

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

Floor Debate
February 05, 2016

[LB19 LB47 LB106 LB136 LB175 LB176 LB188 LB190 LB285 LB311 LB328 LB378 LB400
LB400A LB471 LB510A LB665 LB666 LB667 LB717 LB746 LB786 LB791 LB813 LB820
LB849 LB859 LB862 LB898 LB924 LB970 LB1009 LR380CA LR433]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE TWENTY-FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR GRANT REYNOLDS OF THE GOOD NEWS ASSEMBLY OF GOD CHURCH, FALLS CITY, NEBRASKA. THAT IS SENATOR WATERMEIER'S DISTRICT. PLEASE RISE.

PASTOR REYNOLDS: (PRAYER OFFERED.)

SPEAKER HADLEY: THANK YOU, PASTOR REYNOLDS. I CALL TO ORDER THE TWENTY-FIRST 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.

SPEAKER HADLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

SPEAKER HADLEY: THANK YOU. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

ASSISTANT CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB311, LB400, LB400A AND LB378 ALL TO SELECT FILE, SOME WITH E&R AMENDMENTS. I HAVE A REPORT OF REGISTERED LOBBYISTS FOR THE CURRENT WEEK, AS WELL AS TO REPORT THAT AGENCY REPORTS ARE AVAILABLE THROUGH THE LEGISLATURE'S WEB SITE. NEW RESOLUTION, LR433 BY SENATOR RIEPE; THAT WILL BE LAID OVER. AN ANNOUNCEMENT: THE TRANSPORTATION AND TELECOMMUNICATIONS WILL MEET IN EXECUTIVE SESSION IN ROOM 2022 UPON THE CONCLUSION OF FINAL READING. THAT'S ALL I

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HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 509-511.) [LB311 LB400 LB400A LB378 LR433]

SPEAKER HADLEY: THANK YOU, MR. CLERK. MR. CLERK, WE WILL MOVE TO FINAL READING. MEMBERS SHOULD RETURN TO THEIR SEATS IN PREPARATION FOR FINAL READING. MR. CLERK, THE FIRST BILL IS LB176. [LB176]

ASSISTANT CLERK: MR. PRESIDENT, WITH RESPECT TO LB176, SENATOR DAVIS WOULD MOVE TO RETURN THE BILL TO SELECT FILE FOR SPECIFIC AMENDMENT, THAT BEING AM1886. (LEGISLATIVE JOURNAL PAGE 387.) [LB176]

SPEAKER HADLEY: SENATOR DAVIS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. MEMBERS, I HOPE YOU'LL LISTEN CAREFULLY TO WHAT I HAVE TO SAY AND WHY I THINK THIS IS SUCH AN IMPORTANT AMENDMENT TO THIS BILL. I INTRODUCED AN AMENDMENT SOMETIME AGO THAT I WITHDREW, AND I WITHDREW THAT BECAUSE I WANTED TO TEST THE BODY AND SEE WHERE WE WERE WITH REGARD TO THIS BILL, WHETHER IT WAS...IT'S A BAD BILL AND I'D LIKE TO SEE IT GO AWAY ALTOGETHER. I'M NOT SURE THAT'S GOING TO HAPPEN. SO THE AMENDMENT I PUT IN PLACE IS ONE THAT PRESERVES A MARKET FOR THE STATE OF NEBRASKA. IF YOU'VE PAID ANY ATTENTION TO DISCUSSIONS OUT OF IOWA, YOU'LL FIND THAT IN IOWA THERE WERE EFFORTS MADE AND PIECES OF...DISCUSSION PUT TOGETHER WHICH PRESERVED A MARKET IN THAT STATE, AN OPEN MARKET SO THAT THESE PRODUCERS HAD TO GO TO THE OPEN MARKET TO PURCHASE ANIMALS. NEBRASKA HAS SO MUCH SMALLER NUMBER OF HERDS....NUMBER OF HOGS IN THIS STATE, SO MUCH SMALLER THAT WE NEED TO HAVE A MUCH HIGHER LEVEL OF MARKET. WE NEED TO PRESERVE THAT MARKET, AT LEAST FOR THE NEXT SEVERAL YEARS, SO THAT PEOPLE WHO ARE TODAY IN THE BUSINESS DON'T SUDDENLY GET PUSHED OUT OF THE BUSINESS WHEN THE MARKET DISAPPEARS, BECAUSE THAT IS WHAT WILL ULTIMATELY HAPPEN IF WE ADOPT LB176. I'M GOING TO TALK A LITTLE BIT ABOUT LB176 ITSELF AS WE MOVE ALONG AND WHY I THINK THAT A LOT OF THE DISCUSSION THAT WE'VE HEARD FROM THE PROPONENTS OF THIS BILL IS JUST SIMPLY NOT TRUE. ONE OF THE THINGS THAT WE CONTINUE TO HEAR ABOUT LB176 IS THAT THIS IS GOING TO BE REALLY GOOD FOR YOUNG FARMERS WHO ARE GOING TO BE ABLE TO ENTER A CONTRACT WITH SMITHFIELD AND GO TO THE LOCAL BANK AND BORROW MONEY, GO INTO THE HOG BUSINESS. WELL, I'M

