKER, OR IN THIS CASE, UP TO SMITHFIELD TO SELL THIS PROGRAM TO PRODUCERS. PRODUCERS DON'T HAVE TO SIGN UP IN ORDER TO GO TO SMITHFIELD. SMITHFIELD CANNOT DEDICATE ALL OF THEIR PRODUCTION TO CONTRACT BASED ON PACKER LAW. SO THEY'RE NOT GOING TO CORNER THE MARKET TOTALLY. WE DO HAVE THREE PACKING PLANTS IN NEBRASKA. TWO WEEKS AGO TODAY, I WAS IN DENVER AT THE NATIONAL MEETING OF AG CHAIRS, AND I HAD THE OPPORTUNITY TO VISIT WITH ONE OF THE INDUSTRY PEOPLE THAT WAS THERE AND THAT WAS A REPRESENTATIVE FROM HORMEL. HORMEL HAS NOT BEEN IN THIS PICTURE BECAUSE THEY DO NOT INTEND TO PURSUE THIS. THEY DO HAVE CONTRACTS, PRODUCTION CONTRACTS, PACKER CONTRACTS WITH PRODUCERS IN OTHER STATES. THEY FEEL THEIR QUOTA IS REACHED AT THIS POINT AND THEY ARE NOT GOING TO PROBABLY PURSUE PACKER CONTRACTS IN NEBRASKA. WHAT SMITHFIELD WOULD OFFER IS, IF THIS IS PASSED, IS LEVELING THE PLAYING FIELD SO IT GIVES THE OPPORTUNITY FOR PRODUCERS IN NEBRASKA TO PARTICIPATE. AGAIN, THIS IS NOT A MANDATE THAT EVERYBODY HAS TO SIGN A CONTRACT. THE CONFIDENTIALITY AMENDMENT WOULD BE A GREAT AMENDMENT TO THIS; FULL TRANSPARENCY IS THE KEY TO MOST THINGS THAT WE DO IN BUSINESS. SO THOSE ARE THE POINTS I WANT TO MAKE. HORMEL, TYSON, AND SMITHFIELD, AS I STATED YESTERDAY, SMITHFIELD WANTS TO BE IN NEBRASKA. THEY WANT TO BE A GOOD CITIZEN IN NEBRASKA. THEY BAILED OUT THE COMPANY THAT THEY BOUGHT IT FROM WITH TAKING ON THE LIABILITY OF THE RETIREMENT PLAN AND THOSE EMPLOYEES WERE TAKEN CARE OF. SMITHFIELD IS GOING TO HAVE TO SELL THIS PROGRAM IF THIS BILL IS PASSED. SO IT'S NOT A MANDATE. THANK YOU, MR. PRESIDENT. [LB176]

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PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB176]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, IT DOES NOT AMAZE ME HOW MY COLLEAGUES GET AMNESIA, HOW THEIR PRINCIPLES ARE FLEXIBLE. BUT FOR THEM TO STAND ON THIS FLOOR AND PRETEND THAT THEY DON'T KNOW THE WAY BIG CORPORATIONS OPERATE IS ALMOST SHAMEFUL. THE PEOPLE WHO WATCH US CAN HEAR BIG MONEY TALKING. A LIST WAS HANDED OUT, AND THE NAMES I WON'T GIVE OF THE PEOPLE, WHO GOT MONEY FROM SMITHFIELD. SMITHFIELD DIDN'T OFFER ME ANY MONEY AND IT JUST HAPPENED THAT SOME OF THIS CAME AFTER SENATORS HAD DECLARED THEIR POSITION. THAT'S WHY I DON'T WANT THESE LOBBYISTS BEING ABLE TO FEED THE SENATORS IN THE CAPITOL BUILDING. AND FOR THE SPEAKER TO SAY THAT A BOXED LUNCH IS NOT GOING TO CHANGE ANYBODY'S VOTE DOES NOT EVEN TOUCH THE ISSUE. THESE LOBBYISTS HAVE ENTREE AND ACCESS TO THE SENATORS THAT ORDINARY PEOPLE DO NOT HAVE. THE PEOPLE SPEAKING FOR THIS BILL WOULD NOT SPEND TIME TALKING TO ORDINARY PRODUCERS OF THE KIND WHO ARE CALLING ME AND GIVING THE NAME OF THEIR SENATOR AND THE DISTRICT, AND I SAID--I WON'T SAY THAT ON THE FLOOR, YOU WRITE A LETTER AND PUT IT IN. BUT I WILL SAY THAT I'M GETTING CALLS FROM PORK PRODUCERS, AND THIS MORNING FROM SOME CATTLE PRODUCERS WHO ARE NOT BIG LIKE SOME OF THE PEOPLE ON THIS FLOOR. AND THEY ARE WORRIED ABOUT THE FACT THAT THEY'RE NEXT. NOW, SINCE I DON'T KNOW ABOUT ALL THIS KIND OF STUFF, I WOULDN'T MAKE THIS UP BECAUSE I WOULDN'T KNOW WHETHER I'M TELLING THE TRUTH OR WHETHER IT FIT OR NOT. BUT I'M TELLING YOU WHAT THESE PEOPLE WHO IDENTIFIED THEMSELVES AS SMALL PRODUCERS AND THEY GIVE ME THEIR NAME, THE DISTRICT THEY LIVE IN, AND THE NAME OF THE SENATOR AND SAY THAT THEY WISH THEIR SENATOR WOULD REPRESENT THEM IN THE WAY THAT I DO BECAUSE I'M NOT EVEN IN THE RURAL AREA. BUT THEY ARE STARTING TO SEE THAT IF I SEE AN ISSUE WHERE PEOPLE WHO CANNOT DEFEND THEMSELVES ARE BEING SET UPON AND MISTREATED, I WILL COME TO THEIR AID WHEREVER THEY ARE AND THAT'S WHAT'S HAPPENING HERE. I'D LIKE TO ASK SENATOR SCHILZ A QUESTION OR TWO BECAUSE IT'S HIS BILL. [LB176]

PRESIDENT FOLEY: SENATOR SCHILZ, WOULD YOU YIELD, PLEASE? [LB176]

SENATOR SCHILZ: YES. [LB176]

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SENATOR CHAMBERS: SENATOR SCHILZ, WHEN WE WERE HAVING A HEARING BEFORE THE AG COMMITTEE, OF WHICH I'M A MEMBER, WE WERE HAVING EXPLAINED TO US HOW SOME FACILITIES ARE BUILT WITH THE UNDERSTANDING AND THE INTENTION OF GETTING SOME OF THESE CONTRACTS THAT ARE BEING DISCUSSED IN THIS LEGISLATION. IS THAT TRUE OR IS THAT FALSE? [LB176]

SENATOR SCHILZ: IF YOU'RE SAYING THAT THERE WERE BUILDINGS BEING BUILT IN ANTICIPATION? I CAN'T SAY IF THAT'S HAPPENING OR NOT. I DON'T REMEMBER HEARING THAT. BUT I CAN'T REMEMBER FOR SURE. [LB176]

SENATOR CHAMBERS: BUT I'M SURE YOU HEARD DISCUSSIONS OF PEOPLE GOING INTO DEBT TO CONSTRUCT FACILITIES SO THAT THEY'D BE ABLE TO WORK WITH ONE OF THESE BIG OUTFITS WHICH WOULD OWN THE ANIMALS AND THERE WOULD BE A CONTRACT UNDER WHICH THIS INDIVIDUAL WOULD FEED THE ANIMALS AND THE CONTRACTOR WOULD TELL NOT ONLY WHAT THE FEED WAS, BUT SOMETIMES PROVIDE IT, AND GIVE ALL THE DETAILS THAT GO INTO FEEDING AND NOURISHING AND PREPARING THESE ANIMALS FOR SLAUGHTER. DID YOU HEAR DISCUSSION OF THAT KIND? [LB176]

SENATOR SCHILZ: YES, I DID, BUT... [LB176]

SENATOR CHAMBERS: OKAY. NOW, ARE THERE PEOPLE WHO ARE ABLE TO GET LOANS IF THEY HAVE THESE FACILITIES AND THE FACT THAT THEY WILL HAVE ONE OF THESE CONTRACTS WILL HAVE A BEARING ON MAKING IT POSSIBLE FOR THEM TO GET A LOAN? [LB176]

SENATOR SCHILZ: I WOULD GUESS THAT WOULD BE UP TO THEIR BANKER TO DECIDE, AND THEIR ASSETS TO SEE WHETHER OR NOT THEY WOULD QUALIFY. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR CHAMBERS: BUT THIS CAN BE OFFERED AS AN INCENTIVE FOR A BANKER TO GRANT A LOAN. THAT'S THE UNDERSTANDING THAT I GOT. [LB176]

SENATOR SCHILZ: YEAH. [LB176]

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SENATOR CHAMBERS: BECAUSE ONE OF THE QUESTIONS THAT I ASK, AND I ASK IT NOW, WILL THESE CONTRACTS LAST THE DURATION OF THE LOAN? [LB176]

SENATOR SCHILZ: AND WHAT WE HAVE FOUND OUT FROM THE FOLKS IS THAT IT IS, YES, IN MOST CASES, THEY STRUCTURE THE CONTRACTS TO LAST THE TIME OF THE LOANS. [LB176]

SENATOR CHAMBERS: BUT IF THE CONTRACT IS BROKEN, AND IT MAY NOT COST TOO MUCH FOR A BIG CORPORATION TO BREAK IT IF THEY WANT TO DO SOMETHING ELSE, THEN THE ONE WHO IS DOING THE FEEDING IS LEFT HOLDING A BAG NOW BECAUSE THERE IS NO CONTRACT, BUT THE DEBT STILL MUST BE PAID. IS THAT TRUE? [LB176]

SENATOR SCHILZ: AND, SENATOR, THAT'S WHY WE HAVE LB1755 (sic-AM1755) IS TO MAKE SURE THAT THAT IS A NEGOTIATED SETTLEMENT BETWEEN THOSE TWO AS TO HOW THOSE CANCELLATIONS CAN HAPPEN. [LB176]

SENATOR CHAMBERS: BUT THIS CAN HAPPEN, CAN'T IT? [LB176]

SENATOR SCHILZ: AND THE PRODUCER WOULD WANT IT, YES. [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR CHAMBERS: THANK YOU. THANK YOU, SENATOR SCHILZ. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS AND SENATOR SCHILZ. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB176]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I WAS AT THE DINNER LAST NIGHT FOR THE NEBRASKA CATTLEMEN. AND SO I ASKED A NUMBER OF PEOPLE AT RANDOM WHAT THEY...THESE ARE CATTLEMEN, WHETHER THEY WOULD LIKE THIS SAME KIND OF OPERATION AS WE'RE SUGGESTING FOR THE HOG INDUSTRY FOR CATTLE. AND THEY SAID--WELL, NO. AND THEN I ASKED THE QUESTION--WELL, DOESN'T IT SEEM THAT IF THIS GOES THROUGH FOR HOGS THAT IT WOULD GO THROUGH FOR CATTLE? AND THAT WAS A CONCERN TO PEOPLE. SO I WOULD LIKE TO ASK SENATOR SCHILZ A COUPLE QUESTIONS IF I COULD. [LB176]

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PRESIDENT FOLEY: SENATOR SCHILZ, WILL YOU YIELD, PLEASE? [LB176]

SENATOR SCHILZ: YEAH, ABSOLUTELY. [LB176]

SENATOR HAAR: SO YOU SAID EARLIER THAT...I THINK YOU SAID ABSOLUTELY NOT WAS THAT YOU WOULD WANT THE SAME SETUP FOR CATTLEMEN. IS THAT CORRECT? [LB176]

SENATOR SCHILZ: THAT'S CORRECT. [LB176]

SENATOR HAAR: OKAY. [LB176]

SENATOR SCHILZ: THAT'S WHY IT'S NOT INTRODUCED IN THE BILL. [LB176]

SENATOR HAAR: SO IF CURRENTLY IT'S...YOU KNOW, IT DOESN'T ALLOW THE VERTICAL INTEGRATION, BASICALLY, FOR PIGS OR CATTLE, AND WE TAKE IT AWAY FOR PIGS, AND I'M NO LAWYER, BUT WOULDN'T THAT SORT OF SEEM TO MAKE IT A BETTER ARGUMENT THAT IT SHOULD ALSO HAPPEN FOR CATTLE IF THE COMPANIES WANT IT? [LB176]

SENATOR SCHILZ: WELL, I THINK WITH CATTLE AND HOGS ARE APPLES AND ORANGES. IF YOU LOOK AT HOGS AND IF YOU'LL PROVIDE ME THE OPPORTUNITY, IF YOU LOOK AT HOGS AND CHICKENS AND POULTRY, WHAT YOU SEE IS THAT THOSE CAN BE RAISED IN A VERY CONFINED SITUATION, NORMALLY UNDER A ROOF, DOES NOT TAKE A LOT OF LAND OR RESOURCES TO KEEP THEM. AND SO THAT'S WHY YOU SEE THAT CATTLE ARE A MUCH, MUCH DIFFERENT ANIMAL. THEY REQUIRE LOTS OF SPACE. THEY REQUIRE LOTS MORE FEED. AND SO I DON'T THINK THAT YOU'RE GOING TO SEE THAT MOVEMENT THERE BECAUSE OF THE SAME THINGS. THERE IS ALSO QUITE A BIT MORE CAPITAL THAT GOES INTO OWNING CATTLE THAN OWNING HOGS OR POULTRY. AND SO THE DIFFERENCES IN THOSE TWO DIFFERENT SECTORS OF LIVESTOCK ARE REAL AND THAT'S WHY IT CHANGES. [LB176]

SENATOR HAAR: BUT IN TERMS OF CORPORATE OWNERSHIP AND MAKING US VULNERABLE IN TERMS OF CONSTITUTIONAL KINDS OF CHALLENGES, I DON'T THINK IT MAKES MUCH DIFFERENCE WHETHER YOU CAN KEEP HOGS IN CONFINEMENT AND CATTLE... [LB176]

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SENATOR SCHILZ: SENATOR, CORPORATE OWNERSHIP OF LIVESTOCK--HOGS, CATTLE OR WHATEVER, IS ALREADY LEGAL IN THE STATE OF NEBRASKA. WE WENT THROUGH THAT WITH INITIATIVE 300 WHEN WE GOT THAT KICKED OUT AND THAT WAS PROVEN UNCONSTITUTIONAL. THAT WAS PART OF OUR PROBLEM BEFORE IS THAT FAMILY FARMS COULDN'T INCORPORATE. THEY COULDN'T PROTECT THEMSELVES LIKE ANY OTHER BUSINESS OUT THERE THAT CAN INCORPORATE. SO I'M REALLY GLAD THAT THAT WENT OUT. AND, YES, CORPORATIONS CAN OWN LIVESTOCK IN THE STATE OF NEBRASKA TODAY. [LB176]

SENATOR HAAR: RIGHT. BUT WE'RE TALKING ABOUT THE KIND OF VERTICAL INTEGRATION HERE, NOT CORPORATE OWNERSHIP AS SUCH, BUT VERTICAL INTEGRATION. SO WHAT'S THE DIFFERENCE IN LEGALLY BETWEEN, LET'S SAY, HOGS AND CATTLE WHEN IT COMES TO THIS ISSUE? [LB176]

SENATOR SCHILZ: I THINK I JUST TOLD YOU. THERE IS TWO DIFFERENT ASPECTS OF IT. AND I THINK THAT AS WE LOOK AT IT, MUCH THE SAME AS I EXPLAINED BEFORE, IN IOWA, IT WAS RATHER A NEGOTIATED SETTLEMENT. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR SCHILZ: BECAUSE THEY KNEW THEY WERE WRONG. IN NEBRASKA, WE'RE TAKING ON, A LITTLE DIFFERENTLY, TO WHERE THEY AREN'T SUING YET. THE STATE HASN'T HAD TO SPEND A BUNCH OF MONEY, BUT WE'RE GOING TO PUT INTO PLACE SOMETHING THAT IS MUCH LIKE A NEGOTIATION THAT WE HAD WITH... [LB176]

SENATOR HAAR: OKAY, OKAY. WELL, I APPRECIATE THAT. ARE THEY BEING CHALLENGED IN OTHER STATES? I MEAN, IS THERE A DIFFERENCE? [LB176]

SENATOR SCHILZ: WELL, AS FAR AS HOGS GO, THEY DON'T HAVE TO BE, BECAUSE ALL 49 OTHER STATES ALLOW THIS. [LB176]

SENATOR HAAR: OKAY. OKAY. WELL, THANK YOU, I APPRECIATE THAT. [LB176]

SENATOR SCHILZ: YOU'RE WELCOME. [LB176]

SENATOR HAAR: I'M DONE. [LB176]

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PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB176]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, ONCE AGAIN, COLLEAGUES. WE OPEN TO SOME VERY DEEP DISCUSSION ONCE AGAIN ABOUT CHINA, DOING BUSINESS WITH CHINA. AND I...DO A GOOGLE. GO TO YOUR LAPTOPS HERE AND TAKE A LOOK AT WHAT CHINA IS. I RESPECT AND I ADMIRE THE PEOPLE OF CHINA. BUT THEY ARE NOT FREE PEOPLE. CHINA IS STILL A COMMUNIST COUNTRY WHERE THE GOVERNMENT OWNS AND CONTROLS EVERYTHING. AND WHEN YOU DO THE SEARCH, YOU'LL FIND SOME FACTS, AND I'VE HEARD THIS BEFORE, BUT I WANTED TO REMIND YOU THAT CHINA IS VERY HEAVILY INVESTING IN AGRICULTURE, WATER, AND ENERGY NATIONALLY. THEY'RE INVESTING IN IT GLOBALLY. THERE IS AN ARTICLE HERE THAT I HAVE PULLED UP THAT IT'S FROM THE IISD.ORG INVESTMENTS RESEARCH, AND IT SAYS: FARMLAND AND WATER--CHINA INVESTS ABROAD. CHINA IS ACTIVELY INVESTING IN AGRICULTURE ABROAD AND IS NOW THE WORLD'S THIRD LARGEST SOURCE OF FOREIGN INVESTMENTS IN STOCK AND AGRICULTURE BEHIND ONLY THE U.S. AND CANADA. WHILE CHINA HAS A STRONG DOMESTIC AGRICULTURAL BASE, THERE ARE FEW PRODUCTS THAT CHINA DOES NOT PRODUCE IN SUFFICIENT QUANTITIES AND WHICH ARE NEEDED FOR FOOD PROCESSING, MANUFACTURING, AND ENERGY SECTORS. AND IT GOES ON TO COVER HOW MUCH CHINA HAS SPENT, WHAT THEY'VE BOUGHT, WHAT THEY'RE LOOKING TO BUY, AND THEIR INVESTMENTS. IF YOU CONTINUE ON THAT PAGE IN YOUR SEARCH, YOU'LL ALSO SEE THAT CHINA...AND THIS IS FROM THE WALL STREET JOURNAL, SEPTEMBER 3, 2015, HEADLINE: CHINA PLOWS BIG MONEY INTO AUSTRALIAN AGRICULTURE. THE FACTS ARE OUT THERE. IT'S NOT HARD TO FIND. AND ONCE AGAIN, I STILL BELIEVE IN AMERICA. I STILL BELIEVE IN OUR FAMILY FARMS. WE HAVE SEEN A LOT OF ADVERSITY. WE HAVE SEEN A LOT OF CHALLENGES. WE HAVE SEEN GOOD TIMES, BAD TIMES IN AGRICULTURE. WE'RE STRUGGLING NOW WITH LOW MARKET PRICES. BUT WE HAVE OVERCOME THESE THROUGHOUT OUR HISTORY WITHOUT CHINA'S COMING TO RESCUE OUR FARM LAND. I ALSO WAS AT THE CATTLEMEN'S EVENT AND I, LIKE SENATOR HAAR, ASKED A CATTLEMAN, I SAID--OKAY, HOW ABOUT YOU? WOULD YOU LIKE YOUR CATTLE TO BE OWNED BY THE CHINESE? AND THE LOOK ON HIS FACE WAS INTERESTING. NO. DOESN'T SOUND GOOD? NO. WE'VE GOT TO WHERE WE'RE AT WITH A LOT OF SWEAT EQUITY, WITH A LOT OF SELF-RELIANCE. WE ARE A WORLD LEADER. WE DON'T NEED TO FOLLOW OTHER COUNTRIES, ESPECIALLY THOSE THAT ARE NOT FREE. WE BELIEVE IN FREE MARKET, YES. BUT WE ALSO BELIEVE IN A FREE WORLD. FOLLOW THE MONEY. WE HAVE OUR AQUIFER UNDER US. HOW ATTRACTIVE IS THAT TO CHINA WHEN

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THEY'RE INVESTING IN WATER? WE HAVE PUBLIC POWER. HOW ATTRACTIVE IS THAT TO CHINA? WE HAVE AGRICULTURE. LET'S KEEP OUR PRODUCTS, OUR RESOURCES... [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR BRASCH: ...AND OUR PRECIOUS NATURAL RESOURCES NEAR US. WE'VE GOT THROUGH THIS. I BELIEVE OUR PORK PRODUCERS WILL ALSO GET THROUGH THIS. I THINK OUR CATTLEMEN HAVE BEEN WISE AND THEY'VE MADE IT THROUGH THEIR ECONOMIC CYCLE. THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR BLOOMFIELD. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. IN SENATOR SCHILZ'S RESPONSE TO THE AMENDMENT I DROPPED IN, WE UNFORTUNATELY LEARNED WHAT THIS IS REALLY ALL ABOUT. AND AGAIN, I ASK MY URBAN COLLEAGUES TO LISTEN CLOSELY. THE IDEA OF THIS BILL IS TO THROW ONE SECTOR OF AGRICULTURE PRODUCTION UNDER THE BUS, THE PROVERBIAL BUS, IN ORDER TO PROTECT ANOTHER SECTOR. WE WILL FORCE THIS ON THE PORK PRODUCER, THE INDEPENDENT PRIVATE PORK PRODUCER TO PROTECT THE INDEPENDENT PRIVATE CATTLEMAN. LOOK WHAT WE'RE DOING. IS GOVERNMENT SUPPOSED TO BE CHOOSING SIDES? SENATOR SCHILZ CAME RIGHT OUT AND SAID HE WOULD OPPOSE THIS BECAUSE IT WOULD AFFECT THE CATTLEMEN. IF IT'S GOOD ENOUGH FOR THE PORK PRODUCER, I BELIEVE IT'S GOOD ENOUGH FOR THE CATTLEMEN. IF WE PASS ONE, DO WE NOT OPEN THE DOOR WIDE FOR THE OTHER? YES, WE DO. MR. PRESIDENT, I YIELD MY TIME TO SENATOR CHAMBERS. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR CHAMBERS, 3:30 IF YOU CARE TO USE IT. [LB176]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, YES, I WANT TO USE IT AND I'LL NOT ABUSE IT. I AM PLEASED THAT THE LAST TWO SPEAKERS MENTIONED HAVING ATTENDED AN AFFAIR WHERE THERE WERE CATTLE PERSONS. BECAUSE I HAD SAID PRIOR TO THAT, I'VE BEEN GETTING CALLS FROM PRODUCERS AND THEY PRODUCE CATTLE. SO MAYBE THE CONVERSATIONS THEY HAD WITH MY TWO COLLEAGUES AND MAYBE OTHERS LED THEM TO CALL ME. BUT I GOT CALLS EARLY THIS MORNING AND THEY WERE VERY PLEASED THAT I WAS

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GOING TO DO...CONTINUE DOING WHAT I'M DOING. IS SENATOR MELLO HERE? OH, HE'S NOT HERE. AND I WOULDN'T TRY TO ENGAGE HIM AT THIS POINT BECAUSE THERE IS NOT ENOUGH TIME, BUT I WANTED TO. THERE ARE PACKERS IN OMAHA WHO ARE LOOKING FORWARD TO THE DAY WHEN THEY CAN GET THE CATTLE UNDER THIS SAME UMBRELLA. PACKERS IN OMAHA RIGHT NOW ARE LOOKING AT THE CATTLE. AND FOR SOMEBODY TO STAND ON THIS FLOOR WHO KNOWS ABOUT LIVESTOCK GROWING AND INDICATE THAT CATTLE ARE NOT ON THE RADAR SCREEN, I WOULD SAY THAT MAYBE THEY KNEW SOMETHING ABOUT WHAT WAS GOING ON IN THAT FIELD UNTIL THIS BILL CAME UP, THEN IT ALL WENT AWAY AND CONVENIENT AMNESIA CAME IN. I'M NOT GAMBLING, BUT I WOULD BET A DOLLAR TO A DOUGHNUT THAT CATTLE ARE ON THE SCOPE, PERHAPS IN THE MINDS OF SOME, EVEN MORE THAN THESE HOGS. I CALL THEM PIGS. THEY ARE MOVING INCREMENTALLY. IT WILL BE EASIER TO GET A FOOT IN THE DOOR IF YOU TAKE THE PIGS AND DON'T GO AFTER THE COW RIGHT AWAY. BUT THESE OPERATIONS ARE GREEDY. THEY KNOW WHAT THEY'RE DOING. THEY KNOW HOW TO DO IT. THEY KNOW HOW SHALLOW LEGISLATURES ALL OVER THE COUNTRY ARE BECAUSE THEY HAVE GOT 49 OF THEM LINED UP ALREADY, FROM WHAT I'VE HEARD. NEBRASKANS ARE GOING TO HAVE TO REALIZE THAT MONKEY SEE, MONKEY DO IS NOT ANYTHING TO BE PROUD OF. AND ON OCCASION, IT IS GOOD AND IT'S TO A STATE'S BENEFIT TO BE THE ONE WHO STOOD OUT AND HAD A REASON FOR IT AND WOULD NOT JUST BE SWEEPED ALONG. BECAUSE WHEN YOU DO THAT... [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR CHAMBERS: ...ARGUMENT, DEBATE MEANS NOTHING BECAUSE THOSE WHO ARE IN THE HARNESS OF SMITHFIELD ARE NOT GOING TO CHANGE. WE HAVE TO FIND OTHERS WHO HAVE NOT GIVEN THEMSELVES AWAY TO THAT EXTENT. THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. WE'VE SAT HERE AND WE'VE LISTENED TO THIS FOR QUITE A FEW HOURS. I KEEP THINKING BACK TO WHAT EVERYBODY SAYS AND WHAT EVERYBODY BELIEVES IS THE BIGGEST ISSUE THAT FACES THE STATE OF NEBRASKA RIGHT NOW--PROPERTY TAXES, GROWING THE ECONOMY, INCREASING RURAL POPULATION, ALL THIS. I WONDER IF SENATOR SCHNOOR WOULD ANSWER A QUESTION. [LB176]

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PRESIDENT FOLEY: SENATOR SCHNOOR, WOULD YOU YIELD, PLEASE? [LB176]

SENATOR SCHNOOR: YES, SIR. [LB176]

SENATOR SCHILZ: THANK YOU, SENATOR SCHNOOR. I WANT TO ASK YOU THE QUESTION: IN LIGHT OF WHERE THE GOVERNOR'S BEEN ON GROWING AGRICULTURE AND MOVING THINGS FORWARD AND TALKING ABOUT HOW WE DO THIS OUT THERE, CAN YOU TELL ME HOW DEFEATING THIS BILL HELPS THAT? [LB176]

SENATOR SCHNOOR: NO, BECAUSE I HAVEN'T TALKED TO THE GOVERNOR ABOUT THIS BILL. [LB176]

SENATOR SCHILZ: REALLY? YOU JUST HAD A FUND-RAISER WITH HIM, DIDN'T YOU, JUST THE OTHER DAY IN FREMONT? YOU WOULD HAVE HAD PLENTY OF OPPORTUNITIES. [LB176]

SENATOR SCHNOOR: YEP. AND WE DIDN'T TALK ABOUT IT. [LB176]

SENATOR SCHILZ: THANK YOU VERY MUCH, MR. SCHNOOR. SENATOR SCHNOOR, EXCUSE ME, I'M SORRY. SEE, FOLKS, THIS IS THE DEAL--THE OPPONENTS OF THIS BILL HAVE BEEN DEALING IN FEAR, INNUENDO, AND EVERYTHING ELSE. WHEN SENATOR BLOOMFIELD PUTS UP THE AMENDMENT FOR LIVESTOCK TO INCLUDE EVERYTHING, GUYS, I TALKED TO THE CATTLEMEN LAST NIGHT TOO. I WAS THERE. I HAD A PERSONAL CONVERSATION WITH THE PERSON THAT IS THE MARKETING COMMITTEE CHAIR. YOU KNOW WHAT HE TOLD ME? HE SAID, KEN, HOWEVER THIS IS SET UP, THE FARMERS AND RANCHERS OF THE STATE OF NEBRASKA CAN HANDLE THEMSELVES. WE'VE BEEN DEALING WITH THE PACKERS FOR YEARS AND YEARS. WE KNOW HOW TO DO IT. WE UNDERSTAND THESE BUSINESSES. NOW, HE AGREED THAT WE DON'T NEED IT IN CATTLE BECAUSE WE'RE NOT LOSING NUMBERS. WE'RE THE NUMBER ONE CATTLE STATE IN THE NATION. WE COULD BE...WE CAN BE MUCH BETTER ON THE HOG SIDE, ON THE PROPERTY TAX SIDE, AND EVERYTHING ELSE IF THIS BILL GOES INTO PLACE. AND FOLKS, GROWTH IN OUR RURAL ECONOMIES IS ABSOLUTELY NECESSARY. WE HAVE TO REMEMBER THAT WHEN PEOPLE TELL YOU THAT THIS IS BAD, THAT'S JUST NOT NECESSARILY THE TRUTH. I WAS LISTENING TO A PROFESSOR FROM NEW MEXICO STATE UNIVERSITY ONE TIME AND IT WAS ON WATER ISSUES. AND HE SAT THERE AND HE TALKED TO US ABOUT THE DIFFERENT DEMANDS THAT GO ON AND HOW THOSE DEMANDS ARE CHANGING

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OVER TIME AND WHERE THAT'S HAPPENING AND WHO THAT'S HAPPENING TO. AND HE SAID WATER IS MOVING AWAY FROM AGRICULTURE; WATER IS GOING MORE TOWARDS THE CITIES BECAUSE PEOPLE HAVE TO DRINK. HE SAID--IT'S NOT RIGHT. IT'S NOT WRONG. IT'S JUST DIFFERENT. AND AS SENATOR SCHUMACHER SAID YESTERDAY, FOLKS, THINGS CHANGE. I'VE GOT A STORY FOR THAT. WHEN I WAS MANAGING OUR FEEDYARD IN OGALLALA, I HAD MY GRANDFATHER WITH ME AS HE DROVE AROUND THE FEEDLOTS. AT LEAST ONCE A WEEK WE WOULD TAKE SOME TIME TO JUST GET IN THE PICKUP AND DRIVE AROUND THE FEEDYARD AND TALK ABOUT LIFE. AND HE TOLD ME, HE SAID, KEN, I WAS BORN IN 1914. I HAVE SEEN THINGS HAPPEN THAT I WOULD NEVER HAVE IMAGINED FROM PEOPLE RIDING HORSES TO DRIVING CARS; MICROWAVE OVENS TO A MAN LANDING ON THE MOON, HE SAID. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR SCHILZ: HE SAID, I CAN'T IMAGINE THE KIND OF THINGS THAT YOU'RE GOING TO SEE IN YOUR LIFETIME. AND THEN HE SAT THERE FOR A SECOND AND THEN HE SAID--KEN, HE SAID, THE ONE THING I WANT YOU TO REMEMBER, NEVER BE AFRAID OF CHANGE BECAUSE WITH CHANGE COMES OPPORTUNITY. THIS MAN HAD AN EIGHTH GRADE EDUCATION, BUT WISDOM WAY BEYOND HIS YEARS. AND I AM SO PROUD THAT I AM ABLE TO CARRY THAT ON. SO WHEN I THINK ABOUT THIS ISSUE, HE STARTED A FEEDLOT. HE CONTRACTED WITH FOLKS WHEN IT WAS LEGAL, WORKED OUT WELL UNTIL THE LAW WENT INTO PLACE AND IT AFFECTED FARMERS THAT WERE DOING IT THEN. SO DON'T TELL ME THE STATE CAN'T PICK WINNERS AND LOSERS. WE DO IT EVERY DAY. [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR SCHILZ: THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR DAVIS, YOU ARE RECOGNIZED. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I KIND OF WANTED TO FINISH UP A LITTLE BIT ON SOME OF THE THINGS THAT WERE SAID EARLIER. AND SOME OF THE THINGS THAT ARE SAID HERE JUST AMAZE ME. SO, YOU KNOW, ONE OF THEM WAS--WELL, WE'RE THE ONLY ONE LEFT; 49 STATES HAVE DONE IT. WE GOT TO DO SOMETHING ELSE. MY GOSH. WE ARE THE ONLY UNICAMERAL AND WE ARE ALL PROUD OF THAT. WE'RE PROUD OF THE FACT THAT WE'RE A

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UNICAMERAL. WE BOAST ABOUT IT ALL THE TIME. EVERY TIME I EVER GO ANYWHERE I TALK ABOUT HOW GREAT THAT IS. I FEEL THE SAME WAY ABOUT HAVING OPEN MARKETS IN THIS STATE. OPEN MARKETS WHERE PRICES ARE DETERMINED BY A NEGOTIATION BETWEEN A BUYER AND A SELLER, NOT SOME TOP-DOWN ADMINISTRATIVE DECISION BY A CORPORATION WHO SAYS THIS IS WHAT YOU'RE GOING TO GET, TAKE IT OR LEAVE IT. OH, AND BY THE WAY, IF YOU LEAVE IT, YOU'RE NOT GOING TO BE ABLE TO FILL YOUR BARN. WE ALL REMEMBER THE OLD STORIES OF THE MINING DAYS WHEN THERE WAS THE COMPANY STORE AND PEOPLE WORKED IN THE MINE AND THEY BOUGHT GROCERIES AND THINGS AT THE COMPANY STORE AT HIGHLY INFLATED PRICES. AND BY THE TIME THEY WERE READY TO GET THEIR PAYCHECK, THERE WAS HARDLY ANYTHING LEFT, MAYBE NOTHING LEFT AT ALL OR MAYBE THEY STILL OWED THE STORE. SO THEY HAD TO JUST KEEP WORKING THERE. KEPT PRICES DOWN, KEPT LABOR COSTS DOWN BECAUSE PEOPLE WERE BOUND INTO THAT ARRANGEMENT. A BAD THING. AND THAT'S WHAT I ENVISION HAPPENING IN NEBRASKA. WE ARE GOING TO DRIVE OUT THE OPEN MARKET. IT HAPPENED IN IOWA. THE NATION LOOKS TO NEBRASKA FOR OPEN MARKETS. IT HAS FOR A LONG TIME--IN THE CATTLE INDUSTRY, IN THE HOG INDUSTRY. WE DO NOT WANT TO GO DOWN THE SAME ROAD THAT THE CHICKEN PEOPLE WENT DOWN. IT'S A BIG MISTAKE, A BIG, BIG MISTAKE. SO WE TALKED ABOUT SOME OF THE PEOPLE, A FEW YEARS AGO, WHO WHEN THIS BILL FIRST CAME UP, AND I'M JUST GOING TO SORT OF REFRESH PEOPLE'S MEMORY AS TO THAT BECAUSE I HADN'T HEARD A THING ABOUT IT. I WENT TO ONE OF THE FARM BUREAU BREAKFAST AND ALL OF A SUDDEN WE HAVE THE UNIVERSITY OF NEBRASKA GETTING UP AND SAYING WHAT A GREAT THING THIS IS. AND THE DIRECTOR OF AGRICULTURE GETTING UP AND SENATOR SCHILZ TALKING ABOUT HOW GREAT THIS WAS GOING TO BE. AND IT REALLY SURPRISED ME BECAUSE I HADN'T HEARD A THING ABOUT IT. I DIDN'T KNOW THAT OUR PORK PRODUCERS IN THE STATE OF NEBRASKA WERE JUST SO DESPERATE TO HAVE SOME CHANGE MADE THAT THIS WAS GOING TO BE THE SAVING GRACE, AND MY GOSH, IT WAS GOING TO TURN THINGS AROUND AND THINGS WERE GOING TO BE GREAT. WELL, YOU KNOW, ONE OF THE INTERESTING THINGS, FOLKS, IS NEBRASKA'S HOG NUMBERS ARE INCREASING RIGHT NOW. YOU'VE HEARD THAT THEY AREN'T, BUT THAT ISN'T TRUE. I'VE GOT THE DATA RIGHT HERE IF SOMEBODY WANTS TO COME BACK AND LOOK AT IT; I WOULD LOVE TO SHOW IT TO YOU. SO WE HEAR ABOUT THIS BEING THE WAVE OF THE FUTURE. THIS IS THE WAVE OF THE FUTURE, FOLKS. I WONDER ON DECEMBER 7, 1941, IF THE WAVE OF THE FUTURE LOOKED LIKE JAPAN WAS GOING TO TAKE OVER THE WORLD. MAYBE WE SHOULD HAVE CAPITULATED AT THAT POINT AND SAID, OH MY GOSH, WE CAN'T WIN, SO WE JUST HAVE TO CAVE AND GO ALONG WITH IT. SENATOR BRASCH, MADE

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REFERENCE TO CHINESE; I'VE TALKED TO YOU ABOUT IT EARLIER. IT'S A CUT-THROAT NATION WITHOUT ANY RULES AND REGULATIONS. WHY OUR...THIS COUNTRY HAS DECIDED THAT WE'RE GOING TO PUT A LOT OF STOCK IN THE CHINESE, I DON'T UNDERSTAND. THE CHINESE HAVE A BIG POPULATION TO FEED. THIS IS A METHOD AND A TOOL BY WHICH THEY'RE GOING TO DO THAT AT THE EXPENSE OF NEBRASKA'S MARKETS. BAD DECISION. SO WE TALKED EARLIER ABOUT HOW THIS BILL WAS DAVID VERSUS GOLIATH. BUT I'M GOING TO SAY THIS AGAIN, WHO IS THE GOLIATH? IT'S THIS GROUP OF PEOPLE RIGHT IN HERE. A LOT OF PEOPLE WHO KNOW NOTHING ABOUT THE INDUSTRY AND KNOW NOTHING ABOUT AGRICULTURE, BUT HAVE BEEN BOUGHT AND PAID FOR EITHER BY SMITHFIELD OR BY SOME PROMISE THEY MADE TO SENATOR SCHILZ. I DON'T UNDERSTAND THAT. IT IS NOT A GOOD IDEA; IT NEVER WAS A GOOD IDEA. AND THE LAST THING I'M GOING TO DO IS REFERENCE YOU TO THE LAST PAGE OF THE ATTORNEY GENERAL'S OPINION WHICH SAYS: IT SHOULD BE NOTED THAT LB176 WOULD NOT FIX ANY APPARENT OR ALLEGED LIABILITY... [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT...UNDER THE DORMANT COMMERCE CLAUSE DUE TO NEBRASKA REVISED STATUTES, 54-2604, BAN ON VERTICAL INTEGRATION BECAUSE LB176 DOES NOT GET RID OF THE BAN ALTOGETHER. LB176 ONLY CARVES OUT AN EXCEPTION TO THE BAN LEAVING CATTLE PACKERS STILL SUBJECT TO THE BAN. SO FOLKS, THIS ISN'T THE REMEDY. IF WE'RE SO HUNG UP ON WHAT THE ATTORNEY GENERAL SAYS, THEN YOU SHOULD SUPPORT SENATOR BLOOMFIELD'S AMENDMENT. THAT'S PROBABLY THE CHOICE YOU OUGHT TO MAKE. THIS IS A SIGNIFICANT DECISION WE'RE MAKING HERE THAT'S GOING TO CHANGE NEBRASKA AGRICULTURE FOR A LONG TIME. AND WITH THAT SAID, MR. PRESIDENT, I WOULD LIKE TO WITHDRAW MY AMENDMENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR. WITHOUT OBJECTION, THE AMENDMENT IS WITHDRAWN. MR. CLERK. [LB176]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT AMENDMENT I HAVE IS OFFERED BY SENATOR SCHILZ, AM1755. (LEGISLATIVE JOURNAL PAGE 1902, FIRST SESSION, 2015.) [LB176]

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PRESIDENT FOLEY: SENATOR SCHILZ, YOU ARE RECOGNIZED TO OPEN ON AM1755. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. AND AS I'VE SAID BEFORE, THIS IS AN AMENDMENT THAT GETS INTO THE BILL, MANY OF THE CONCERNS THAT FOLKS TALKED ABOUT LAST YEAR THAT THEY WANTED IT. AM1755 WOULD ADD MANDATORY CONTRACT PROVISIONS CLEARLY STATING THE GROWERS' ABILITY TO CANCEL THE CONTRACT; HOW THE CONTRACT MAY BE CANCELLED; DEADLINES FOR CANCELLATIONS; THE CHOICE OF BEING BOUND BY ARBITRATION OR TO AVOID IT; MONITORING OF UNFAIR CONTRACTING BY THE ATTORNEY GENERAL; AND GIVES THE POWER TO THE DEPARTMENT OF AG TO PROMULGATE FURTHER RULES AS NEEDED FOR PROTECTION OF NEBRASKA GROWERS. AND THIS MAY INCLUDE A LIST OF WHAT THINGS THAT PEOPLE SHOULD LOOK AT INSIDE THE CONTRACTS AND THINGS LIKE THAT SO THAT THEY KNOW THAT EVERYTHING THEY'VE GOT HAS BEEN COVERED. SO THAT'S...THIS IS WHAT AM1755 DOES. AND IT'S EVERYTHING, OR A LOT OF IT IS, WHAT EVERYBODY TOLD ME, LAST YEAR, WAS NEEDED IN THIS TO PROTECT GROWERS FROM...AS THEY ENTER INTO THESE CONTRACTS. SO WITH THAT, I LOOKED AT THAT AND I SAID THESE AREN'T ONEROUS AT ALL, WE SHOULD DO SOME OF THESE THINGS AND WE PUT IT INTO AM1755. AND THEN WHEN WE COME TO AM1855, THAT'S THE CONFIDENTIALITY CAUSE THAT'S THERE AND MAKING SURE THAT PEOPLE KNOW THEY CAN SHOW IT TO ANYONE THEY WANT. SO THAT'S WHAT AM1755 DOES. I'M HAPPY TO PRESENT IT. AND I WOULD HOPE THAT I CAN GET YOUR VOTE ON IT. I THINK IT MAKES THE BILL STRONGER. THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. MR. CLERK. [LB176]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR SCHILZ WOULD OFFER AM1855 TO AM1755. (LEGISLATIVE JOURNAL PAGE 387.) [LB176]