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GOING TO TELL YOU THAT ISN'T REALLY THE WAY THAT THINGS ARE GOING TO WORK BECAUSE SMITHFIELD DOESN'T WANT TO DEAL WITH 400 OR 500 OR 1,000 YOUNG FARMERS. THEY REALLY WANT TO DEAL WITH ONE FARMER WHO IS GOING TO BE ABLE TO PRODUCE ALL THE HOGS THAT THEY NEED. IT'S A LOT EASIER FOR THEM THAT WAY. AND THAT'S WHAT THE REAL GOAL OF THIS BILL IS. SO DON'T BUY INTO THE ARGUMENT THAT THIS IS GOING TO HELP YOUNG FARMERS AND RANCHERS BECAUSE IT'S JUST NOT TRUE. A BANK ISN'T GOING TO SAY TO A YOUNG GUY WHO DOESN'T HAVE ANY COLLATERAL, SURE YOU'VE GOT THIS CONTRACT WITH SMITHFIELD, I'M GOING TO BE VERY HAPPY TO LOAN YOU A MILLION AND A HALF BUCKS. THAT'S JUST NOT GOING TO HAPPEN. SO THAT'S ONE OF THE MYTHS. AND IF YOU LOOK AT THREE BILLS THAT WERE PUT TOGETHER LAST YEAR, LB175, LB176, AND LB106, YOU'LL SEE THAT IN MANY RESPECTS THOSE THREE THINGS ALL GO HAND IN HAND, BECAUSE LB106 IN ITS ORIGINAL FORM STRIPPED THE LOCAL ZONING AUTHORITY AWAY FROM LOCAL ZONING BOARDS, AND IT GAVE IT TO A STATE BODY. AND THAT STATE BODY WAS GOING TO MAKE THE DECISIONS ABOUT WHAT WAS GOING TO HAPPEN IN A COUNTY, AND THE LOCAL COUNTY ZONING BOARD WOULDN'T HAVE A WHOLE LOT TO SAY ABOUT THAT. THEY COULD APPEAL THAT, BUT IT WAS GOING TO BE AN APPOINTED BOARD. WHY DO YOU THINK THAT HAPPENED? I THINK THAT HAPPENED BECAUSE SMITHFIELD, AND ENTITIES JUST LIKE IT, WANT TO DEAL WITH PEOPLE WHO ARE GOING TO HAVE SWINE OPERATIONS OF 20,000, 30,000 HEAD. WE WERE ABLE TO MAKE CHANGES TO THOSE OTHER TWO BILLS TO MAKE IT BETTER FOR NEBRASKA. THERE ARE CHANGES THAT NEED TO BE MADE TO LB176 THAT WILL MAKE 176 BETTER FOR NEBRASKA. AND ONE OF THOSE CHANGES IS THE PRESERVATION OF THE MARKET. SO THE AMENDMENT THAT I HAVE FORWARD HERE PRESERVES THE MARKET AND REQUIRES A 75 PERCENT PURCHASE OF HOGS IN THE OPEN MARKET. I THINK THIS IS A GOOD AMENDMENT. I DON'T LIKE THE BILL. I DON'T LIKE IT ANY BETTER THAN I EVER DID. BUT THIS BILL IS AN ATTACK ON THE MARKET. IF WE'RE GOING TO FOLLOW THE IOWA MODEL, THEN LET'S FOLLOW THE IOWA MODEL. THAT'S WHAT WE'VE HEARD IN HERE ALL DAY LONG WAS THE IOWA APPROACH. LET'S FOLLOW THE IOWA MODEL AND PRESERVE AN OPEN MARKET FOR OUR PRODUCERS, FOR ALL OF OUR PRODUCERS. THANK YOU, MR. PRESIDENT. [LB176 LB175 LB106]

SPEAKER HADLEY: THANK YOU, SENATOR DAVIS. YOU HAVE HEARD THE OPENING ON AM1886. THOSE IN THE QUEUE ARE WILLIAMS, STINNER, HUGHES, JOHNSON, GROENE, AND OTHERS. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB176]