PRESIDENT FOLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON AM1855. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. AND, LIKE I SAID, THIS HERE AMENDMENT, AM1855, WOULD FURTHER ADD--AND THIS WAS AT THE REQUEST OF SENATOR DAVIS HIMSELF--FURTHER LANGUAGE BANNING THE USE OF A CONFIDENTIALITY CLAUSE IN ANY CONTRACT CREATED UNDER LB176. ONCE AGAIN, THAT'S FINE, WE CAN PUT THAT LANGUAGE IN THERE, I'M HAPPY TO DO

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SO. AND I WOULD APPRECIATE YOUR AFFIRMATIVE VOTE ON THAT AS WELL.
THANK YOU, MR. PRESIDENT. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR HILKEMANN, YOU
ARE RECOGNIZED. [LB176]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I'VE BEEN SITTING HERE
LISTENING TO THIS DEBATE. KIND OF REMINDS ME OF...I'VE BEEN REFLECTING
BACK TO MY BOYHOOD, LIVING ON A FARM IN RANDOLPH, NEBRASKA. IN FACT,
THAT...RAISING PIGS WAS HOW I...THAT WAS MY ALLOWANCE BASICALLY. MY
DAD WOULD SAY--YOU BUY THE PIGS, I'LL PROVIDE THE FEED. THIS IS...THEN
WE'LL TAKE THEM OFF TO MARKET, AND WE TOOK THEM OFF TO NORFOLK. ONE
OF THE THINGS I REMEMBER VERY WELL WAS MY DAD WOULD ALWAYS COME
IN...HE ALWAYS WANTED TO BE AT NOON, AT 12:10, BECAUSE HE WANTED TO
LISTEN TO THE MARKETS ON WNEX BECAUSE HE WAS A CATTLE FEEDER. AND
THIS WAS IN THE '50s AND EARLY '60s. AND AT THAT TIME THERE WAS A NEW
THING COMING AROUND. THERE WAS ACTUALLY ORDER BUYERS COMING
AROUND TO BUY THE CATTLE DIRECTLY. AND THIS GUY, AND I DON'T
REMEMBER WHAT HIS NAME WAS THAT WOULD DO THE MARKETS FROM WNEX,
HE WOULD GIVE THE QUICK MARKET REVIEW AND THEN HE WOULD SPEND,
PROBABLY, 5 OR 10 MINUTES OF HIS TIME YELLING AND SCREAMING ABOUT--
YOU GUYS DON'T SELL TO THESE DIRECT BUYERS; DON'T SELL TO THESE DIRECT
BUYERS IF YOU DON'T HAVE THE...YOUR COMPETITIVE MARKETS IN SIOUX CITY
AND OMAHA, WE'RE GOING TO LOSE THE CATTLE INDUSTRY. WELL, GUESS
WHAT? WE DON'T HAVE ANY MARKETS IN SIOUX CITY ANYMORE OR OMAHA,
THE BIG STOCK MARKETS. AND GUESS WHAT? THE CATTLE INDUSTRY HAS GONE
ON FAIRLY WELL. I DID TAKE THE TOUR THIS SUMMER DURING THE INTERIM
OUT TO SEE THE CONFINEMENT, THE HOG CONFINEMENT PROJECT. WE DIDN'T
GET IN THAT. IT WAS ALL...IT WAS SEALED UP IN THE SENSE THAT THEY HAD TO
PROTECT IT FOR DISEASE AND SO FORTH LIKE THAT. AND I THOUGHT, WOW, I
REMEMBER THE YEAR THAT MY...WE LOST IT ALL ON OUR FARM WITH THE PIG
PRODUCTION BECAUSE WE HAD THE SCOURS THAT CAME THROUGH. AND SO, IN
FACT, MY DAD, ACTUALLY, THAT WAS WHEN HE QUIT FARROWING PIGS BECAUSE
OF THESE...OF THE...WHAT THEY CALLED THE BABY PIG DISEASE. AND I
THOUGHT, WOW, THEY'VE GOT...THEY CAN TAKE CARE OF IT NOW THAT'S SO
WELL...THAT IMPRESSED ME THAT THIS YOUNG MAN, I DON'T REMEMBER HIS
NAME, HE IS 19 YEARS OLD, HE'S GOT THIS HOG CONFINEMENT OPERATION
GOING OUT THERE IN SALINE COUNTY. I WENT TO THE TOUR THROUGH THE
SMITHFIELD PLANT. THAT WAS THE FIRST TIME I HAD EVER BEEN IN A PACKING
PLANT, EVEN THOUGH I HAD BEEN RAISED ON A FARM. AND I WAS IMPRESSED

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WITH THE UNIFORMITY OF ALL OF THE PIGS THAT WERE COMING...ALL THESE YORKSHIRE PIGS COMING THROUGH. THE ONE THING THAT THEY WERE LACKING WAS WHAT OUR PIGS HAVE WHEN WE SENT THEM, THEY DIDN'T HAVE ANY MUD ON THEM, YOU KNOW. SO...AND I THINK THIS BILL IS FILLED WITH A LOT OF MISINFORMATION. I'VE GOTTEN SOME PEOPLE THAT HAVE SENT ME E-MAILS AND THINGS OF THIS SORT. I WENT TO...A GROUP, THIS SUMMER, WANTED TO MEET WITH ME AND THEY SPOKE TO ME DIRECTLY ABOUT LB176 THAT I SHOULD OPPOSE IT. AND I SAID--WELL...AND THEY SAID--WELL, IT'S BECAUSE OF THE HORRIBLE SMELL OF THE PIGS. AND I SAID TO THE LADY THAT RAISED THAT QUESTION, I SAID--HAVE YOU EVER BEEN TO ONE OF THOSE CONFINEMENT PROCESSES? NO. AND I SAID, WELL, I'VE BEEN THERE. I HAVE BEEN WITHIN A FEW FEET OF THE BARN, AND I DIDN'T HAVE ANY...AND I KNOW WHAT PIGS SMELL LIKE AND I DIDN'T SMELL ANY PIGS. AND THEY SAID--WELL,...AND THEN THIS HORRIBLE THING, WHAT ARE YOU GOING TO DO WITH ALL THE MANURE? WELL, I LEARNED THAT THEY HAVE A WONDERFUL WAY OF PROCESSING THAT AND YOU TURN IT INTO FERTILIZER AND CHISELLING IT INTO THE GROUND. AND SO SOME OF THE...I THINK A LOT OF THIS STUFF IS FEAR. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR HILKEMANN: I CERTAINLY KNOW THAT THIS WHOLE PROCESS IS CERTAINLY DIFFERENT THAN WHAT WE WOULD PUT SEVEN PIGS IN MY DAD'S BACK OF THE PICKUP AND TAKE THEM TO NORFOLK AND HAVE SPENDING MONEY FOR THE NEXT WEEK. BUT AT EITHER RATE, IT'S AN EVOLUTION IN THE AGRICULTURE BUSINESS. AND I THINK THAT THE FARMERS WILL SURVIVE WITH THIS CHANGE AS WELL. THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR HILKEMANN. SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB176]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO COMMENT ON A FEW REMARKS THAT WERE MADE. SENATOR SCHILZ TALKED ABOUT THE COMPARISON OF CATTLE AND HOGS, THAT THEY'RE APPLES AND ORANGES. WELL, THEY'RE CATTLE AND HOGS, BUT I WOULD LIKE TO GIVE THE LEGAL DEFINITION: NEBRASKA REVISED STATUTE 54-183, LIVESTOCK, DEFINED-- LIVESTOCK MEANS DOMESTIC CATTLE, HORSES, MULES, DONKEYS, SHEEP, OR SWINE. BY LAW, THEY ARE IN THE SAME CATEGORY. SO IN REFERENCE TO SENATOR BLOOMFIELD'S BILL, ALTHOUGH I COMPLETELY OPPOSE THAT, THAT'S WHAT WE'RE GOING TO. BECAUSE BY LAW AND BY CATEGORIZATION, CATTLE

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AND SWINE ARE THE SAME. THEY ARE CONSIDERED LIVESTOCK. NOW I DON'T FORESEE ANY MARKETS IN HORSES AND MULES, BUT OUR INDUSTRY HERE, WE'RE TALKING ABOUT CATTLE AND HOGS. SENATOR DAVIS POINTED OUT-- WE'RE GROWING THE INDUSTRY RIGHT NOW WITHOUT THIS. WE'RE GROWING IT WITH FREE MARKET. I GET PREACHED TO BY A FELLOW SENATOR ABOUT FREE MARKET AND FREE TRADE. BUT YET WHEN IT COMES TO THIS, HE HAS A DIFFERENT VIEW. THIS IS FREE MARKET AND FREE TRADE. THIS IS LEGISLATION TO SUPPORT THE INDIVIDUAL AND NOT THE CORPORATION. WELL IN ESSENCE, SENATOR SCHILZ'S BILL DOES SUPPORT THE CORPORATION, AND THAT IS WHAT WE SHOULD FIGHT AGAINST. WE NEED TO SUPPORT THE FAMILY FARMER. I HAVE ONLY RECEIVED ONE E-MAIL ASKING ME TO SUPPORT THIS. I HAVE RECEIVED 20 OR MORE ASKING ME TO FIGHT THIS. YOU KNOW WHY? BECAUSE I AM HERE TO SUPPORT THE FAMILY FARMER. BECAUSE THAT IS WHAT I DO. I THINK THERE'S ONLY THREE PEOPLE, MAYBE FOUR, IN THIS BODY THAT OWN LIVESTOCK. AND I KNOW OF ONLY ONE OF THEM THAT IS IN FAVOR OF THIS. NOW, THAT IS A SMALL MAJORITY, BUT IT'S STILL A MAJORITY. SO THINK ABOUT THAT. THE PEOPLE HERE THAT YOU KNOW IN THIS GROUP THAT OWN LIVESTOCK, THE MAJORITY OF US ARE OPPOSED TO THIS. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR SCHNOOR: THANK YOU. DON'T LET THIS BIG COMPANY INFLUENCE YOUR DECISION. BECAUSE THAT'S WHAT I FEEL IS HAPPENING. JUST LIKE SENATOR DAVIS SAID. ALSO IN RESPONSE TO SOMETHING THAT SENATOR JOHNSON SAID ABOUT HORMEL FOODS. HORMEL FOODS IS IN FREMONT, NEBRASKA, IN MY DISTRICT. THEY DO CONTRACT HOGS. THEY DO OWN HOGS OUT OF STATE. BUT THEY ALSO TOLD ME THAT THIS ISN'T NECESSARY FOR THEM. THEY HAVE ENOUGH PRODUCT AVAILABLE IN THE STATE OF NEBRASKA TO MEET THEIR NEEDS. SO NOT EVERY BIG CORPORATION IS PUSHING THIS. [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR SCHNOOR: THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB176]

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SENATOR CHAMBERS: MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THIS IS ONE OF THOSE BILL WHERE THE PEOPLE WHO ARE ROCK SOLID FOR IT ARE NOT GOING TO BE PERSUADED NO MATTER WHAT. THOSE OF US WHO ARE AGAINST IT ARE NOT GOING TO BE PERSUADED TO BE FOR IT. BUT THERE MIGHT BE SOME PEOPLE IN THE MIDDLE. YOU CAN CALL IT THE BREAKAGE, THE VIGORISH, THE JUICE, OR WHATEVER YOU WANT TO CALL IT, BUT THERE ARE PEOPLE WHO HAVEN'T DECIDED COMPLETELY WHICH DIRECTION THEY WILL GO. IF YOU LET THE GENIE OUT OF THE BOTTLE, YOU CAN NEVER RETURN THE GENIE TO THE BOTTLE. AS LONG AS THE GENIE IS IN THE BOTTLE, THERE IS AN OPPORTUNITY TO RELEASE IT AT A DIFFERENT TIME. I DON'T THINK THIS PASTRY HAS BEEN PROPERLY BAKED YET. AND FOR MY PART, NO MATTER WHAT THE BAKING PROCESS IS, WHAT WILL BE PRODUCED IS NOT EDIBLE BECAUSE THE INGREDIENTS HAVE NOT BEEN MIXED APPROPRIATELY. WE ARE BEING SOLD A BILL OF GOODS. THE REASON I WILL USE THIS KIND OF FORTHRIGHT LANGUAGE IS NOT TO BE PROVOCATIVE, BUT THIS STEP IS ONE THAT CANNOT BE UNDONE. THE PEOPLE IN THIS LEGISLATURE WILL NOT SUFFER ANYTHING AS A RESULT OF IT BECAUSE THEY WILL BE GONE. SOME WILL GO ON TO BETTER THINGS BASED ON THIS VOTE. SOME MIGHT HAVE THINGS IN MIND THAT THEY ARE GOING TO BE ABLE TO DO, AND THIS BILL, IF ENACTED INTO LAW, WILL FACILITATE THAT. AM I SAYING THAT IT IS WRONG? THAT IS THE NATURE OF THE WORLD. THAT IS THE WAY OF THE WORLD. AND WHETHER YOU'RE TALKING ABOUT AGRICULTURE OR ELECTRONICS OR COMMUNICATION OR ANY PRODUCT FROM GROWING PIGS TO PRODUCING BOEING SUPERSONIC JETS, WHEN YOU LOOK AT WHO IS CONTROLLING THE MEANS OF PRODUCTION, WHO HAS THE MONEY, HOW EMPLOYEES ARE DEALT WITH, IT'S GOING TO BE ABOUT THE SAME. THOSE WHO HAVE MONEY WANT TO KEEP IT AND GET AS MUCH MORE AS THEY CAN. THEY WANT TO SPEND AS LITTLE AS POSSIBLE AND GET THE GREATEST RETURN POSSIBLE. SO WE DON'T HAVE TO RESTRICT THIS TO PEOPLE WHO UNDERSTAND AGRICULTURE OR PIGS AND CATTLE, SOYBEANS, CORN, OR ANY OF THE OTHER SPECIFIC PRODUCTS. WE'RE TALKING NOW ABOUT ECONOMIC RELATIONSHIPS; ECONOMIC WARFARE BEING WAGED AGAINST THOSE WHO HAVE NO CLOUT. THESE PRODUCERS COULD NOT PUT TOGETHER A GATHERING AND ALL THE SENATORS COME, LIKE WHEN A BIG CORPORATION OR A LOBBYIST RINGS THE DINNER BELL. HERE THEY ALL COME, BOOGITY, BOOGITY, BOOGITY. WE KNOW THIS. EVERYBODY KNOWS IT. THE PUBLIC KNOWS IT. BUT THE PUBLIC HAS A SHORT ATTENTION SPAN. AND IF THEY COMPRISE PEOPLE WHO DON'T LIVE IN THE RURAL AREA, OR IF THEY LIVE IN A RURAL AREA, BUT THEY'RE NOT INVOLVED IN THIS PARTICULAR ASPECT OF THE AGRICULTURAL UNIVERSE, THERE'S NO PARTICULAR INTEREST. IT DOESN'T AFFECT THEM. AND IT GOES BACK TO THE NOTION OF WOLVES HOWLING A

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GREAT WAY OFF. PEOPLE DON'T WORRY ABOUT IT. BUT THAT WOLF WHICH IS A GREAT WAY OFF... [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR CHAMBERS: ...AS FAR AS I AM CONCERNED IS ON SOMEBODY ELSE'S DOORSTEP. BUT I DON'T CARE, I'M JUST GLAD IT'S NOT ON MINE. THEN WHEN THE WOLF IS ON MY DOORSTEP AND I CAN'T GET PEOPLE TO RALLY, SOMEBODY COULD TELL ME, YOU HEARD THAT WOLF HOWLING, BUT AS LONG AS IT WAS ON SOMEBODY ELSE'S DOORSTEP, YOU DIDN'T CARE. IN THE SAME WAY THAT YOU DIDN'T CARE WHEN IT WASN'T ON YOUR DOORSTEP, OTHER PEOPLE DON'T CARE NOW THAT IT'S ON YOUR DOORSTEP. AND YOU WANT TO ARGUE--BUT IT'S DIFFERENT NOW. YES, THE DIFFERENCE IS THAT IT HAS COME HOME TO YOU. THIS BILL IS NOT GOING TO IMPACT DIRECTLY MANY OF OUR CONSTITUENCIES. BUT UNLIKE MANY PEOPLE ON THIS FLOOR, I TAKE SERIOUSLY THAT DESIGNATION "STATE" BEFORE THE WORD...OR IN FRONT OF THE WORD "SENATOR." EVERYBODY IN THIS STATE IS A PART OF MY CONSTITUENCY. THEY DON'T HAVE TO BE CITIZENS EITHER. AND THAT'S WHY THE CONSTITUTION DISTINGUISHES BETWEEN PERSONS AND CITIZENS, RESIDENTS AND CITIZENS... [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR CHAMBERS: ...BECAUSE THERE'S SOME FUNDAMENTAL BASIC RIGHTS THAT APPLY TO ANYBODY WHO IS A HUMAN BEING... [LB176]

PRESIDENT FOLEY: TIME, SENATOR. [LB176]

SENATOR CHAMBERS: OH, I'M SORRY, MR. PRESIDENT. THANK YOU. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR GROENE, YOU ARE RECOGNIZED. [LB176]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO ASK SENATOR SCHILZ A QUESTION. [LB176]

PRESIDENT FOLEY: SENATOR SCHILZ, WILL YOU YIELD, PLEASE? [LB176]

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SENATOR SCHILZ: YES. [LB176]

SENATOR GROENE: SENATOR SCHILZ, FOLLOW UP ON SENATOR KEN HAAR'S QUESTIONS: DO OTHER STATES ALLOW PACKERS TO OWN CATTLE? [LB176]

SENATOR SCHILZ: I AM SURE THERE ARE STATES THAT DO THAT. [LB176]

SENATOR GROENE: HAVE YOU EVER HEARD OF COLORADO? I LIVED THERE FOR TEN YEARS. YOU EVER HEARD OF MONFORT? [LB176]

SENATOR SCHILZ: ABSOLUTELY. [LB176]

SENATOR GROENE: YEAH. MONFORT, FOLKS, HAVE THE LARGEST CATTLE FEEDLOTS, PROBABLY, IN THE WORLD. THEY GOT ONE DOWN BY OTIS, COLORADO, 100,000; ONE UP BY KERSEY, OVER 100,000 HEAD. THEY OWN THE CATTLE. SO HOGS AND CATTLE ARE LIVESTOCK, AS SENATOR SCHNOOR SAID. THEY ARE THE SAME--A HUNDRED THOUSAND HEAD. IN IOWA, PACKING-OWNED BARN, HOG BARN, THEY ARE 20,000 HEAD, BECAUSE THAT'S WHAT MAKES THEM EFFICIENT. THEY HAVE GROUNDWATER PROBLEMS. SENATOR HILKEMANN TOLD HOW THEY DISPOSE OF THE MANURE. A 20,000-HEAD BARN IS AS MUCH HUMAN...AS HUMAN WASTE ON 160,000-POPULATED CITY. TAKES A LOT OF FARM GROUND, A LOT OF MILES IN A RADIUS AROUND THAT FACILITY TO GET RID OF THAT. IT'S CAUSING GROUNDWATER PROBLEMS THERE. THIS IS VERTICAL INTEGRATION. IT'S MANUFACTURED FOOD. IT'S NO LONGER FARM-RAISED FOOD; IT'S MANUFACTURED BY CORPORATIONS. AND THAT'S WHAT WILL HAPPEN TO THE LIVESTOCK INDUSTRY HERE IN NEBRASKA. JUST WHAT HAPPENED IN COLORADO WITH THEIR CATTLE. JUST WHAT HAPPENED IN IOWA WITH THEIR PIGS. THIS IS NOT ABOUT THE SMALL FARMER, NOT EVEN CLOSE. THIS IS ABOUT CORPORATE FARMING. DO YOU WANT TO CHANGE THE CULTURE OF NEBRASKA? DO YOU WANT TO KILL THE SMALL TOWNS? DRIVE THROUGH EASTERN COLORADO AND LOOK AT THEIR SMALL TOWNS AND COMPARE THEM TO OURS. THEY'RE GHOST TOWNS. THIS IS WHERE WE'RE GOING WITH THIS. I HEAR--IT'S INEVITABLE, IT'S GOING TO HAPPEN. LET ME TELL YOU ABOUT PAST GENERATIONS. IN THE '20s WHEN ROCKEFELLER OWNED ALL THE OIL, WHEN CARNEGIE OWNED ALL THE STEEL, WHEN MELLON OWNED ALL THE BANKS-- THAT GENERATION SAID NO. THEY BROKE THEM UP. WE GOT SMALL BANKS NOW; WE HAVE DIFFERENT STEEL MILLS; WE GOT NUCOR IN NORFOLK. WE HAVE AN ASSORTMENT OF OIL COMPANIES; WE HAVE AN ASSORTMENT OF GAS STATIONS. WHEN I WENT THROUGH MY ECONOMIC CLASSES AT UNIVERSITY,