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SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT; AND GOOD MORNING, FELLOW LEGISLATORS. WE ARE GOING TO HEAR A LOT OF DISCUSSION TODAY ON AN ISSUE THAT IS VERY EMOTIONAL FOR SOME AND VERY PRAGMATIC FOR OTHERS. WE'RE GOING TO HEAR ABOUT MYTHS AND DESTROYING MYTHS. WE'RE GOING TO HEAR ABOUT GHOSTS IN THE CLOSETS AND REAL IMPORTANT THINGS FOR OUR STATE. WHAT I WOULD LIKE TO TALK ABOUT BRIEFLY, AND NO ONE SHOULD KNOW THIS BETTER THAN THOSE THAT SAT IN A REVENUE COMMITTEE MEETING LAST NIGHT UNTIL VERY LATE, THE QUESTION THAT I GET ASKED IN MY DISTRICT EVERY DAY FROM EVERY CONSTITUENT IS, WHAT ARE YOU GOING TO DO ABOUT MY TAXES? AND I THINK WE ALL KNOW THAT THE BEST WAY TO ADDRESS OUR TAX ISSUE IN THIS STATE IS TO GROW OUR STATE, GROW JOBS, GROW PEOPLE, GROW AND DIVERSIFY OUR TAX BASE. THAT'S WHAT LB176 ULTIMATELY DOES. IT ADDRESSES THE FACT THAT AT THE CURRENT TIME, WE ARE NONCOMPETITIVE WITH COMPETING STATES AROUND US. THE GROWTH RATE OF HOGS AND THE SLAUGHTER OF HOGS IN OTHER STATES IS SIGNIFICANTLY HIGHER THAN IT'S BEEN IN NEBRASKA. AT THE PRESENT TIME, WE'RE SHIPPING 40 PERCENT OF THE CORN THAT WE RAISE IN NEBRASKA OUT OF OUR STATE CAUSING ADDITIONAL LOSS OF ECONOMIC ACTIVITY. WE CAN CHANGE THAT IF WE CONCENTRATE ON OUR STATE'S NUMBER ONE INDUSTRY, WHICH IS AGRICULTURE. SOME WOULD WONDER WHY IS A CONSERVATIVE BANKER BULLISH ON AGRICULTURE LONG TERM, AND WHY I AM AS BULLISH AS I AM ON NEBRASKA LONG TERM. STATISTICALLY, WE KNOW THAT THE POPULATION OF THE WORLD CONTINUES TO GROW. AND BY THE 2050s, THAT POPULATION WILL EXCEED NINE BILLION PEOPLE. THOSE PEOPLE ALSO ARE LOOKING FOR A LIFE THAT MEANS EATING BETTER THAN THEY HAVE EATEN PREVIOUSLY, MORE PROTEIN IN THEIR DIET, MORE MEAT, THINGS THAT WE HAVE THE OPPORTUNITY TO MAKE HAPPEN. NO ONE IS IN A BETTER POSITION THAN NEBRASKA TO HELP SOLVE THIS WORLD PROBLEM. WE HAVE THE RESOURCES OF WATER, OF SOIL, AND, MORE IMPORTANTLY, PEOPLE; PEOPLE THAT CAN ENGAGE IN THE TECHNOLOGIES THAT WE NEED TO MOVE OUR STATE FORWARD. TECHNOLOGIES THAT WILL LEAD TO GREATER PRODUCTION WITH USING LESS RESOURCES, LESS WATER, LESS FERTILIZER, LESS HERBICIDES. ALL OF THAT IS BASED UPON A PHILOSOPHY OF GROWTH RATHER THAN A PHILOSOPHY THAT HOLDS US BACK TO TIMES GONE BY. THEREFORE, I THINK WE HAVE AN INTERESTING CHOICE TO MAKE TODAY, WHETHER WE BELIEVE THE MYTHS, OR WHETHER WE LOOK FORWARD AND LOOK AT THOSE PEOPLE THAT HAVE BEEN SUCCESSFUL AND WILL CONTINUE TO BE SUCCESSFUL IN THE FUTURE. I CHALLENGE EACH OF US THAT WE CAN CUT TAXES, WE CAN CUT SPENDING, BUT IF WE DON'T GROW OUR STATE, WE'RE NOT DOING WHAT WE NEED TO DO