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THERE IS THE EXCEPTION TO THE RULE. YES, IN AN IDEAL SITUATION, FREE MARKETS WORK. BUT YOU START PUSHING TOWARDS THE MONOPOLY AND THIS IS WHAT THIS IS, THIS IS THE MONOPOLY. NEBRASKA IS A GREAT STATE, GREAT RURAL AREAS, LOW UNEMPLOYMENT, WELL EDUCATED BECAUSE WE OWN WHAT WE HAVE. WE LIVED THE AMERICAN DREAM AS A SMALL FARMER. I GREW UP ON A FARM, SMALL FARM. DAD HAD TO SELL IT. I WORKED MY WAY THROUGH. I NOW OWN SOME FARM GROUND AS MY OLDER AGE. I HOPE MY GRANDSON MOVES ONTO IT. THE DREAM LIVES. THIS KILLS IT. THIS KIND OF STUFF KILLS THAT DREAM. I'VE GOT NINE HEAD OF CATTLE AND ONE OF THE...I NEVER OWNED CATTLE BEFORE IN MY LIFE. I OWN NINE HEAD NOW. I CAN TAKE THAT TO SALE BARN AND SELL IT. IF YOU WANT TO SAVE AGRICULTURE, WHERE IS THE BILLS OUT HERE TO PROTECT THE VERY SMALL PACKER? IN THE PRESENT LEGISLATION IT SAYS--CURRENTLY THE LAW PROHIBITS NEBRASKA PACKERS WHO PROCESS MORE THAN 150,000 ANIMALS. WHERE IS THE SMALL PACKERS? WHERE ARE WE PROTECTING THOSE GUYS? [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR GROENE: TO MAKE SURE THAT THERE'S A MARKET FOR THE HOGS. NO, IT IS NOT INEVITABLE. IT IS WHAT WE DECIDE IS WHAT HAPPENS. IT'S HOW WE GUIDE OUR ECONOMY WITH WHAT HAPPENS. THE NATURAL PROCESS IS FOR CONCENTRATION TO KEEP THE AMERICAN DREAM ALIVE, GOVERNMENT DOES STEP IN. AND WE NEED TO KEEP STEPPING IN. WE NEED TO PROTECT THE SMALL FARMER. THIS DOES NOTHING FOR THIS. THIS DOES IT FOR THE BUFFETTS OF THE WORLD WHO WANT TO INVEST AND NEVER GET THEIR HANDS DIRTY IN THE CORPORATION. I'M ON THE SIDE OF THE GUY WHO WANTS TO MAKE HIS OWN MONEY AND DON'T MIND GETTING HIS HANDS DIRTY. THANK YOU. VOTE NO ON LB176. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR KEN HAAR. [LB176]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I ALWAYS FIND IT INTERESTING WHEN PEOPLE GET ON THE MIKE TO LEARN NEW THINGS ABOUT HIM. AND THAT SENATOR HILKEMANN RAISED HOGS WHEN HE WAS A KID. I THINK THAT IS REALLY NEAT. I PASSED OUT THIS LETTER FROM THE ATTORNEY GENERAL BECAUSE I'VE HEARD NOW AND AGAIN THAT WE NEED LB176 TO FIX THE COMMERCE, THE U.S. COMMERCE CLAUSE. AND MY READING AND MY LA'S READING OF THIS MEANS, AT LEAST IN MY MIND, THAT WHAT WE'RE DOING WITH LB176 HAS NOTHING TO DO WITH THE COMMERCE CLAUSE. WE'RE SIMPLY

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CARVING OUT AN EXCEPTION TO THE BAN THAT HAS BEEN IN PLACE BY NEBRASKA LAW, BUT WE STILL LEAVE CATTLE PACKERS STILL SUBJECT TO THE BAN. SO I TAKE THIS TO MEAN THAT AT SOME FUTURE POINT, IF THE LEGISLATURE IS APPROACHED AND CONVINCED BY PACKERS, BY CATTLE PACKERS, THAT THE BAN OUGHT TO GO, THAT WE CAN JUST DO THAT, JUST LIKE WE'RE GOING TO DO FOR THE HOGS NOW. SO, WHAT I HEARD FROM THE PEOPLE I TALKED TO LAST NIGHT, THE PEOPLE RAISING CATTLE, IS THAT THEY WOULD NOT LIKE TO HAVE THE BAN EXEMPTED, BUT THAT'S TOTALLY UP TO THE LEGISLATURE IN OUR FUTURE WISDOM. AND THAT MUST BE A LITTLE BIT SCARY FOR CATTLE GROWERS. NOW, WE JUST GOT ANOTHER LETTER SAYING THAT THIS VERTICAL INTEGRATION PROVIDES JOBS FOR RURAL PEOPLE UTILIZING CORN, OTHER GRAINS, AND SUPPLEMENTS, PLUS THE RELATED INFRASTRUCTURE. WELL, HERE'S ANOTHER EXPERT TALKING--AT THE SAME TIME A SELLING POINT OF INDUSTRIALIZATION...LET ME GO EVEN FURTHER BACK IN THIS...ACROSS THE BOARD, ECONOMIC STUDIES FIND THAT INDUSTRIALIZED OPERATIONS SPEND LESS LOCALLY THAN SMALLER FARMS DO. IRONICALLY, ANALYSTS NOTE THAT COMMUNITIES OR LOCAL GOVERNMENTS OFTEN ALLOW INDUSTRIAL LIVESTOCK COMPANIES TO OPERATE IN THEIR COMMUNITY BECAUSE THE FIRMS HAVE PROMISED TO CREATE JOBS. AT THE SAME TIME, A SELLING POINT OF INDUSTRIALIZATION IS ALWAYS EFFICIENCY. LARGE CORPORATIONS REQUIRE LESS LABOR AND SOURCE INPUTS CHEAPLY FROM FAR AWAY. RESEARCH TO DATE SUGGESTS THAT THE EMPLOYMENT GENERATING POTENTIAL OF INDUSTRIAL LIVESTOCK OPERATIONS IS LESS THAN ADVERTISED. ONE ECONOMIC ANALYSIS OF MISSOURI HOG OPERATIONS FOUND THAT A CONTRACT FACILITY MAKING \$1.3 MILLION IN ANNUAL SALES GENERATED 9.4 JOBS ON AND OFF THE FARM. WHILE AN INDEPENDENT OPERATION MAKING \$1.3 MILLION IN SALES GENERATED 28 JOBS ON AND OFF THE FARM. SO ONCE AGAIN, AND THIS IS THE ARGUMENT HERE, YOU HEAR ANYTIME WITH INDUSTRIALIZATION AND IT'S ONE SIDE OF THE COIN. OBVIOUSLY, IS IT...IT WILL MAKE THINGS MORE EFFICIENT AND THAT MEANS LESS JOBS. SO WHEN I QUOTED A SOURCE THE OTHER DAY TALKING ABOUT THIS HAVING THE REAL POTENTIAL TO CREATE LESS JOBS, I'M QUOTING ANOTHER EXPERT. I GUESS WE HAVE TO WEIGH THE JUDGEMENT BETWEEN EXPERTS ON THIS ONE. IN MY MIND WHEN WE TALK ABOUT FREE MARKET... [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR HAAR: ...AND I DO BELIEVE IN FREE MARKETS, THAT MONOPOLY IS THE ENEMY OF FREE MARKETS. WE'RE GOING TO BE TALKING ABOUT THIS DOWN THE ROAD WHEN IT COMES TO ENERGY. AND I JUST CAN'T SEE THAT WHEN YOU,

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EVENTUALLY, WILL TAKE CONTROL OF THE MARKETS AND OF THE HOGS AND HOW THEY'RE FEED AND SO ON THAT THAT'S GOING TO ALLOW FOR A FREE MARKET AMONG CATTLE PRODUCERS AND HOG PRODUCERS IN NEBRASKA. SO IT'S UP TO US. WE CAN MAKE THE DECISION; WE REALLY AREN'T UP AGAINST THE COMMERCE CLAUSE OF THE U.S. GOVERNMENT. I THINK IT IS A MATTER OF WHETHER WE WANT INDUSTRIALIZATION OF THE CATTLE INDUSTRY AND I BELIEVE THAT THAT WILL CREATE LESS JOBS IN RURAL NEBRASKA, NOT MORE. THANK YOU VERY MUCH. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. SENATOR BRASCH. [LB176]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT; AND THANK YOU ONCE AGAIN, COLLEAGUES. I DO WANT TO RESPOND TO SOME COMMENTS MADE EARLIER THIS MORNING TALKING ABOUT FEAR MONGERING. I AM FEARFUL, BUT I'M NOT FEAR MONGERING. AND I DO WANT YOU TO PLEASE LISTEN CLOSELY HERE. I'D LIKE TO READ PART OF A SPEECH THAT WAS AT HILLSDALE COLLEGE BY PAUL RAHE, AND THE SPEECH WAS JUST IN OCTOBER AND IT IS CALLED "A CRITICAL VIEW OF CHINA." AND I'M READING A PORTION OF THIS SPEECH. AND HERE PAUL RAHE, HE IS SAYING--THE NEW LEADERSHIP OF THE CHINESE COMMUNIST PARTY CIRCULATED WITHIN THE PARTY, QUOTE, UNQUOTE, DOCUMENT NUMBER NINE, WHICH SPELLED OUT SEVEN DANGEROUS WESTERN VALUES THAT IT WAS FORBIDDEN FOR ANYONE TO EMBRACE. HERE IS WHAT IS OFF LIMITS: ONE, OFF LIMITS IS PROMOTING WESTERN CONSTITUTIONAL DEMOCRACY. TWO, FORBIDDEN IS PROMOTING UNIVERSAL VALUES SUCH AS HUMAN RIGHTS WHICH WOULD ESTABLISH A STANDARD BY WHICH THE RULE OF THE CHINESE COMMUNIST PARTY COULD BE JUDGED. THREE, FORBIDDEN IN CHINA IS PROMOTING CIVIL SOCIETY WHICH WOULD COMPRISE THE PARTY'S MONOPOLY OF POWER. FOUR, PROMOTING NEOLIBERALISM, WHICH IS TO SAY--FREE MARKETS. FIVE, PROMOTING THE WESTERN IDEA OF JOURNALISM, CHALLENGING CHINA'S PRINCIPLE THAT THE MEDIA AND PUBLISHING SYSTEM WOULD BE SUBJECT TO PARTY DISCIPLINE. SIX, PROMOTING HISTORICAL NIHILISM WHICH IS TO SAY--TRYING TO UNDERMINE THE ROSY DEPICTION OF THE HISTORY OF THE CHINESE COMMUNIST PARTY OF NEW CHINA PROMOTED. I WENT TO THE DICTIONARY ONLINE FOR NIHILISM. NIHILISM IS THE REJECTION OF ALL RELIGIOUS AND MORAL PRINCIPALS, OFTEN IN THE BELIEF THAT LIFE IS MEANINGLESS. THIS IS WHAT THE CHINESE COMMUNIST PARTY, THE GOVERNMENT, WHICH OWNS EVERYTHING IN CHINA. SEVEN, QUESTIONING REFORM AND OPENING AND THE SOCIALIST NATURE OF SOCIALISM WITH CHINESE CHARACTERISTICS, WHICH IS TO SAY SUGGESTING THAT THE RED EMPEROR HAS DOFFED OFF HIS RED CLOTHES. THIS IS THE CHINA THAT IS WHAT

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THEY ARE FOSTERING. AND IT IS A CHINA AND HE, THE PRESIDENT, AND HIS MINIONS DO NOT WANT TO SEE. THIS PAST APRIL, THE 71-YEAR-OLD CHINESE JOURNALIST WHO LEAKED THIS DOCUMENT TO THE WESTERN PRESS WAS SENTENCED TO SEVEN YEARS IN PRISON. THERE IS EVERY REASON TO SUPPOSE THAT THE PRESIDENT AND HIS COMRADES ARE DEADLY SERIOUS ABOUT THIS PROJECT. JUST YESTERDAY, I CAME ACROSS THE FOLLOWING REPORT: CHINA'S COMMUNIST GOVERNMENT IS ROLLING OUT A PLAN TO ASSIGN EVERYONE IN THE COUNTRY, QUOTE, UNQUOTE, CITIZENSHIP SCORES ACCORDING TO THE ACLU, QUOTE--CHINA APPEARS TO BE LEVERAGING ALL THE TOOLS OF THE INFORMATION AGE, ELECTRONIC PURCHASING DATA, SOCIAL NETWORK, ALGORITHMIC SORTING TO CONSTRUCT THE ULTIMATE TOOL OF SOCIAL CONTROL. IT IS AS ONE COMMENTER PUT IT--AUTHORITARIANISM GAMIFIDE. [LB176]

PRESIDENT FOLEY: ONE MINUTE. [LB176]

SENATOR BRASCH: MR. PRESIDENT, I WILL CONTINUE AT SOME POINT, BUT WHAT'S REALLY IMPORTANT HERE IS FREE TRADE, OPEN TRADE IS ONE THING. BUT TO HAVE OUR AGRICULTURE BUSINESSES BECOME A PART, AN ECONOMIC PART OF A COMMUNIST COUNTRY I FEAR. I'M NOT ASKING ANYONE ELSE TO FEAR IT. BUT I THINK...JUST THINK WHAT YOU ARE DOING HERE. THE FAMILY FARMERS IN OUR AREA, MANY HAVE REACHED OUT TO SAY NO TO LB176. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB176]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. SENATOR BLOOMFIELD. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR DAVIS MENTIONED A LITTLE WHILE BACK THAT WITHOUT THIS THE PORK INDUSTRY IN NEBRASKA IS GROWING. FROM DECEMBER 1, 2014 TO DECEMBER 1, 2015, WE HAD AN INCREASE OF 20,000 IN THE BREEDING MARKET. IN THE ACTUAL LIVESTOCK SOLD, PORK PRODUCED, WE HAD AN INCREASE OF 80,000 HEAD. COLLEAGUES, THOSE AREN'T NUMBERS FROM AN INDUSTRY THAT NEEDS TO BE BAILED OUT BY A FOREIGN COUNTRY. WE'VE HEARD GREAT TALK ABOUT NEEDING TO RAISE NEBRASKA'S POPULATION. WELL, WHEN THE CENSUS COMES AROUND, THEY'RE COUNTING PEOPLE NOT HOGS. GUESS WHERE YOU'RE GOING TO GET MORE PEOPLE IF YOU HAVE TEN FARMERS EACH RAISING A THOUSAND HOGS OR ONE RAISING 10,000 HOGS? GUESS WHERE YOU'RE GOING TO GET THE MOST POLLUTION? YOU HAVE A FARMER WITH A THOUSAND HOGS AND 500 ACRES TO

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SPREAD THE MANURE ON, YOU HAVE A FACILITY SETTING ON 10 ACRES OR LESS WITH 20,000 HOGS. GUESS WHICH ONE IS GOING TO PRODUCE THE MOST MANURE? REMEMBER WHAT WE'RE DOING HERE. PIGS MAKE HOGS OF THEMSELVES. AND IN THAT PROCESS THEY PRODUCE A LOT OF MANURE. COLLEAGUES, THIS IS PROBABLY THE LAST TIME I'M GOING TO GET TO SPEAK ON THIS. REMEMBER WHAT WE'RE GOING TO BE DOING TO OUR WATER. REMEMBER WHAT'S GOING ON OVER IN IOWA WITH THEIR WATER. THEY HAVE A LOT MORE HOGS THAN THEY HAD. THEY HAVE A LOT MORE POLLUTION THAN THEY HAD. AND I DON'T BELIEVE THEY HAVE ANY MORE FARMERS THAN THEY HAD. SO THANK YOU, COLLEAGUES, FOR LISTENING. I DON'T KNOW JUST EXACTLY WHAT TIME THIS SHUTS DOWN, BUT IT WILL SHUT DOWN FAIRLY SOON. AND AT THIS POINT, I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR DAVIS. [LB176]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR DAVIS, YOU ARE YIELDED 2:10. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR BLOOMFIELD, I APPRECIATE THAT. I WANT TO MAKE A FEW MORE POINTS, AND I THINK SENATOR BLOOMFIELD HIT IT PRETTY HARD WHEN HE SAID, YOU KNOW, WE'RE SEEING AN INCREASE NOW, SO WHY DO WE NEED THIS? WE HEAR WE NEED THIS BECAUSE WE NEED COMPETITIVE ADVANTAGE. BUT, YOU KNOW, THAT'S REALLY NOT WHAT THIS IS ABOUT. IF YOU LOOK AT LB176, THE ORIGINAL BILL WHICH MUST HAVE BEEN DRAFTED BY SMITHFIELD ITSELF, IT DIDN'T HAVE ANY PROTECTIONS IN IT FOR PRODUCERS. IT WAS COMPLETELY A CORPORATE BILL, AND THAT'S WHAT WE'VE GOT HERE. SO, YOU KNOW, WE'VE TALKED ALL DAY ABOUT THE BILL. WE HAVEN'T TALKED ABOUT PROTECTIONS BECAUSE, REALLY, THIS IS ABOUT THE PHILOSOPHY OF WHERE WE'RE GOING TO GO. I THINK THAT INDICATES A LOT ABOUT THIS BILL. AND YEARS AGO, MY BROTHER-IN-LAW WAS A FOOTBALL COACH AT NORTHERN COLORADO. AND DOTTIE AND I WOULD DRIVE OVER TO GO TO GAMES, WHICH WE ENJOYED VERY MUCH, AND WE'D COME BACK STOP IN STERLING, COLORADO. STERLING HAD JUST OPENED A WALMART THERE, SO WE'D STOP AT WALMART AND GO IN. AND I ALWAYS MADE THE JOKE TO DOTTIE, I SAID--SO NOW LET'S DRIVE DOWNTOWN AND LOOK AT ALL THE EMPTY BUILDINGS. [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

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SENATOR DAVIS: THANK YOU, MR. PRESIDENT. WE DID THAT. ALL THE EMPTY BUILDINGS THAT WERE THERE IN THAT TOWN BECAUSE THIS GREAT BIG LARGE CORPORATION HAD COME IN AND SUCKED THE LIFE OUT OF IT. AND I'M A WALMART SHOPPER, I DO IT ALL THE TIME. BUT I'M JUST SAYING, THAT'S KIND OF WHAT WE'RE DOING. YOU HEARD SENATOR BLOOMFIELD TALK ABOUT IT: TEN PEOPLE WITH A THOUSAND HOGS VERSUS ONE WITH 10,000 HOGS. WE'VE HEARD ABOUT THE PRODUCER, AND AT TIMES YESTERDAY YOUR COMMENTS ALMOST MADE THE HOG INDUSTRY SOUND IDYLIC. WE TALKED ABOUT ECONOMIC DEVELOPMENT AND SO UNDER THE GUISE OF ECONOMIC DEVELOPMENT, WE'RE WILLING TO UPEND A WAY OF LIFE BECAUSE, IN OUR OPINION, TIME IS UP FOR THAT WAY OF LIFE. OUR OWN ECONOMIC DEVELOPMENT PACKAGES REQUIRE A CERTAIN AMOUNT OF DOLLAR INVESTMENTS AND HIRING EMPLOYEES. WHERE IS THAT TODAY? WE'RE NOT SEEING ANY OF THAT. WE'RE JUST GOING TO UPEND, DO AWAY WITH OUR MARKET APPROACH BECAUSE SOMEBODY THINKS THIS IS A GOOD IDEA. COLLEAGUES, YOU NEED TO THINK HARD ABOUT THIS AND YOU NEED TO VOTE NO ON LB176 AND NO ON CLOTURE. [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD AND SENATOR DAVIS. SENATOR STINNER, YOU ARE RECOGNIZED. [LB176]

SENATOR STINNER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I STAND IN SUPPORT OF LB176 AND THE FOLLOWING AMENDMENTS OFFERED BY SENATOR SCHILZ. I DID PASS OUT A LETTER FROM, I THINK, A PRETTY AUTHORITATIVE SOURCE THAT'S OUTSIDE THIS BODY AND THAT'S IVAN RUSH. AND IVAN IS RETIRED NOW, BUT WAS CONSIDERED TO BE THE UNIVERSITY OF NEBRASKA EXTENSION DIVISION OUT WEST EXPERT IN LIVESTOCK. BUT I'M GOING TO READ THIS TO YOU. JUST TO KIND OF MAKE A POINT FROM AN OUTSIDER THAT I CONSIDER TO BE AN EXPERT. IT SAID: DEAR SENATOR STINNER; I CAUGHT A FEW OF YOUR COMMENTS ON TV THIS EVENING CONCERNING THE CONTRACT FEEDING BILL. I AGREE AND APPRECIATE YOUR STAND ON THIS BILL. AS YOU KNOW, THE SWINE INDUSTRY IS THRIVING IN SURROUNDING STATES WHERE CONTRACT FEEDING IS ALLOWED AND THOSE STATES ARE RECEIVING THE ECONOMIC BENEFIT. THEY ARE PROVIDING JOBS FOR RURAL PEOPLE, UTILIZING CORN AND OTHER GRAINS, AND SUPPLEMENTS,

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PLUS THE RELATED INFRASTRUCTURE. SOME SEEM TO FEEL THAT BY KEEPING SMITHFIELD OUT OF NEBRASKA, IT WOULD KEEP THEM FROM BEING IN THE SWINE BUSINESS. THEY WILL BE IN THE SWINE BUSINESS, JUST IN OTHER STATES. I GREW UP IN SOUTHWEST MISSOURI WHERE SMITHFIELD CURRENTLY HAS MANY CONTRACT GROWERS. MY IMMEDIATE FAMILY HAS FIVE GROW UNITS WHERE THEY RECEIVE 2,300 NEWLY WEANED PIGS IN EACH BARN; FEED AND CARE FOR THEM FOR AROUND 60 DAYS AND THEN THEY ARE SHIPPED TO IOWA OR SOUTH DAKOTA FOR FINISHING. PRIOR TO THEIR CONTRACT FEEDING AROUND 15 YEARS AGO, THEY HAD A SMALL SWINE OPERATION PLUS CATTLE AND GENERAL FARMING. THEY WILL TELL YOU THAT THEY HAVE BEEN TREATED FAIRLY BY MURPHY FARMS AND NOW BY SMITHFIELD. OF COURSE, IF THEY WEREN'T SATISFIED, THEY WOULDN'T CONTINUE TO FEED WITH SMITHFIELD. THAT IS THE FREEDOM OF CHOICE IDEA IN THIS WHOLE CONVERSATION THAT WE'RE HAVING TODAY. THEY'VE BEEN ABLE TO INCREASE THEIR FARM INCOME, STAY ON AND GROW THE FAMILY FARM, RAISE THEIR CHILDREN IN THE COMMUNITY WHERE THEY ATTEND THE LOCAL SCHOOLS, PLUS CONTRIBUTE TO THE LOCAL COMMUNITY. AS YOU SAID ON THE FLOOR, THIS CAN BE AN ECONOMIC INITIATIVE IN RURAL NEBRASKA. SENATOR DAVIS' COMMENTS STATING THAT THE SWINE CONTRACTS WILL EVENTUALLY ADVERSELY AFFECT CATTLE INDUSTRY IS TOTALLY BASED ON SUPPOSITION PLUS INTERFERERS WITH FREE ENTERPRISE. THANK YOU FOR YOUR SUPPORT FOR THE FUTURE OF AGRICULTURE. AND I WOULD ENCOURAGE YOU TO STAY THE COURSE AND GET THIS BILL PASSED. AND WHEN WE TALK ABOUT NEBRASKA, WE HAVE TO TALK ABOUT AGRICULTURE. THAT IS OUR INDUSTRY. AND THE GOVERNOR HAS AN INITIATIVE AND IT'S CALLED "GROW NEBRASKA" AND THIS IS PART OF THAT INITIATIVE. CERTAINLY, I THINK YOU ALL UNDERSTAND WHEN GOVERNMENT PUTS UP ARTIFICIAL BARRIERS, IT IMPEDES OPPORTUNITIES AND THAT IS WHAT WE HAVE HERE. IT'S IMPEDING AN OPPORTUNITY. AS STATED, WE CAN GROW THIS SWINE INDUSTRY; WE CAN PROVIDE JOBS; WE CAN STOP OR MAYBE MITIGATE SOME OF THE OUTMIGRATION THAT WE HAVE IN OUR RURAL COMMUNITIES. YOU KNOW, AS I LOOK AT WHAT...WHO THE SUPPORTERS ARE, ECONOMIC DEVELOPMENT, GROW NEBRASKA, I GET ALL OF THAT. THE CHAMBER IS BEHIND THIS BILL BECAUSE THEY ARE PROPONENTS OF GROWING NEBRASKA. THE OTHER THING IS, IS WE TALK ABOUT BIG AND HOW IT'S GOING TO HURT THE FAMILY FARM. WHY IN THE WORLD WOULD THE FARM BUREAU BE BEHIND THIS BILL? THEY CARE DEEPLY ABOUT AGRICULTURE. THAT'S THEIR CONSTITUENTS. SO IN ANY EVENT, I SUPPORT LB176. I SUPPORT THE AMENDMENTS. AND I'M GOING TO YIELD MY TIME TO PATTY PANSING BROOKS. THANK YOU. [LB176]

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SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU ARE YIELDED ONE MINUTE. [LB176]

SENATOR PANSING BROOKS: THANK YOU, MR. CHAIR. I STAND JUST TO EXPLAIN THAT, AGAIN, I WROTE A LAW REVIEW ARTICLE WHEN I WAS IN LAW SCHOOL ON THE UNCONSTITUTIONALITY OF INITIATIVE 300. THIS LEGISLATION WAS WRITTEN AND PASSED TO PIGGYBACK ON THE INITIATIVE 300 LEGISLATION. AGAIN, I HAVE ISSUES WITH THE CONSTITUTIONALITY OF THE LAW AS IT STANDS. AND I AM GOING TO STAND FOR...VOTE FOR CLOTURE AND VOTE FOR LB176. AND I REGRET THE DIFFICULTY BECAUSE I UNDERSTAND THE ARGUMENTS AND THE PASSION BEHIND MY COLLEAGUES AND THE GROUPS THAT ARE CONTACTING ME VOCIFEROUSLY ON THIS ISSUE. BUT AS A LAWYER, I BELIEVE I HAVE TO STAND WITH MY KNOWLEDGE OF THE LAW AS IT IS AND THE CONSTITUTIONALITY OF THAT ARGUMENT. [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR PANSING BROOKS: THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS AND SENATOR STINNER. SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. WE'RE GETTING CLOSE. SO LET ME EXPLAIN HOW THIS NEEDS TO WORK. WE'LL CALL FOR CLOTURE AT 10:53, OR SOMEWHERE IN THERE, I THINK. WE WILL THEN VOTE ON EACH BILL...OR EACH AMENDMENT AS IT GOES, AND THE BILL. WE NEED AN AFFIRMATIVE VOTE...A YES VOTE ON AM1855; A YES VOTE ON AM1755, AND A YES VOTE ON LB176, AFTER WE VOTE YES FOR CLOTURE. YOU KNOW, I JUST WANTED TO SAY HERE, AS FOR MY LAST TIME TO SPEAK, PROBABLY, AND READING FROM THE ATTORNEY GENERAL'S OPINION--CURRENTLY, THE LAW PROHIBITS NEBRASKA PACKERS WHO PROCESS MORE THAN 150 ANIMAL UNITS PER YEAR FROM PRACTICING VERTICAL INTEGRATION. OUT-OF-STATE PACKERS ARE NOT INCLUDED IN THE DEFINITION OF PACKERS AND ARE THUS NOT PRECLUDED FROM PRACTICING THE VERTICAL INTEGRATION BUSINESS MODEL. NOW, SAY WHAT YOU WILL, BUT IT'S HAPPENING. WE TALK ABOUT HOG NUMBERS AND HOW THEY MAY BE GROWING. THOSE HOG NUMBERS ARE GROWING RIGHT NOW NOT BECAUSE OF SMALL PRODUCERS, BUT BECAUSE OF THOSE THAT ARE FEEDING MORE THAN 20,000 HEAD AT A TIME. SO IF YOU ARE IN FOR THE SMALL PRODUCER, IT'S NOT WORKING NOW. SO I GOT AN

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INTERESTING LETTER TODAY THAT WAS DELIVERED TO SENATOR STINNER FROM A MAN THAT ANYBODY THAT'S IN THE LIVESTOCK INDUSTRY IN NEBRASKA KNOWS, MR. IVAN RUSH, WHO TALKED ABOUT--AS YOU KNOW, THE SWINE INDUSTRY IS THRIVING. AND I QUOTE, IN THE SURROUNDING STATES WHERE CONTRACT FEEDING IS ALLOWED, AND THOSE STATES ARE RECEIVING THE ECONOMIC BENEFIT. THEY ARE PROVIDING JOBS FOR RURAL PEOPLE, UTILIZING CORN, OTHER GRAINS, SUPPLEMENTS, PLUS THE RELATED INFRASTRUCTURE. SOME SEEM TO FEEL THAT BY KEEPING SMITHFIELD OUT OF NEBRASKA, IT WILL KEEP THEM FROM BEING IN THE SWINE BUSINESS. THEY WILL BE IN BUSINESS, JUST IN OTHER STATES. I GREW UP IN SOUTHWEST MISSOURI WHERE SMITHFIELD CURRENTLY HAS MANY CONTRACT GROWERS. MY IMMEDIATE FAMILY HAS FIVE GROW UNITS, GROW BARN, WHERE THEY RECEIVE 2,300 NEWLY WEANED PIGS IN EACH BARN, FEED AND CARE FOR THEM FOR AROUND 60 DAYS AND THEN THEY ARE SHIPPED TO IOWA OR SOUTH DAKOTA FOR FINISHING. PRIOR TO THEIR CONTRACT FEEDING AROUND 15 YEARS AGO, THEY HAD A SMALL SWINE OPERATION PLUS CATTLE AND GENERAL FARMING. THEY WILL TELL YOU THEY HAVE BEEN TREATED FAIRLY BY MURPHY FARMS AND NOW BY SMITHFIELD. OF COURSE, IF THEY WEREN'T SATISFIED, THEY WOULDN'T CONTINUE TO FEED WITH SMITHFIELD. THEY HAVE BEEN ABLE TO INCREASE THEIR FARM INCOME, STAY ON AND GROW THE FAMILY FARM, RAISE THEIR CHILDREN IN THE COMMUNITY WHERE THEY ATTEND THE LOCAL SCHOOLS, PLUS CONTRIBUTE TO THE LOCAL COMMUNITY. AS YOU SAID ON THE FLOOR, THIS CAN BE AN ECONOMIC INITIATIVE IN RURAL NEBRASKA. SENATOR DAVIS COMMENTED THAT THE STATE SEEING THAT THE SWINE CONTRACTS WILL EVENTUALLY ADVERSELY AFFECT THE CATTLE INDUSTRY IS TOTALLY BASED ON SUPPOSITION, PLUS INTERFERERS WITH THE FREE ENTERPRISE. THANK YOU FOR SUPPORTING FOR THE FUTURE OF AGRICULTURE AND I WOULD ENCOURAGE YOU TO STAY ON THE COURSE AND GET THIS BILL PASSED. THAT IS A BIG DEAL FOR SOMEONE FROM THE UNIVERSITY, RATHER RETIRED OR NOT, TO STAND UP AND SAY THAT AND PUT IT TO A SENATOR. FOLKS, THIS ISN'T GOING TO PRECLUDE ANYBODY FROM RAISING HOGS IF THEY DON'T WANT TO. THIS ISN'T GOING TO PRECLUDE ANYBODY FROM CONTRACTING. THEY CAN CONTRACT IF THEY WANT. [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR SCHILZ: THEY CAN RAISE INDEPENDENTLY IF THEY WANT. WE NEED TO REMEMBER THAT. FOLKS, THIS IS A GOOD BILL. THIS WILL NOT BE AND CAUSE THE DAMAGE THAT EVERYONE IS SITTING HERE TELLING YOU. SO FOLKS, PLEASE, VOTE FOR CLOTURE. AND THEN VOTE AFFIRMATIVE, OR A YES VOTE ON

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BOTH OF THE AMENDMENTS AND THE BILL. AND THANK YOU VERY MUCH FOR YOUR TIME, ONCE AGAIN, ON LB176. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR SCHILZ. MR. CLERK, DO YOU HAVE A MOTION ON THE DESK? [LB176]

ASSISTANT CLERK: MR. PRESIDENT, I DO HAVE A PRIORITY MOTION. SENATOR SCHILZ WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB176]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE ACCORDED TO LB176. SENATOR SCHILZ, FOR WHAT PURPOSE DO YOU RISE? [LB176]

SENATOR SCHILZ: YES, I WOULD LIKE A CALL OF THE HOUSE. AND THEN I WOULD LIKE A ROLL CALL VOTE IN REVERSE ORDER. [LB176]

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. [LB176]

ASSISTANT CLERK: 33 AYES, 0 NAYS, TO GO UNDER CALL, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS WATERMEIER, RIEPE, PANSING BROOKS, COOK, SEILER, GLOOR, BOLZ, BURKE HARR, KOLTERMAN, HUGHES, KINTNER, AND GARRETT, THE HOUSE IS UNDER CALL. SENATOR PANSING BROOKS, WOULD YOU CHECK IN PLEASE. SENATOR KOLTERMAN. MEMBERS, THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK, PLEASE CALL THE ROLL. [LB176]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 393.) 33 AYES, 12 NAYS, MR. PRESIDENT, ON THE INVOKE OF CLOTURE. [LB176]

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SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE IS ADOPTED. MEMBERS, THE NEXT VOTE IS ON THE ADOPTION OF AM1855 TO LB176. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB176]

ASSISTANT CLERK: 37 AYES, 5 NAYS ON THE ADOPTION OF AM1855, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. THE NEXT VOTE IS FOR AM1755. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB176]

ASSISTANT CLERK: 38 AYES, 5 NAYS ON THE ADOPTION OF THE AMENDMENT, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. WE WILL NOW VOTE ON THE ADVANCEMENT OF LB176 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB176]

ASSISTANT CLERK: 32 AYES, 12 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB176]

SPEAKER HADLEY: THE MOTION IS ADOPTED. LB176 IS ADVANCED. I RAISE THE CALL. MR. CLERK FOR ANNOUNCEMENTS. [LB176]

ASSISTANT CLERK: MR. PRESIDENT, SERIES OF ANNOUNCEMENTS: YOUR COMMITTEE ON AGRICULTURE REPORTS LB798; GOVERNMENT REPORTS LB876-- BOTH TO GENERAL FILE. I HAVE NOTICE OF COMMITTEE HEARINGS FROM THE APPROPRIATIONS COMMITTEE, URBAN AFFAIRS COMMITTEE, GENERAL AFFAIRS COMMITTEE, TRANSPORTATION AND TELECOMMUNICATIONS. IN ADDITION TO THAT, MR. PRESIDENT, I HAVE A MOTION FROM SENATOR CHAMBERS, AN AMENDMENT TO LB47 TO BE PRINTED, AS WELL AS AN AMENDMENT FROM SENATOR BLOOMFIELD TO LB176. AND A REFERENCE REPORT RELATING TO LR418. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 394-397.) [LB798 LB876 LB47 LB176]

SPEAKER HADLEY: MR. CLERK. THE NEXT ITEM.

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ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL IS LB289. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15, REFERRED TO THE JUDICIARY COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB289]

SPEAKER HADLEY: SENATOR EBKE, YOU'RE RECOGNIZED TO OPEN ON LB289. [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT, AND I SUSPECT THIS WILL BE THE FIRST OF SEVERAL DAYS THAT WE'LL BE TALKING ABOUT LB289, BUT WE'LL GET IT KICKED OFF TODAY. LB289 WOULD PROVIDE CONSISTENT, STATEWIDE UNIFORMITY WITH LOCAL FIREARM ENACTMENTS WHILE ALLOWING COMMUNITIES TO CONTINUE TO ENACT AND ENFORCE PROHIBITIONS ON FIREARM DISCHARGE. THE CITIZENS OF NEBRASKA NEED AND DESERVE CONSISTENT FIREARM REGULATIONS ACROSS THE STATE CONSISTENTLY ENFORCED IN ALL JURISDICTIONS. A FAMILY LEAVING THEIR CENTRAL NEBRASKA COMMUNITY TODAY IN THE FALL TO TRAVEL TO AN EVENT IN LINCOLN OR OMAHA SHOULD NOT HAVE TO WORRY OR WONDER WHETHER A HUNTING FIREARM OR A HANDGUN TRANSPORTED IN THEIR VEHICLE IS IN VIOLATION OF THE LAW IN THE COMMUNITY OF THEIR DESTINATION OR THOSE THAT THEY TRAVEL THROUGH. AN INDIVIDUAL RELOCATING TO A NEW COMMUNITY SHOULD NOT HAVE TO WONDER WHETHER THE OWNERSHIP OF A HANDGUN REQUIRES REGISTRATION WITH LAW ENFORCEMENT IN THAT NEW COMMUNITY IF THE MOVE HAPPENS WITHIN STATE BOUNDARIES. LB289 IS A REASONABLE BILL, I BELIEVE. A COMMONSENSE MODIFICATION THAT PROTECTS CITIZENS' RIGHTS AND REMOVES THE POSSIBILITY OF INDIVIDUALS BEING WRONGFULLY CONVICTED OF A CRIME, WHICH IN OTHER PARTS OF THE STATE WOULD BE PERFECTLY LEGAL. SIMPLY PUT, OUR CONSTITUTIONAL RIGHT TO BEAR ARMS SHOULD NOT BE JEOPARDIZED BY INCONSISTENCY AND REGULATION AMONG COMMUNITIES ACROSS OUR STATE. LET ME BE CLEAR. THIS LEGISLATION DOES NOT AFFECT DISCHARGE ORDINANCES THAT COMMUNITIES ALREADY HAVE, BUT IT DOES ALLOW THOSE WHO ARE POSSESSING WEAPONS LEGALLY AND LAWFULLY TO GO AHEAD AND CONTINUE TO DO SO WITHOUT FEAR OF RUNNING AFOUL OF TRANSPORT AND POSSESSION ISSUES. HERE IS WHAT OUR STATE CONSTITUTION SAYS IN ARTICLE I, SECTION 1 OF THE NEBRASKA CONSTITUTION, "ALL PERSONS ARE BY NATURE FREE AND INDEPENDENT, AND HAVE CERTAIN INHERENT AND INALIENABLE RIGHTS; AMONG THESE, LIFE, LIBERTY, THE PURSUIT OF HAPPINESS, AND THE RIGHT TO KEEP AND BEAR ARMS FOR SECURITY OR DEFENSE OF SELF, FAMILY, HOME, AND OTHERS, AND FOR LAWFUL COMMON DEFENSE, HUNTING, RECREATIONAL USE,

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AND ALL OTHER LAWFUL PURPOSES, AND SUCH RIGHTS SHALL NOT BE DENIED OR INFRINGED BY THE STATE OR ANY SUBDIVISION THEREOF." I UNDERSTAND THE CONCERNS ABOUT GUN VIOLENCE. I'M AGAINST ALL VIOLENCE AS WELL. BUT I UNDERSTAND WE HAVE A CONSTITUTION AND IF PEOPLE DON'T LIKE WHAT'S IN IT AND WANT TO AMEND IT, THERE IS A PROCESS FOR THAT. THOSE WHO WOULD SAY WE SHOULD IGNORE OUR STATE CONSTITUTION WOULD NEVER ARGUE THAT STATES SHOULD BE ALLOWED TO IGNORE THE FIRST AMENDMENT OR THE FOURTEENTH AMENDMENT AND, YET, THEY WOULD EXPLICITLY ALLOW COMMUNITIES TO IGNORE THE CITIZEN-PASSED ARTICLE I OF THE NEBRASKA CONSTITUTION. THE ISSUE HERE IS CONSTITUTIONALITY, AND WE NEED CONSISTENCY AND REGULATION STATEWIDE SO OUR CITIZENS CAN FEEL ASSURED AS THEY TRAVEL FROM PLACE TO PLACE. WE NEED TO ENSURE THE CONSISTENT AND UNIFORM APPLICATION OF THE LAW AS IT PERTAINS TO THE RIGHT TO CARRY AND POSSESS IN ALL PLACES THROUGHOUT THE STATE, AND LB289 ACHIEVES THIS. I WOULD MAKE NOTE THAT THERE ARE TWO AMENDMENTS, ONE BY SENATOR SCHNOOR AND ONE BY SENATOR CRAWFORD, AND I DO CONSIDER THOSE FRIENDLY AMENDMENTS WHEN WE GET THERE. THANK YOU. [LB289]

SPEAKER HADLEY: THANK YOU FOR YOUR OPENING, SENATOR EBKE. WE'VE HEARD THE OPENING ON LB289. MR. CLERK. [LB289]

ASSISTANT CLERK: MR. PRESIDENT, I DO HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO RECOMMIT THE BILL TO COMMITTEE. [LB289]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB289]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I SERVE A FUNCTION WITH THE JUDICIARY COMMITTEE WHICH IS NOT SERVED BY ANYBODY ELSE WHEN I'M NOT THERE. THAT'S NOT TO DISPARAGE ANYBODY OR TO LIONIZE MYSELF, BUT THERE WAS AN EXEC SESSION THEY HAD--I WAS NOT THERE--AND SEVERAL VERY BAD BILLS WERE SENT TO THE FLOOR. COMMITTEE MEMBERS FEEL THAT THEY SHOULD NOT HAVE VOTED TO SEND THEM OUT HERE, BUT NOW THEY'RE OUT HERE. THE DAMAGE HAS BEEN DONE, BUT IT IS NOT THE KIND OF DAMAGE THAT CANNOT BE UNDONE. SO BEFORE WE GO THROUGH A LOT OF DISCUSSION, A LOT OF DEBATE OF THE PARTICULARS, I WANT TO SEND THIS BILL BACK TO COMMITTEE FOR ADDITIONAL CONSIDERATION. AND I CAN TURN TO AN ASPECT OF THIS BILL

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TO SHOW HOW NONSENSICAL IT IS. THE NUMBER OF THE BILL IS LB289, AND IN SECTION 1 THEY ARE TAKING AIM AT METROPOLITAN CITIES, WHICH WOULD BE OMAHA. AND ON PAGE 2, STARTING IN LINE 28 IS THE FOLLOWING LANGUAGE, "TO PUNISH AND PREVENT THE CARRYING OF CONCEALED WEAPONS, EXCEPT THE CARRYING OF A CONCEALED HANDGUN IN COMPLIANCE WITH THE CONCEALED HANDGUN PERMIT ACT." NOW, WHAT THEY ARE STRIKING IS THE PART THAT SAYS, "THE CARRYING OF CONCEALED WEAPONS, EXCEPT THE CARRYING OF A CONCEALED HANDGUN IN COMPLIANCE WITH THE CONCEALED HANDGUN PERMIT ACT." THIS BILL IS NOT TALKING ABOUT RIFLES AND HUNTING. THIS BILL IS ABSOLUTELY PREPOSTEROUS. THE CURRENT LAW PREVENTS ANY CITY FROM DOING ANYTHING THAT CONTRADICTS THE STATE HANDGUN PERMIT ACT. THE CITY CANNOT DO ANYTHING IN OPPOSITION TO THAT ACT. WHAT THE PEOPLE WHO ARE PUSHING THIS BILL ARE DOING IS SHOWING YOU REALLY HOW SIMPLEMINDED THEY ARE. FIRST OF ALL, THEY ARE UNREASONABLE IN THINKING THAT EVERY LAW OUGHT TO BE CHANGED TO ACCOMMODATE THEM AND THEIR OBSESSION. THEY THINK THAT EVERY OTHER ORDINANCE IN A CITY OR A VILLAGE WOULD HAVE TO BE MASTERED BY WHOEVER COMES THROUGH THERE, AND THEY WOULD NOT SAY, ABOLISH EVERY ORDINANCE IN EVERY CITY AND EVERY VILLAGE BECAUSE IT MAY BE DIFFERENT FROM THE LITTLE TOWN WHERE ONE OF THESE RUBES CAME FROM. THEY LIKE TO CALL THEMSELVES LAW-ABIDING CITIZENS. WELL, IF YOU'RE A LAW-ABIDING CITIZEN YOU HAVE AN OBLIGATION TO KNOW WHAT THE LAW IS, AND THE LAW IS WRITTEN AND MADE AVAILABLE. AND TO LET THESE PEOPLE DRIVE ACROSS THE STATE AND SAY, WELL, I'M SO SCARED I GOT TO HAVE MY GUN WITH ME ALL THE TIME. AND IF THERE ARE ANY LAWS THAT MIGHT STOP ME FROM HAVING MY GUN, THEN I WANT YOU TO CHANGE THAT LAW SO I CAN TAKE IT TO CHURCH. THERE'S A SONG, YES, JESUS LOVES ME, YES, JESUS LOVES ME, THEN AT HOME, AT SCHOOL, AT PLAY. THAT'S WHERE THEY WANT THEIR GUNS, AT HOME, AT SCHOOL, AT WORK, AT PLAY, IN CHURCH. THEY'RE AFRAID OF THEIR SHADOW, AND SOMEBODY IS TRYING TO BRING A BILL TO LET GUNS BE CARRIED ON COLLEGE CAMPUSES, IN CHURCHES, IN STORES, EVERYWHERE, BECAUSE THEY ARE SO AFRAID OF THEIR SHADOW THAT THEY'VE GOT TO HAVE THAT GUN TO THE DETRIMENT OF THE PEACEFUL ORDER OF SOCIETY. THIS SOCIETY SHOULD NOT BE CARRYING AROUND THE NOTION THAT EVERY HUMAN BEING IS A THREAT, BEHIND EVERY TREE IS A POTENTIAL KILLER, EVERY SHADOW THAT MOVES MAY PORTEND SOMETHING OR SOMEBODY WHO'S GOING TO HARM THIS COWARD. I DIDN'T KNOW THERE WERE SO MANY COWARDS AROUND THIS STATE. I DON'T CARRY A GUN. I GET MORE THREATS THAN ALL OF YOU PUT TOGETHER. WHEN YOUR ATTORNEY GENERAL IN HIS OBSESSIVE PARANOIA SAID THAT SOME PERSON WHO MAY WANT TO GET INTERNATIONAL

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ACCLAIM MAY DRIVE A VEHICLE FULL OF EXPLOSIVES UNDER THAT TUNNEL THAT LEADS INTO THE NORTH SIDE OF THE BUILDING AND BLOW UP THE STATE CAPITAL. SO SOMEBODY WHO'S A MEMBER OF ISIS OR INSPIRED BY ISIS OR WHO JUST DOESN'T LIKE THE RACISM, THE SEXISM, THE HOMOPHOBIA IS GOING TO SAY, WELL, SINCE NEBRASKA IS THE ONLY STATE WITH A UNICAMERAL, I CAN GET NOTORIETY ALL OVER THE WORLD IF I BLOW UP THE ONLY UNICAMERAL BUILDING. SO THE ATTORNEY GENERAL SAID, YOU OUGHT TO SHUT DOWN ALL OF THE EXITS EXCEPT ONE OR TWO AND HAVE METAL DETECTORS. NOW, I'M THE ONE WHO GETS THE THREAT, I'M THE ONE WHO GOT A THREAT FROM SOMEBODY IN THE BALCONY ON THIS FLOOR AND I'M THE ONE WHO SAID, DON'T BE CRAZY. BECAUSE YOU HAVE A LOT OF COWARDS RUNNING AROUND HERE, DON'T TRY TO INFECT THE WHOLE SOCIETY WITH THEIR SILLINESS, THEIR FOOLISHNESS, AND THEIR CRAZINESS. RIGHT NOW THE LAW SAYS THAT NO CITY CAN ENACT ANY ORDINANCE THAT WOULD CONFLICT WITH THE STATE RIGHT TO CARRY A CONCEALED WEAPON OR THE PERMIT LAW, WHATEVER IT'S CALLED. THAT CANNOT BE DONE RIGHT NOW. SO WHAT YOU'RE SAYING, ALL YOU PEOPLE WHO TALK ABOUT LOCAL CONTROL, THAT A CITY...THE LARGEST CITY IN THE STATE SHOULD NOT HAVE THE RIGHT TO TAILOR ORDINANCES TO FIT THE CIRCUMSTANCES THAT OBTAIN IN THAT CITY. THIS BILL IS ABSOLUTELY INANE. THE REASON I LIKE INANE, BECAUSE IF YOU CHANGE THE N TO S IT ALMOST COMES OUT INSANE, BUT IT'S ONE LETTER SHORT. I'M GOING TO FIGHT THIS BILL, IF I HAVE TO DO IT ALONE, FOR SIX HOURS. AND LIKE CHURCHILL SAID, WE'LL FIGHT THEM IN THE STREET, WE'LL FIGHT THEM IN THE ALLEY, WE'LL FIGHT THEM IN THE HEDGEROW, WE'LL FIGHT THEM EVERYWHERE, ON EVERY STREET CORNER AND EVERY BACKYARD AND ON AND ON AND ON. THAT'S WHAT I'M GOING TO DO ON THIS BILL. AND I FIND IT SO ABHORRENT, I FIND IT SO ABHORRENT, AND I FIND THIS LEGISLATURE TO BE SO SUPINE WHEN IT COMES TO THESE CRAZY, IDIOTIC GUN BILLS THAT I'M GOING TO TAKE THE SESSION AND DO WHAT I NEED TO DO TO STOP ALL OF THEM. AND IF YOU THINK YOU CAN STOP ME, HAVE AT IT. BUT YOU'RE GOING TO PAY ME IN TERMS OF TIME ON ANY BILL I DECIDE TO TAKE TIME ON. IF THESE COWARDS WHO COME FROM THESE LITTLE HICK BURBS OR WHEREVER THEY COME FROM, BECAUSE THEY'RE SO SCARED, LET THEM DEAL WITH THE PLACES WHERE THEY LIVE. HOW YOU GOING TO KEEP THEM DOWN ON THE FARM? THAT'S WHY THEY WANT TO LEAVE THE FARM. IT'S SO PAROCHIAL, SO BACKWARD. THIS HAS NOTHING TO DO WITH THE CONSTITUTION. THIS HAS TO DO WITH PARANOIA AND THE NRA WANTING TO HAVE ITS WILL EVERYWHERE, RIGHT DOWN TO THE INDIVIDUAL CITIES. AND YOU CAN FIND LEGISLATURES PEOPLED BY LEGISLATORS WHO DO THINGS WITHOUT THINKING. SO THIS KIND OF BILL IS RIGHT UP MY ALLEY AND RIGHT DOWN MY STREET AND I'M GOING TO OFFER AMENDMENTS. AND IF I HAVE TO

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DO IT WORD BY WORD, COMMA BY COMMA, SEMICOLON BY SEMICOLON, COLON BY COLON, I SHALL DO IT. I'D VENTURE TO SAY THAT IF THIS BILL IS RETURNED TO COMMITTEE WHERE MORE MATURE CONSIDERATION IS GIVEN IT WOULDN'T BE ON THIS FLOOR. [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR CHAMBERS: IT SHOULDN'T BE OUT HERE IN THE FIRST PLACE. SENATOR EBKE DID NOT PRIORITIZE IT; SHE KNEW IT WASN'T WORTH WASTING A PRIORITY ON. YOU DO THINGS TO ACCOMMODATE PEOPLE, BUT THE DIFFERENCE BETWEEN ME AND MY COLLEAGUES--AND WE EACH DO OUR BUSINESS THE WAY WE THINK WE SHOULD--THEY CAN'T MAKE ME BRING SOMETHING THAT'S GOING TO MAKE ME LOOK LIKE A FOOL AND I HAVE TO STAND UP HERE AND PRETEND WHAT IS, IS NOT, AND WHAT IS NOT, IS. THIS HAS NOTHING TO DO WITH THE SECOND AMENDMENT TO THE U.S. CONSTITUTION. IT HAS NOTHING TO DO WITH THE CONSTITUTION OF THE STATE OF NEBRASKA. IT HAS TO DO WITH PARANOIA AND THE INTENT OF THE NRA TO TAKE CONTROL OF ALL THE LEGISLATURES, DO IT AT THE STATE LEVEL LIKE THE KOCH BROTHERS ARE DOING, GENERALLY WITH REFERENCE TO POLITICS. BUT OTHER LEGISLATURES DON'T HAVE SOMEBODY LIKE ME, BUT THERE IS ME IN THE NEBRASKA LEGISLATURE. [LB289]

SPEAKER HADLEY: TIME, SENATOR. [LB289]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. YOU'VE HEARD THE OPENING ON THE RECOMMIT TO COMMITTEE MOTION. THOSE IN THE QUEUE ARE: SENATORS KRIST, COOK, GARRETT, PANSING BROOKS, AND OTHERS. SENATOR KRIST, YOU ARE RECOGNIZED. [LB289]

SENATOR KRIST: GOOD MORNING, MR. PRESIDENT, THANK YOU. GOOD MORNING, COLLEAGUES; AND GOOD MORNING, NEBRASKA. THERE IS A TIME WHEN A MAN SHOULD STAND UP AND ADMIT THAT HE IS WRONG. IF YOU LOOK AT THE COMMITTEE STATEMENT, I VOTED THIS OUT OF COMMITTEE. IF I COULD READDRESS IT I WOULD CHANGE MY VOTE TO NO. I'M NOT FOLLOWING SENATOR CHAMBERS' LEAD ON THIS. IN FACT, I WENT TO SENATOR CHAMBERS THIS MORNING AND TOLD HIM WHAT I WAS GOING TO DO BEFORE HE OPENED HIS MOUTH. I READ THIS BILL AS A COMMON DENOMINATOR, IF YOU WILL,

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ACROSS THE STATE SO THAT CITIZENS COULD TRANSPORT WEAPONS AND NOT WORRY ABOUT INDIVIDUAL CITIES AND ORDINANCES ACROSS THE STATE. BUT, YOU KNOW, WE HAVE THAT. THERE IS A FEDERAL LAW THAT APPLIES, AND I'M SURE SENATOR MORFELD CAN GO INTO GREAT DETAIL WHEN HE GETS UP ON THE MIKE. THIS BILL IS ANTILOCAL CONTROL. IT IS A MANDATE ON OUR LOCAL CONTROL...ON OUR LOCALS TO DO A CERTAIN THING. NOW ALL YOU FOLKS WHO STOOD UP HERE AND SAID, NO MANDATES, LOCAL CONTROL, THINK ABOUT WHAT YOU'RE DOING IN THIS BILL. I DIDN'T THINK HARD ENOUGH ABOUT IT. AS YOU READ IT AND YOU GO THROUGH IT, IT MEANS THAT ALL OF THOSE ORDINANCES THAT ARE IN PLACE--RESTRICTIONS AGAINST CARRYING WEAPONS, AGAINST HAVING WEAPONS, AGAINST CONCEALED CARRY, AGAINST ANY NUMBER OF THINGS, WE'RE TELLING THEM, NO. SO I'VE HEARD SENATOR KINTNER AND SENATOR BLOOMFIELD AND SENATOR GROENE AND SENATOR SCHNOOR AND EVERYBODY ELSE UP HERE THAT WAS FIGHTING AGAINST LOCAL CONTROL...OR FIGHTING FOR LOCAL CONTROL AND FIGHTING AGAINST MANDATES. LET'S GET CONSISTENT ABOUT THE WAY WE'RE TREATING THE LAW. I ADMIT THAT I WAS WRONG. I DID NOT READ THIS BILL CORRECTLY. THE MAYOR OF THE CITY OF OMAHA CAME IN AND SAID, THIS WAS GOOD. SO WHEN I CALLED UP AND TRIED TO TALK TO CHIEF SCHMADERER ABOUT THE ISSUE, I DIDN'T GET A CONVERSATION. HE KNOWS WHO HE WORKS FOR. I RESPECT THAT. WHEN I TALKED TO THE FOLKS IN THE POLICE UNION, HOWEVER, AND THEY TOLD ME THE NUMBER OF CASES AND THE NUMBER OF FOLLOW-UPS THAT COME FROM THIS KIND OF...THESE KINDS OF LOCAL LAWS WAS CRITICAL TO LAW ENFORCEMENT AND TAKING ACTION AND ENFORCING THOSE THINGS THAT NEED TO BE ENFORCED IN TERMS OF GUN CONTROL AT THE LOCAL LEVEL. THIS IS LOCAL CONTROL. AND THIS IS YOU IF YOU VOTE FOR THE BILL MANDATING THAT THEY CAN'T DO WHAT THEY ARE DOING RIGHT NOW. SO GET UP AND TALK ABOUT MANDATES AND LOCAL CONTROL, FOLKS. LET'S HAVE THAT DISCUSSION AGAIN. SENATOR CHAMBERS, THIS IS VERY APPROPRIATE. LET'S SEND IT BACK TO COMMITTEE. THERE IS A WAY TO HAVE A COMMITTEE HEARING AND TO MAKE, IF THIS IS THE INTENT, TO MAKE OUR LAWS SO THAT PEOPLE CAN TRAVEL FROM STATE TO STATE AND CITY TO CITY. THERE'S A DIFFERENT WAY TO DO THAT. THIS ISN'T IT. VOTE YES FOR THE RECOMMIT TO COMMITTEE AND LET US DO WHAT WE NEED TO DO TO DO THE RIGHT THING IN THIS EFFORT. THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR COOK, YOU'RE RECOGNIZED. [LB289]

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SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I RISE IN STRONG OPPOSITION TO LB289 AND MINIMALLY IN SUPPORT OF SENATOR CHAMBERS' MOTION TO RECOMMIT THIS BILL TO THE JUDICIARY COMMITTEE. AS I HAVE READ THE BILL AND THE PROPOSED AMENDMENTS, I'M NOT CERTAIN PRECISELY WHAT THE INTENT IS. WE'VE GOT BILLS...WE'VE GOT THE CONSTITUTIONAL AMENDMENTS--TWO OF THEM, AN EXTRA ONE THAT SENATOR PIRSCH FELT THE NEED TO PUT IN A FEW YEARS AGO AND PEOPLE IN HERE VOTED FOR--TO PROTECT HUNTING, ETCETERA, ETCETERA. THAT'S FINE. PEOPLE REALLY DO THAT. THAT'S GOOD. EVERYBODY IN HERE KNOWS THAT THESE GUNS THAT PEOPLE ARE SO ENCOURAGED ABOUT HAVING POSSESSION OF ARE TO SHOOT ANOTHER PERSON WHEN THEY FEEL LIKE IT. WHEN THEY FEEL LIKE, OH, SHE DIDN'T DO WHAT I TOLD HER TO DO. I WANT TO BE IN CONTROL. I HAVE THE GUN. I'M THE BIG MAN. YOU, YOU SCARE ME BECAUSE OF YOUR GENDER, YOUR RACE, YOUR AGE, THE PART OF TOWN I'M IN. I HAVE A GUN, SO I'M SAFE AND I'M BETTER THAN YOU. THAT'S WHAT THESE GUN CONVERSATIONS ARE ABOUT. AND I GUESS I FANTASIZE THAT ONE DAY PEOPLE WILL ACTUALLY SAY OUT LOUD THAT IS WHAT IT'S ABOUT, INSTEAD OF THIS SUBTERFUGE AND THE SUBTEXT AND IT'S ABOUT HUNTING. PEOPLE HUNT, OKAY, GO HUNT. YOU DON'T NEED THIS BILL TO DO THAT. I'M GOING TO BE FILING SOME AMENDMENTS TO REMIND EVERYBODY THE WAY GUNS ARE ACTUALLY USED IN THE STATE OF NEBRASKA WHEN IT COMES TO PEOPLE SHOOTING PEOPLE WITH ALL KINDS OF GUNS, GUNS THAT ARE CURRENTLY REGULATED AND GUNS THAT ARE NOT REGULATED RIGHT NOW IN TERMS OF THEIR TRANSFER IN POSSESSION. I REPRESENT LEGISLATIVE DISTRICT 13. IT IS THE MOST DIVERSE DISTRICT IN THIS STATE IN MANY, MANY WAYS. IT IS DIVERSE RACIALLY, SOCIOECONOMICALLY; IT'S DIVERSE IN TERMS OF THE KINDS OF OCCUPATIONS THAT PEOPLE HAVE. IT IS ALSO--AND I AM NOT BRAGGING--PROBABLY THE TOP DISTRICT IN THIS STATE FOR THE NUMBER OF PEOPLE WHO HAVE BEEN IMPACTED BY GUN VIOLENCE AND WHO HAVE BEEN MURDERED USING GUNS. I HAVE ZERO INTEREST IN BILLS ABOUT EXPANDING THE REASONS YOU CAN WALK AROUND PACKING A GUN, FEELING LIKE A BIG MAN OR A BIG WOMAN, BECAUSE YOU FEEL LIKE THAT'S GOING TO PROTECT YOU. THAT'S ANOTHER THING I DON'T UNDERSTAND. IF YOU'RE LIVING WAY THE HECK OFF WHEREVER IN SOME QUOTE UNQUOTE SAFE AREA, WHAT DO YOU NEED ALL THESE GUNS FOR? WHAT ARE YOU HIDING UNDER YOUR BED SKIRTS FOR IF ALL OF THE GUN VIOLENCE IS HAPPENING IN SCARY OMAHA? I WILL NEVER UNDERSTAND THAT. AND I UNDERSTAND, AS A HUMAN BEING, IT'S VERY HARD TO SUPPORT SOMETHING THAT YOU DON'T UNDERSTAND. ONCE AGAIN, I RISE IN OPPOSITION TO THIS BILL PROPOSAL. CAN'T UNDERSTAND, AND OTHER MEMBERS, I'M SURE, OF THE JUDICIARY COMMITTEE WILL RISE AND TALK

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ABOUT WHAT THEY THOUGHT THE BILL WAS GOING TO DO WHEN THEY VOTED IT OUT HERE. BUT THIS IS REALLY CONFUSING TO ME. A GUN BILL THAT PROPOSES TO TAKE AWAY THE RESPONSES THAT LAWMAKERS, WHO ARE VERY DIALED INTO WHAT'S HAPPENING ON A DAY-TO-DAY BASIS IN A CITY LIKE OMAHA OR... [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR COOK: ...A CITY LIKE LINCOLN, HAVE PUT IN PLACE TO PROTECT THE CITIZENRY, HAVING A BILL THAT PROPOSES TO MAKE IT A STANDARD ACROSS THE STATE. I DON'T WANT A STANDARD ACROSS THE STATE, PARTICULARLY FOR THIS. EVERYBODY JUMPS UP AND TALKS ABOUT LOCAL CONTROL AND SENATOR KRIST TOUCHED ON IT. FOR EVERYTHING ELSE WE HAVE THE MOST POLITICAL SUBDIVISIONS PRACTICALLY IN THE UNITED STATES FOR EVERYTHING FROM ENVIRONMENTAL CONTROL TO SCHOOLS. AND NOW YOU WANT TO TAKE IT AWAY SO YOU CAN HAVE YOUR GUN AND FEEL SAFE. WITH THAT, I'LL YIELD THE BALANCE OF MY TIME TO THE CHAIR. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR COOK. THOSE IN THE QUEUE ARE: SENATOR GARRETT, PANSING BROOKS, HANSEN, KINTNER, CHAMBERS, AND OTHERS. SENATOR GARRETT, YOU ARE RECOGNIZED. [LB289]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. COLLEAGUES, I'M NOT GOING TO RESORT TO NAME CALLING. I'M GOING TO ADDRESS GUN VIOLENCE IN ANOTHER TIME WHEN I GET UP TO SPEAK, BUT CONTRARY TO WHAT SENATOR CHAMBERS SAYS, YOU KNOW, THIS IS ABOUT THE CONSTITUTION. IT IS ABOUT THE SECOND AMENDMENT AND OUR RIGHT TO LEGALLY BEAR ARMS. AND FOR THOSE OF US WHO ARE INTERESTED, WE'RE NOT COWARDS. IT TAKES A LOT OF GUTS TO ACTUALLY CARRY A WEAPON. BUT TO GO ACROSS CITY LINES FROM BELLEVUE TO OMAHA OR TO RALSTON OR PAPILLION, YOU KNOW, THERE OUGHT TO BE A STANDARD LAW, A STATE LAW, THAT I SHOULD NOT BE IN VIOLATION OF OMAHA CITY ORDINANCES BECAUSE I GO INTO THAT CITY FROM BELLEVUE. THERE'S GOT TO BE SOME STATE SUPREMACY IN SOME LAWS. I WANT TO GIVE YOU A COUPLE EXAMPLES OF CASES WHERE THIS HAS BEEN AN ISSUE. IN ONE EXAMPLE HERE IN LINCOLN, KEVIN WILLIAMS, A RESPONSIBLE GUN OWNER AND A COMPETITIVE SHOOTER HAD YEARS EARLIER RECEIVED A \$90 TICKET OVER A POCKETKNIFE BLADE BEING AN EIGHTH OF AN INCH TOO LONG AND THUS CONSIDERED A DANGEROUS WEAPON. LINCOLN'S ORDINANCE MAKING ANYONE WITH A PAST WEAPONS VIOLATION A PROHIBITED PERSON FOR

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PURPOSES OF FIREARMS OWNERSHIP LED TO A CRIMINAL PROSECUTION AND CONFISCATION OF HIS VERY VALUABLE FIREARMS COLLECTION. EXPENSIVE LITIGATION AND INTERVENTION BY CIVIL RIGHTS ORGANIZATIONS WAS REQUIRED IN ORDER TO GET HIS PROPERTY BACK AND CLEAR HIM OF THE CRIMINAL CHARGES LODGED AGAINST HIM. IN ANOTHER EXAMPLE, IN OMAHA, PLIEGO GONZALEZ A LAWFUL PERMANENT RESIDENT ALIEN WAS DISCRIMINATED AGAINST BY THE CITY WHEN HE ATTEMPTED TO COMPLY WITH THE OMAHA HANDGUN REGISTRATION ORDINANCE. IMMIGRANTS WHO ARE LAWFUL, PERMANENT RESIDENTS OF THE UNITED STATES ENJOY A CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS JUST LIKE U.S. CITIZENS DO. HOWEVER, UNDER ITS RESTRICTIVE LOCAL ORDINANCE, THE CITY OF OMAHA REFUSED TO ALLOW HIM TO REGISTER BECAUSE HE WAS A PERMANENT RESIDENT ALIEN AND NOT YET A CITIZEN. THE REFUSAL EFFECTIVELY MADE IT UNLAWFUL FOR HIM TO KEEP HIS LEGALLY ACQUIRED HANDGUN IN THE CITY OF OMAHA, BUT THANKFULLY, LITIGATION PRODUCED THE CORRECT RESULT AND THE CITY WAS FORCED TO LET HIM REGISTER HIS FIREARM. MR. GONZALEZ LEGALLY PURCHASED THE FIREARM AFTER HIS FAMILY WAS VICTIMIZED BY A HOME INVASION ROBBERY. AGAIN, I'M GOING TO ADDRESS THE WHOLE VIOLENCE THING AND WHY SO MANY OF US QUOTE UNQUOTE COWARDS FEEL THE NEED TO EXERCISE THE CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS, BUT I'LL SAVE THAT FOR ANOTHER TIME ON THE MIKE. I'D LIKE TO YIELD THE REST OF MY TIME TO SENATOR EBKE. [LB289]

SPEAKER HADLEY: SENATOR EBKE, YOU'RE YIELDED 2:00. [LB289]

SENATOR EBKE: THANK YOU, SENATOR GARRETT. THANK YOU, MR. PRESIDENT. JUST A COUPLE OF THINGS, AND WE WILL CERTAINLY BE PASSING SOME THINGS OUT HERE IN A FEW MINUTES. WE'VE TALKED A LOT ABOUT LOCAL CONTROL AND I'M CERTAINLY VERY MUCH FOR LOCAL CONTROL. AT THE MARCH 19 HEARING WE HAD MAYOR DAVID BLACK FROM PAPIILLION WAS HERE TESTIFYING IN FAVOR OF THE BILL. SENATOR KRIST SAID, SO YOU'RE THE GREATEST, THE BEST PROPONENT TO ASK THE OPPONENT QUESTION. TALK TO ME ABOUT LOCAL CONTROL. I MEAN, THIS IS FROM THE PERSPECTIVE THE STATE TELLING A LOCAL WHAT TO DO AND, IN YOUR CASE, AS THE MAYOR, YOU OBVIOUSLY AGREE WITH THIS PIECE OF LEGISLATION. HOW DO I RESPOND TO THE MAYOR WHO DOESN'T AGREE WITH THIS PIECE OF LEGISLATION? AND MAYOR BLACK SAYS, THAT'S A GREAT QUESTION. AND, YOU KNOW, NEBRASKA IS AN INTERESTING STATE. THERE'S PEOPLE BELIEVE LOCAL CONTROL EXISTS IN NEBRASKA. NEBRASKA IS ONLY ONE OF TWO STATES IN THE ENTIRE NATION THAT LOCAL CONTROL DOESN'T EVEN EXIST BECAUSE OF DILLON'S LAW. FORTY-

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EIGHT STATES IN THE UNITED STATES, A CITY CAN DO ANYTHING IT WANTS TO DO UNLESS THE STATE TELLS THEM THEY CAN'T. NEBRASKA, I CAN'T DO ANYTHING UNLESS... [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR EBKE: ...THE STATE HAS GIVEN ME PERMISSION. AND THEN SENATOR KRIST SAYS, RIGHT. AND MAYOR BLACK SAYS, SO LOCAL CONTROL DOESN'T EXIST IN NEBRASKA. SENATOR KRIST, I WISH I COULD JUST RECORD THAT AND PLAY IT OVER AND OVER. NOW, THAT BEING SAID, I BELIEVE IN LOCAL CONTROL, BUT I DO BELIEVE THAT ESPECIALLY WHERE CONSTITUTIONAL RIGHTS ARE CONCERNED THAT THE STATE MUST TAKE PRECEDENCE, THAT THE STATE MUST DEFINE WHAT THE LOCALITIES CAN DO. AND SO, WITH THAT, I LOOK FORWARD TO THE DEBATE THAT WE'LL HAVE. I OBVIOUSLY URGE A NO VOTE ON THE RECOMMIT TO COMMITTEE VOTE. WE ARE WORKING AS WE SPEAK WITH A NUMBER OF SENATORS, INCLUDING SENATOR MELLO, IN AN ATTEMPT TO CARVE OUT SOME LANGUAGE WHICH WOULD PERHAPS ASSUAGE SOME OF THE FEARS OF THE LINCOLN AND OMAHA AREAS. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR EBKE; AND THANK YOU, SENATOR GARRETT. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB289]

SENATOR PANSING BROOKS: THANK YOU, MR. CHAIR. I RISE IN SUPPORT OF THE MOTION FOR RECOMMITTING THIS BILL TO COMMITTEE. DURING THE DISCUSSIONS IN COMMITTEE, I WAS PRESENT BUT NOT VOTING. I LISTENED TO ALL THE TESTIMONY. I HAD GREAT CONCERNS. BUT DUE TO THE FACT THAT ALL OF THE REST OF THE COMMITTEE MEMBERS WHO WERE PRESENT IN THAT EXECUTIVE SESSION VOTED FOR THIS BILL, I DECIDED THAT I SHOULD NOT VOTE AND THAT I SHOULD TAKE MORE TIME TO RESEARCH THE ISSUE, TO LOOK MORE CAREFULLY AT THE BILL, AND TO TALK TO MORE PEOPLE. AT THIS POINT, AFTER DOING THOSE THINGS, I CANNOT SUPPORT LB289. I THINK THAT WE NEED TO RECOMMIT THIS TO COMMITTEE. I DO NOT THINK THAT WE SHOULD BE FIGHTING AGAINST MUNICIPALITIES AND THEIR DECISIONS TO...AS TO HOW THEY WANT TO KEEP THEIR COMMUNITIES SAFE. AND I JUST FIND IT SO SHOCKING THAT THE PEOPLE THAT ARE THE MOST VOCAL ABOUT LOCAL CONTROL ARE NOW SAYING, WELL, EXCEPT IN THIS INSTANCE. EXCEPT IN THIS SPECIFIC INSTANCE, WE REALLY DON'T BELIEVE THAT THE CITIES HAVE THEIR OWN BEST INTEREST AT HEART AND REALLY KNOW WHAT THEY WANT. SO, YOU KNOW, I KEEP THINKING WHAT KIND OF AMENDMENTS COULD WE ADD TO THIS?

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WE COULD JUST ADD AN AMENDMENT THAT SAYS THAT MUNICIPALITIES ARE NOT ABLE TO CREATE ANY OF THEIR OWN ORDINANCES. I DON'T THINK ANYBODY WOULD BE IN FAVOR OF THAT. BUT TO ME, THAT'S AS RIDICULOUS AS THE ARGUMENT THAT THEY CAN'T CREATE AN ORDINANCE TO KEEP THEIR PEOPLE SAFE. I TOTALLY AGREE WITH THE SECOND AMENDMENT RIGHT TO BEAR ARMS. I KNOW THAT MANY OF YOU WILL BE REALLY SURPRISED ABOUT THAT. JUSTICE SCALIA IN THE KELLER (SIC) CASE WROTE IN HIS OPINION A STATEMENT THAT PERFECTLY FITS HOW I FEEL ABOUT GUNS. JUSTICE SCALIA SAID, NOT EVERY GUN IN EVERY PLACE AT EVERY TIME. AND THEREIN LIES THE RUB. WHICH GUN IN WHICH PLACE AT WHICH TIME? AND I BELIEVE THAT MUNICIPALITIES ARE FAR MORE ABLE TO DETERMINE THE ANSWERS TO THOSE QUESTIONS THAN THE STATE. CAN WE MAKE A BLANKET LAW TO COVER GUNS OTHER THAN JUST SAYING, ANYTHING YOU WANT? DO WE ALL BELIEVE THAT WHAT IS HAPPENING IN MINDEN WITH GUNS IS THE SAME THING THAT'S HAPPENING IN OMAHA OR IN LINCOLN? WE ALL KNOW THAT THERE ARE GREAT AND VAST DIFFERENCES AMONG OUR CITIZENRY IN TERMS OF CRIMES, IN TERMS OF PEOPLE'S INTEREST IN HUNTING. AND TO DETERMINE THAT WE ARE GOING TO STAND UP AND MAKE A BLANKET STATEMENT THAT THE STATE DECIDES THIS AND NOT THE MUNICIPALITIES I THINK IS JUST MERELY FOOLISH. I WANT MY CITY TO BE ABLE TO DETERMINE WHO IS ABLE TO CARRY A GUN, WHEN, AND WHY. AND IF I DON'T LIKE IT, GUESS WHAT? I WILL VOTE OUT THE PEOPLE THAT VOTED A CERTAIN LAW THE WAY I DIDN'T LIKE; SAME THING THAT WILL HAPPEN TO US. SO, AGAIN, I STAND UP FOR THE CONSTITUTION, FOR THE RIGHT TO BEAR ARMS, THE RIGHT TO BE ABLE TO HUNT IF YOU CHOOSE, WHICH I HAPPEN TO NOT CHOOSE TO DO. [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR PANSING BROOKS: I STAND UP FOR WHAT THE U.S. SUPREME COURT HAS STATED. AND JUSTICE SCALIA SPECIFICALLY STATED: NOT EVERY GUN IN EVERY PLACE AT EVERY TIME. AND I THINK THAT THE MUNICIPALITIES AND CITIES AND TOWNSHIPS ARE MUCH MORE ABLE TO DETERMINE WHICH GUN AT WHICH PLACE AT WHICH TIME THAN WE, AS A STATE, AS REPRESENTATIVES OF AN ENTIRE STATE, CAN DO. THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR HANSEN, YOU ARE RECOGNIZED. [LB289]

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SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE TODAY IN SUPPORT OF THE RECOMMIT TO COMMITTEE MOTION. I HAD SEVERAL THINGS THAT I WANTED TO SAY IN THE BILL, BUT JUST IN MY INITIAL IMPRESSIONS AS WELL AS TRYING TO COME UP WITH WHAT I WANTED TO SAY, I WAS RUNNING INTO CONCERNS OF LOCAL CONTROL. I WAS LOOKING AT THE STATUTE...PROVISION OF THE STATUTE THAT ALLOWS PLAINTIFFS TO SUE THEIR LOCAL MUNICIPALITIES, INCLUDING SOME OF THE DAMAGES--MULTIPLE TIMES ATTORNEYS FEES THAT ARE GREATER THAN ACTUAL DAMAGES THAT LOOK RATHER PUNITIVE--AS WELL AS THERE'S OTHER CONCERNS WITH...FRANKLY, I'M WORRIED WE'RE GETTING INTO SPECIAL LEGISLATION LANGUAGE BECAUSE WE ALLOW FOR SPECIAL CLASSES OF SUITS BASED ON AN ORGANIZATION'S MEMBERSHIP. SO CERTAIN ORGANIZATIONS WOULD BE ALLOWED TO FILE A LAWSUIT ON OTHERS. THESE ARE JUST SOME OF THE...MY INITIAL CONCERNS, BOTH ON A POLICY LEVEL AND ON A TECHNICAL LEVEL. AND SO I THINK WE'RE COMMITTING TO THE JUDICIARY COMMITTEE TO ALLOWING THAT TO WORK OUT AND HAVING A MORE...MORE WORK IN THE COMMITTEE PROCESS WOULD BE A VERY WISE IDEA. AND I WOULD ENCOURAGE THE BODY TO JOIN ME. WITH THAT, I WOULD YIELD MY TIME TO SENATOR MELLO, IF HE COULD USE IT. [LB289]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE YIELDED 3:45. [LB289]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AND THANK YOU, SENATOR HANSEN. AT THIS MOMENT IN TIME, I RISE IN OPPOSITION TO LB289 AS IT'S DRAFTED. AND I RAISED SOME CONCERNS YESTERDAY WITH SENATOR EBKE IN PRIVATE IN REGARDS TO THE SCOPE OF THIS BILL, PARTICULARLY AS IT RELATES TO THE CITY OF OMAHA--AND WHICH YOU HEARD FROM SENATOR CHAMBERS, SENATOR KRIST, SENATOR COOK, WHO ALSO REPRESENT THE CITY OF OMAHA--AS IT RELATES TO ONE SIGNIFICANT ISSUE THAT WAS RAISED TO ME BY LAW ENFORCEMENT OFFICIALS, WHICH IS THE CITY OF OMAHA'S HANDGUN REGISTRATION ORDINANCE, WHICH HAS BEEN IN EFFECT FOR MORE THAN TWO DECADES. I PASSED AROUND SOME INFORMATION IN REGARDS TO THAT REGISTRATION ORDINANCE AS WELL AS QUALIFICATIONS TO...FOR THOSE WHO QUALIFY OR WOULD HAVE THEIR PERMIT, I SHOULD SAY, DENIED WHEN THEY APPLY FOR THEIR PERMIT. AND THE ISSUE THAT...I'LL BE PASSING OUT A LETTER AS WELL FROM THE OMAHA POLICE OFFICERS ASSOCIATION THAT RAISES THEIR OBJECTION TO LB289, BECAUSE OF THIS TOOL THAT OMAHA CURRENTLY USES TO DEAL WITH GUN-RELATED CRIMES, STOLEN GUNS, AS WELL AS ADDRESSING THE LEGAL GUNS. AND IT DOESN'T TAKE A NOBEL PEACE PRIZE WINNING AUTHOR, ECONOMIST, OR ADVOCATE TO UNDERSTAND THAT OMAHA HAS A GUN ISSUE, THAT WE HAVE--

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THIS PAST YEAR--THE LARGEST NUMBER OF HOMICIDES IN THE CITY OF OMAHA FOR WELL OVER 30 YEARS. AND THERE IS A CONSIDERABLE ISSUE THAT FACES OUR COMMUNITY DAY IN AND DAY OUT AND TO REMOVE THIS ORDINANCE FROM THE CITY OF OMAHA THROUGH STATE LEGISLATION, IT'S CONCERNING. I EXPRESSED TO SENATOR EBKE, I WANT TO WORK TO SEE IF THERE'S A WAY TO ADDRESS THE ISSUE, THAT I'VE HEARD FROM OTHER COLLEAGUES IN REGARDS TO THE CONCERN OF TRANSPORTING GUNS FROM A CITY SUCH AS HASTINGS OR KEARNEY OR NORTH PLATTE THAT DOESN'T HAVE A HANDGUN ORDINANCE, AS THEY'RE TRAVELING THROUGH THE CITY OF OMAHA THAT THEY DON'T WANT TO BE ARRESTED BASED ON THE CITY OF OMAHA'S ORDINANCE. I THINK THERE CAN BE A CONVERSATION ABOUT THAT, BUT I THINK WHAT THE MOTION WE'VE GOT IN FRONT OF US, THE RECOMMIT TO COMMITTEE, YOU CAN HAVE THAT CONVERSATION IN THE JUDICIARY COMMITTEE. AND THAT'S A LEGITIMATE ISSUE, I THINK, IN TALKING WITH SENATOR EBKE, THAT THERE IS A CONCERN ABOUT. BUT I THINK THE WAY THIS BILL IS DRAFTED NOW, I'M CONCERNED IT THROWS OUT YEARS OF GOOD PUBLIC POLICY TO TRY TO ADDRESS GUN VIOLENCE IN THE CITY OF OMAHA AND THE CITY OF LINCOLN. IT THROWS IT OUT WITH A NUMBER OF OTHER ISSUES THAT HAVE BEEN RAISED. MY HOPE IS, IS THAT WE'LL BE ABLE TO FIND SOME COMPROMISE TO SOME EXTENT ON TRYING TO PROTECT WHAT CITIES HAVE BEEN DOING FOR YEARS TO PROTECT THEIR COMMUNITIES FROM GUN VIOLENCE WITH UNDERSTANDING THAT THERE'S LEGITIMATE CONCERNS FROM ONE CITY TO THE NEXT... [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR MELLO: ...WHEN A HANDGUN IS TRANSFERRED IN A VEHICLE THROUGH SOME MEANS OF TRANSPORTATION. I DON'T THINK YOU SOLVE ONE ISSUE BY ELIMINATING ALL OTHER LOCAL GUN ORDINANCES THAT CITY COUNCILS, MAYORS, CONSTITUENTS HAVE WEIGHED IN ON FOR GENERATIONS. I APPRECIATE SENATOR EBKE'S PATIENCE IN REGARDS TO HEARING ME DISCUSS SOME OF MY CONCERNS. I THINK SHE KNOWS THAT I'D LIKE TO FIND A WAY FOR US TO BE ABLE TO KEEP WHAT WE HAVE AT LEAST IN THE CITY OF OMAHA, THE CITY OF LINCOLN WHEN IT COMES TO OUR LOCAL HANDGUN REGISTRATION ORDINANCES. BUT I KNOW THERE'S SOME OTHER BIG CONCERNS COLLEAGUES HAVE RAISED WHICH I'M LISTENING TO. AND I THINK WE NEED TO BE VERY, VERY CAUTIOUS, COLLEAGUES, BEFORE WE WALK DOWN THIS PATH TO ELIMINATE ALL LOCAL GUN ORDINANCES ACROSS THE STATE. THANK YOU, MR. PRESIDENT. [LB289]

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SPEAKER HADLEY: THANK YOU, SENATOR MELLO. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB289]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I GUESS THIS IS A FILIBUSTER, I'M GUESSING, SO I'M HEARING A LOT OF SILLY STUFF BEING SAID. AND WHEN YOU HAVE TO FILL TIME, I GUESS YOU JUST START SAYING STUFF THAT DOESN'T MAKE ANY SENSE. THIS IS WHAT, OUR SIXTH FILIBUSTER? WE JUST GO FROM FILIBUSTER TO FILIBUSTER HERE. BUT YOU KNOW WHAT? THE BILL IS IMPORTANT TO SOMEONE, I UNDERSTAND THAT, SO. BUT, YOU KNOW, I THINK THAT WE NEED TO LOOK AT A COUPLE THINGS. I THINK SENATOR EBKE WAS VERY CORRECT AND THAT THIS IS A FUNDAMENTAL RIGHT TO HAVE A GUN. FREE SPEECH IS A FUNDAMENTAL RIGHT. FREEDOM OF RELIGION IS A FUNDAMENTAL RIGHT. NOW, WOULD WE TOLERATE THE CITY OF LINCOLN...WOULD WE TOLERATE THE LEFTISTS IN THE CITY OF LINCOLN CLOSING DOWN A CHURCH BECAUSE THEY DIDN'T LIKE IT BECAUSE IT'S LOCAL CONTROL? WOULD WE TOLERATE THE GOOFBALLS IN OMAHA CITY COUNCIL...ON THE OMAHA CITY COUNCIL INFRINGING ON YOUR FREE SPEECH BECAUSE THEY DIDN'T LIKE IT BECAUSE IT'S LOCAL CONTROL? I THINK THAT'S AN ABSOLUTELY RIDICULOUS ARGUMENT, THAT YOU CAN USE LOCAL CONTROL TO INFRINGE ON A FUNDAMENTAL RIGHT. THERE'S ONE THING WHEN WE TALK ABOUT LOCAL CONTROL AND SCHOOLS SET THEIR OWN CURRICULUM AND THEIR OWN POLICIES. THAT'S ONE THING BECAUSE THAT'S NOT A FUNDAMENTAL RIGHT. THIS IS A FUNDAMENTAL RIGHT, AND YOU CANNOT LET IT BE INFRINGED ON IN CITIES. THE ONLY THING I AGREED WITH, WITH SENATOR PANSING BROOKS WAS SHE SAYS, IF THEY DON'T LIKE IT THEY CAN VOTE US OUT. AND THAT'S WHAT I THINK THE VOTERS INTEND TO DO. I DON'T THINK THE VOTERS ARE VERY HAPPY WITH THIS BODY AT TIMES. AFTER SOME OF THE THINGS THAT WENT ON LAST SESSION AND PEOPLE SAYING, HEY, YOUR SECOND AMENDMENT RIGHTS DON'T APPLY IN THIS CITY. THIS IS A SECOND AMENDMENT FREE ZONE. I DON'T THINK THAT'S GOING TO GO OVER VERY WELL. PEOPLE EXPECT US TO PROTECT THEIR RIGHTS. AND THE RIGHT TO CARRY A FIREARM CANNOT HAVE A DIFFERENT STANDARD EVERY TIME YOU GO INTO A DIFFERENT CITY. WE DON'T HAVE A FREEDOM OF SPEECH STANDARD FOR LINCOLN AND A DIFFERENT ONE FOR OMAHA AND A DIFFERENT ONE FOR PLATTSMOUTH AND A DIFFERENT ONE FOR PAPPILLION. WE HAVE A FREEDOM OF SPEECH NO MATTER WHERE YOU GO. COULD SOMEONE EXPLAIN TO ME THE DIFFERENCE IN A FUNDAMENTAL RIGHT IN THE SECOND AMENDMENT AND A FUNDAMENTAL RIGHT IN THE FIRST AMENDMENT? I DON'T...WE HAVE A FEW ATTORNEYS HERE AND I'M NOT SURE THEY'VE ALL FIGURED IT OUT HERE, BUT THERE'S NOT A DIFFERENCE. THE SECOND AMENDMENT APPLIES EVERYPLACE IN OUR STATE. AND IF THAT'S NOT

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GOOD ENOUGH FOR YOU, LOOK AT OUR STATE CONSTITUTION. IT'S EVEN MORE EXPLICIT. SO I WOULD ENCOURAGE SENATOR EBKE, DON'T TRY TO CUT A DEAL WITH SOMEONE THAT WANTS TO CARVE OUT WHAT CITIES HAVE ALWAYS BEEN DOING, BECAUSE WE'VE GOT THIS BILL BECAUSE OF WHAT CITIES HAVE ALWAYS BEEN DOING. AND, FINALLY, WE'VE DECIDED IT'S TIME TO CALL THEM ON THIS. NOW, LET ME TALK ABOUT THE NRA. I THINK SENATOR CHAMBERS SAID, THE NRA IS TRYING TO BUY LEGISLATURES. WHAT'S BLOOMBERG TRYING TO DO? HE'S GOT A LOT MORE MONEY THAN THE NRA DOES. [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR KINTNER: HE'S THROWING IT ALL OVER THE PLACE. HE SPENT QUITE A BIT OF MONEY TRYING TO SAVE THOSE SENATORS THAT GOT VOTED OUT OF OFFICE OVER THERE IN COLORADO WHEN THEY INFRINGED ON THE SECOND AMENDMENT. AND, BY THE WAY, THAT'S A PRETTY GOOD LESSON OVER THERE IN COLORADO. THEY RECALLED THREE SENATORS FOR ANTIGUN VOTES OVER THERE. THIS IS NOT AN NRA BILL. THIS IS A BILL THAT SENATOR EBKE CAME UP WITH. THIS IS NOT EVEN A GUN BILL, REALLY. THIS IS A CONSTITUTIONAL BILL, JUST TO MAKE SURE WE HAVE UNIFORM LAWS THROUGHOUT THE STATE. IF THERE ARE LAWS THAT NEED TO BE IN PLACE THAT DEAL WITH GUNS, IF SOMETHING NEEDS TO BE CLARIFIED, IT CAN BE DONE IN THIS BODY. WE ARE FULLY CAPABLE OF MAKING THOSE LAWS. AND WHEN SENATOR PANSING BROOKS SAID, THERE'S (INAUDIBLE) LINCOLN... [LB289]

SPEAKER HADLEY: TIME, SENATOR. [LB289]

SENATOR KINTNER: THANK YOU. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB289]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, PEOPLE ON THIS FLOOR DON'T UNDERSTAND WHAT THE CONSTITUTION IS. EVERYTHING IN THE CONSTITUTION IS SUBJECT TO CAVEATS. YOU CAN MAKE A CHURCH STOP PLAYING A LOUDSPEAKER OF HOLY MUSIC AND SERMONS AT 3:00 IN THE MORNING IN THE MIDDLE OF A NEIGHBORHOOD. YOU CAN REGULATE THAT SPEECH. IF A PERSON EXPRESSES THROUGH SPEECH A DESIRE TO SUPPORT ISIS, THAT PERSON CAN BE ARRESTED AND CHARGED WITH A CRIME, AND IT'S HAPPENING RIGHT NOW. NOISE ORDINANCES ARE ENACTED.

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THE DIFFICULTY IN THIS LEGISLATURE IS THAT PEOPLE TALK ABOUT SO MANY THINGS THEY DON'T UNDERSTAND AND WHEN THEY DON'T KNOW WHAT THEY'RE TALKING ABOUT. I'D LIKE TO ASK SENATOR GARRETT A QUESTION, BECAUSE HE SAID SOMETHING THAT REALLY PIQUED MY INTEREST. [LB289]

SPEAKER HADLEY: SENATOR GARRETT, WILL YOU YIELD? [LB289]

SENATOR GARRETT: CERTAINLY. [LB289]

SENATOR CHAMBERS: SENATOR GARRETT, ARE YOU A COWARD? [LB289]

SENATOR GARRETT: NO. [LB289]

SENATOR CHAMBERS: DO YOU THINK I'M A COWARD? [LB289]

SENATOR GARRETT: NO. [LB289]

SENATOR CHAMBERS: I DON'T BELIEVE IT WOULD TAKE GUTS FOR ME TO CARRY A GUN. YOU SAID, IT TAKES GUTS TO CARRY A GUN. WOULD YOU PLEASE EXPLAIN WHY IT TAKES GUTS TO CARRY A GUN? [LB289]

SENATOR GARRETT: IT TAKES GUTS TO CARRY A GUN BECAUSE IT'S AN AWESOME RESPONSIBILITY. NONE OF US WHO ARE GUN PROPONENTS CARRY THAT LIGHTLY. WE KNOW THE AWESOMENESS OF WHAT IT IS, THAT FIREARM, THE DAMAGE A FIREARM CAN DO AND IT RIGHTFULLY SCARES US. I THINK IF YOU ASK ANY OF THE STATE PATROLMEN OR ANYBODY ELSE, CARRYING A FIREARM IS A VERY AWESOME RESPONSIBILITY. [LB289]

SENATOR CHAMBERS: OKAY, THAT'S YOUR ANSWER. I LIVE IN A COMMUNITY WHERE THERE ARE A LOT OF GUNS. AND IT DOESN'T TAKE GUTS FOR GUNS. AND WHEN GUNS ARE IN MY COMMUNITY, LAW ENFORCEMENT DOESN'T CARE. WHEN A WHITE FEMALE OFFICER WAS KILLED WITH A GUN, THEY TRACED THAT GUN ALL THE WAY TO A PAWNSHOP IN ALABAMA. THE OMAHA POLICE CANNOT FIND OUT WHERE KIDS IN THE LOWER TEENAGE BRACKETS ARE GETTING GUNS. THEY CAN'T FIND IT OUT. BECAUSE THE GUNS ARE USED IN MY COMMUNITY, I'VE WRITTEN LETTERS TO THE CHIEF, TO THE MAYOR, TO ALL OF THEM ABOUT THEIR PURPORTED INABILITY TO DO ANYTHING ABOUT FINDING THE SOURCE OF GUNS IN MY COMMUNITY. YOU ALL DON'T CONFRONT IT, SO IT'S EASY FOR

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YOU TO SIT UP HERE AND SAY, WELL, IF YOU CROSS INTO OMAHA FROM BELLEVUE THEY'LL TAKE YOUR GUNS. WELL, IF YOU DON'T FOLLOW THE LAW, THEY OUGHT TO TAKE YOUR GUN. YOU GUYS WHO WANT THESE GUNS ARE THE ONES WHO TALK ABOUT BEING LAW ABIDING. RATHER THAN ABIDE BY THE LAW, YOU WANT TO CHANGE EVERY LAW TO ACCOMMODATE YOU. NO OTHER GROUP IN SOCIETY HAS BEEN SO INSULTING AS TO SAY WHEREVER A LAW IS IN PLACE THAT INCONVENIENCES ME AND WHAT I'M DOING, THEN CHANGE THE LAW. THAT'S WHAT THE GUN LOBBY DOES. THAT'S WHY SENATOR GARRETT WANTS TO PUT GUNS ON COLLEGE CAMPUSES. AND WHEN HE BRINGS THAT BILL, I'M GOING TO FIGHT IT TOOTH AND NAIL AND ALL OF THESE GUN BILLS. AND I DON'T CARE WHAT ANYBODY THINKS OF ME, I AM DOING WHAT LEGISLATURES ARE AFRAID TO DO, WHAT THE CONGRESS IS AFRAID TO DO, AND WHAT THOUGHTLESS PEOPLE DON'T HAVE SENSE ENOUGH TO DO, AND THAT'S TO FIGHT THIS PROLIFERATION OF GUNS. THAT'S WHERE THE FEAR COMES FROM. YOU ALL IN OFFICE SPREAD THIS FEAR. YOU LET THE PUBLIC KNOW THAT YOU'RE AFRAID TO WALK DOWN THE STREET, SO THEY'RE AFRAID. YOU'RE THEIR LEADERS. YOU'RE THEIR PARADIGM. LET THEM LOOK AT ME. YOU KNOW WHY I SAY THEY'RE COWARDS? BECAUSE OF THE KIND OF PHONE CALLS MADE TO MY OFFICE TO TALK TO THE FEMALE STAFF MEMBER. THEY'RE CURSING, THE THREATS, AND I HAVEN'T ONE TIME GONE TO THE STATE PATROL AND SAID, PROTECT ME. I DON'T TELL THE POLICE TO PROTECT ME, I DON'T CARRY A GUN, AND I GET MORE THREATS THAN ALL OF YOU. [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR CHAMBERS: AND YOU ALL ARE GOING TO TALK ABOUT GUTS TO CARRY A GUN. THAT IS THE MOST INSANE THING I'VE HEARD, BASED ON MY SCALE OF VALUES. AND I KNOW, SENATOR GARRETT, YOU KNOW BETTER THAN TO SAY IT TAKES GUTS TO CARRY A GUN. YOU'RE TALKING ABOUT THE RESPONSIBILITY OF CARRYING ONE. THAT'S DIFFERENT. GUTS MEANS IT TAKES COURAGE, TAKES SOMEBODY WHO'S BRAVE, SOMEBODY WHO'S BOLD, SOMEBODY WHO'S DARING, SOMEBODY WHO'S AUDACIOUS. THOSE ARE THE KIND OF PEOPLE WHO CARRY GUNS. THOSE ARE THE VERY KIND OF PEOPLE WHO DON'T CARRY GUNS AND I WOULD APPLY ALL THOSE TERMS TO MYSELF. I DON'T CARRY KNIVES. THESE PEOPLE VIOLATE THE LAW, THEN THEY SAY, CHANGE THE LAW SO THE VIOLATION THAT I COMMITTED WILL NOT STOP ME FROM GETTING A GUN. LET THEM OBEY THE LAW THEN. CALL YOUR FRIENDS OUT THERE IN OREGON, WHITE CHRISTIAN LAW-ABIDING PEOPLE COMMITTING TREASON AGAINST THE UNITED STATES. WHEN YOU CARRY WEAPONS,... [LB289]

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SPEAKER HADLEY: TIME, SENATOR. [LB289]

SENATOR CHAMBERS: ...RAISE THEM AGAINST THE COUNTRY...YOU SAID TIME?
[LB289]

SPEAKER HADLEY: YES, I DID, SENATOR CHAMBERS. [LB289]

SENATOR CHAMBERS: HOW IT FLIES. THANK YOU. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR EBKE, YOU ARE
RECOGNIZED. [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. AND IT LOOKS LIKE WE...IF WE GO INTO MONDAY WE WILL HAVE A SPIRITED DEBATE. LET ME JUST MAKE A COUPLE OF BRIEF COMMENTS WITH RESPECT TO LOCAL CONTROL. YOU SHOULD HAVE ALL GOTTEN THE HANDOUT REGARDING THE DILLON RULE AND THE RESPONSIBILITY OF THE STATE IN NEBRASKA TO DETERMINE WHAT POWERS THE INDIVIDUAL COMMUNITIES HAVE. SOME OF MY COLLEAGUES HAVE SUGGESTED CONCERN...THAT THEY'RE CONCERNED THAT SOMEHOW LB289 IS GOING TO CREATE A FIREARM FREE-FOR-ALL, THAT GUNS WILL BE EXPANDED AT A GREAT LEVEL. LET ME JUST TAKE A FEW MINUTES TO NOTE ALL OF THE EXISTING STATE LAWS THAT I COULD FIND THAT WILL CONTINUE TO REGULATE FIREARMS ACROSS THE STATE UNIFORMLY. FIRST OF ALL, STATE LAW PROHIBITS THE TRANSPORTATION OR POSSESSION OF ANY MACHINE GUNS. IT'S UNLAWFUL FOR MINORS TO POSSESS A HANDGUN OR FOR SOMEONE TO TRANSFER POSSESSION OF A FIREARM TO A PERSON UNDER 18 YEARS OF AGE. IT'S ALSO UNLAWFUL FOR A PERSON PREVIOUSLY CONVICTED OF A FELONY TO POSSESS ANY DEADLY WEAPON. IT'S ILLEGAL TO KNOWINGLY POSSESS OR SELL A FIREARM THAT HAS HAD THE MANUFACTURER'S IDENTIFICATION MARK OR SERIAL NUMBER REMOVED OR TO COMMIT SUCH FIREARM DEFACEMENT. IT IS UNLAWFUL TO POSSESS, RECEIVE, RETAIN, OR DISPOSE OF A STOLEN FIREARM KNOWING THAT IT HAS BEEN OR BELIEVING THAT IT HAS BEEN STOLEN. NEBRASKA LAW ALSO REQUIRES COMPLIANCE WITH FEDERAL LAWS THAT PREVENT FIREARM POSSESSION BY FUGITIVES FROM JUSTICE; DRUG ADDICTS; THOSE A COURT HAS FOUND TO HAVE A MENTAL DEFECT OR THOSE WHO HAVE BEEN COMMITTED TO A MENTAL INSTITUTION; AND INDIVIDUALS WHO HAVE BEEN CONVICTED OF DOMESTIC VIOLENCE CRIME, AMONG OTHER THINGS. THE CONCEALED HANDGUN PERMIT ACT PROHIBITS CARRYING A CONCEALED WEAPON IN A LAW ENFORCEMENT CENTER: POLICE, SHERIFF, STATE PATROL

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OFFICE; IN A DETENTION FACILITY, A PRISON OR JAIL; IN COURTROOMS AND BUILDINGS CONTAINING COURTROOMS; IN POLLING PLACES DURING A BONA FIDE ELECTION; DURING MEETINGS OF THE LEGISLATURE OR A COMMITTEE OF THE LEGISLATURE; INTO A FINANCIAL INSTITUTION; INTO PROFESSIONAL, SEMIPROFESSIONAL, OR COLLEGIATE ATHLETIC EVENTS; INTO OR ONTO SCHOOL GROUNDS OR SCHOOL-OWNED VEHICLES AND AT ANY SCHOOL-SPONSORED ACTIVITY OR ATHLETIC EVENT; AT A PLACE OF WORSHIP; EMERGENCY ROOM OR TRAUMA CENTERS; AT POLITICAL RALLIES OR FUNDRAISERS; AT AN ESTABLISHMENT WITH A LIQUOR LICENSE DERIVING MORE THAN HALF OF ITS INCOME FROM THE SALE OF ALCOHOL; AND ANYPLACE WHERE POSSESSION IS PROHIBITED UNDER STATE AND FEDERAL LAW; ANYPLACE WHERE THE OWNER OF OR PERSON IN CONTROL OF THE PLACE HAS PROHIBITED THE POSSESSION OF PERMITTED HANDGUNS AND HAS POSTED CONSPICUOUS NOTICE OF THE PROHIBITION OR HAS DIRECTLY AND SPECIFICALLY REQUESTED THAT THE PERMIT HOLDER REMOVE ANY FIREARMS FROM THE PREMISES. A PERMIT HOLDER MAY BRING A PERMITTED HANDGUN ONTO SUCH PROHIBITING PREMISES IN A VEHICLE, SO LONG AS THE FIREARM REMAINS IN THE VEHICLE. AND FINALLY, STATE LAW REGULATES THE SALE, LEASE, RENTAL, AND TRANSFER OF HANDGUNS. IT MAKES SENSE, I BELIEVE, THAT THE STATE LAW SHOULD ALSO REGULATE POSSESSION AND TRANSPORTATION OF HANDGUNS. WE CAN CERTAINLY TALK MORE ABOUT THE QUESTIONS OF REGISTRATION. WE CAN CERTAINLY TALK MORE ABOUT LOCAL CONTROL. BUT I DO BELIEVE THAT, AS WITH THE FIRST AMENDMENT AND THE THIRD AMENDMENT AND THE FOURTH AMENDMENT AND THE FIFTH AMENDMENT AND ALL THOSE AMENDMENTS THAT I LIKE VERY MUCH... [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR EBKE: ...AND HAVE SUPPORTED, THAT WE OUGHT TO BE CONSIDERING THE SECOND AMENDMENT AS EVERY BIT AS FUNDAMENTAL. AND WE ALSO OUGHT TO BE LOOKING AT THE BILL OF RIGHTS OF THE NEBRASKA CONSTITUTION AS BEING A FUNDAMENTAL STARTING PLACE FOR WHAT OUR LOCALITIES SHOULD BE OR SHOULD NOT BE ALLOWED TO DO. THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR EBKE. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB289]

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SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I'VE LOOKED AT THIS BILL AND I'VE TALKED WITH PEOPLE WHO I RESPECT AND THEY SAID, WE OUGHT TO...THAT WE SHOULD BE SUPPORTING LB289. AND I HAVE WRITTEN SOME CONSTITUENTS WHO HAVE ASKED ME ABOUT THIS LB289 AND IT'S BEEN UNDERSTOOD...AS I HAVE UNDERSTOOD IT, IT'S TO CREATE UNIFORMITY. AND I UNDERSTAND THE PROBLEM OF PEOPLE DRIVING FROM OMAHA TO PAPILLION TO BELLEVUE THAT THESE...ALL THE DIFFERENT LAWS THAT COULD BE SET UP. BUT I WANT TO COME BACK BEFORE...AND I'M REALLY RETHINKING MY POSITION ON THIS. AND I THINK THAT THIS MOTION WE HAVE ON THE FLOOR TO RECOMMIT THIS TO COMMITTEE MIGHT BE EXACTLY WHERE THIS OUGHT TO GO. I WANT TO HAVE THREE QUESTIONS ANSWERED DURING THIS DEBATE AND I'M GOING TO BE FOLLOWING THIS DEBATE VERY CLOSELY. I WANT TO KNOW FIRST OF ALL, IS THIS LAW NECESSARY? AND NUMBER TWO, WHAT WILL MAKE....WILL THIS MAKE THE PEOPLE OF NEBRASKA SAFER? I'M TALKING...I'M NOT TALKING ABOUT THE GUN OWNERS, I'M TALKING ABOUT THE PEOPLE OF NEBRASKA. WILL THEY BE SAFER IF WE PASS THIS LAW? SO WHAT I'M LOOKING AT RIGHT NOW. AND THE NEXT...THIRD QUESTION IS, ARE PEOPLE GOING TO BE IN MORE DANGER IF WE PASS THIS LAW? I THINK THOSE ARE THE THREE VERY IMPORTANT QUESTIONS THAT WE NEED TO ANSWER. AND SO AS I LOOK AT THIS AND SINCE THESE ARE THE QUESTIONS THAT ARE OUT THERE, MAYBE THIS IS A LAW THAT'S NOT READY FOR PRIME TIME AND MAYBE WE SEND IT BACK TO COMMITTEE IS THE EXACT PLACE WHERE WE OUGHT TO SEND IT AT THIS POINT. THANK YOU, MR. SPEAKER. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR HILKEMANN. MR. CLERK. [LB289]

ASSISTANT CLERK: MR. PRESIDENT, SOME ITEMS. THE RETIREMENT SYSTEMS COMMITTEE REPORTS LB803 TO GENERAL FILE. NEW RESOLUTIONS: LR419 AND LR420 BY SENATOR LARSON; THOSE WILL BE LAID OVER. I HAVE NOTICE OF COMMITTEE HEARING FROM THE BANKING, COMMERCE AND INSURANCE COMMITTEE AND THE RETIREMENT SYSTEMS COMMITTEE. AMENDMENTS TO BE PRINTED: SENATOR CRAWFORD TO LB289; SENATOR KOLTERMAN TO LB467. A SERIES OF NAME ADDS: SENATOR COOK, KOLTERMAN AND STINNER TO LB1030; SENATOR SCHILZ TO LB276; SENATOR CHAMBERS TO LB738; SENATOR GLOOR TO LB1032; SENATOR COASH TO LB1110. (LEGISLATIVE JOURNAL PAGES 397-400.) [LB803 LR419 LR420 LB289 LB467 LB1030 LB276 LB738 LB1032 LB1110]

FINALLY, A PRIORITY MOTION--SENATOR KEN HAAR WOULD MOVE TO ADJOURN UNTIL MONDAY, JANUARY 25, 2016, AT 10:00 A.M.

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

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SPEAKER HADLEY: ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. ALL OPPOSED SAY NAY. THE MOTION IS ADOPTED.