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LONG TERM AS NEBRASKANS AND WE'RE NOT DOING WHAT WE NEED TO BE DOING LONG TERM... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR WILLIAMS: ...AS LEGISLATORS FOR OUR STATE. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR WILLIAMS. (DOCTOR OF THE DAY AND VISITORS INTRODUCED.) SENATOR STINNER, YOU'RE RECOGNIZED. [LB176]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I COULD PROBABLY GO THROUGH A WHOLE LAUNDRY LIST OF REASONS WHY WE SHOULD VOTE POSITIVE ON THIS BILL, BUT I'LL SAVE THAT FOR LATER. I JUST WANT TO REALLY KIND OF READDRESS WHAT THIS BILL IS ABOUT. WHAT THIS BILL, IF YOU JUST SIT BACK, YOU'RE TELLING A NEBRASKA-BASED BUSINESS THAT PAYS TAXES HERE THAT YOU CAN'T DO A CUSTOM HOG BUSINESS. IF YOU'RE OUTSIDE OUR STATE, YOU CAN. I MEAN, JUST ON ITS FACE, IT'S DISCRIMINATORY IN PRACTICE. AND SO WE'RE TRYING TO BREAK DOWN THAT BARRIER THAT GIVES US THE OPPORTUNITY TO GROW THIS INDUSTRY. I THINK WE ALL UNDERSTAND INTERNATIONALLY WHAT'S HAPPENING. WE HAVE A MIDDLE CLASS IN ASIA THAT'S GROWING. WE JUST SIGNED AN ASIA-PACIFIC AGREEMENT THAT WILL BRING \$100 BILLION OF TRADE TO THE U.S., A LARGE PORTION OF THAT WILL BE AGRICULTURE. NOW, YOU CAN TAKE MY WORD OR YOU CAN TAKE THE WORD OF THE FARM BUREAU WHO ARE ACTIVELY INVOLVED IN AGRICULTURE, ACTIVELY BEHIND THE FAMILY FARMER, WOULD DO NOTHING, NOTHING, TO DESTROY THE FAMILY FARMER. YOU CAN LISTEN TO THE PORK PRODUCERS WHO ARE BEHIND THESE BILLS. THEY HAVE A VESTED INTEREST. THEY KNOW THEIR INDUSTRY. THEY WANT THIS BILL. DEPARTMENT OF AGRICULTURE ACTUALLY TESTIFIED IN BEHALF OF THIS BILL. THE CHAMBER OF COMMERCE IS BEHIND THIS BILL. THEY WANT TO GROW JOBS. THEY WANT TO GROW NEBRASKA. THEY'RE ABOUT ECONOMIC DEVELOPMENT. WE'VE TALKED AND TALKED AND TALKED ABOUT THAT. AND, OF COURSE, THE SOYBEAN PRODUCERS ARE BEHIND IT BECAUSE THEY UNDERSTAND THAT AS YOU GROW NUMBERS, YOU GROW OPPORTUNITIES TO SELL THEIR PRODUCT, AND THROUGH DEMAND, THROUGH THE DEMAND SIDE OF THINGS, WE ALL UNDERSTAND ECONOMICS, PRICES GO UP. SO THAT'S A GREAT BENEFIT TO THE FAMILY FARMER. THE OTHER THING I WANT TO DO IS TO READ THE ATTORNEY'S OPINION THAT REALLY KIND OF CARVES THIS OUT. IT SHOULD BE NOTED THAT LB176

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WOULD NOT FIX ANY APPARENT OR ALLEGED LIABILITIES IN THE DORMANT COMMERCE CLAUSE DUE TO NEBRASKA REVENUE STATUTES BAN ON VERTICAL INTEGRATION BECAUSE LB176 DID NOT...DOES NOT GET RID OF THE BAN ALTOGETHER. IT'S ONLY ABOUT THIS SPECIFIC ISSUE. AND IF WE SAY THAT THIS...THIS IS NOW GOING TO MORPH INTO THE CATTLE INDUSTRY, THAT THE CAMEL'S NOSE IS UNDER THE TENT, I WOULD SUBMIT TO YOU WE'RE THE GATEKEEPERS OF THAT. WE CAN STOP THAT. SO I THINK THAT ARGUMENT FALLS APART. THE LAST THING I WANT TO TALK ABOUT, AND THIS IS SOMETHING THAT I'M FAIRLY PASSIONATE ABOUT. IT HAS COME TO MY ATTENTION AND I HOPE I DON'T FUMBLE THIS TOO BADLY, BUT I WILL TELL YOU ONE THING THAT I AM VERY PROUD TO BE A PART OF THIS LEGISLATURE. THE GENIUS OF THIS LEGISLATURE IS THE DIVERSITY OF THE PEOPLE THAT ARE HERE, THE AGE DIVERSITY, THE GENDER DIVERSITY, THE FACT THAT I CAN SEE PEOPLE FROM AGRICULTURE, EDUCATION, HEALTHCARE. I CAN SEE PEOPLE THAT HAVE LEGAL BACKGROUNDS AND OUR SOCIAL WORKERS. AND THAT PROCESS REALLY DOES WORK BECAUSE AS I GO ABOUT THINGS, I'M ALWAYS AMAZED AT THE DIFFERENCES OF OPINION AND HOW WE DEBATE THINGS. AND I'VE NEVER BEEN SO PROUD IN MY LIFE OF A BODY, OF A GROUP OF PEOPLE--THAT I'VE PLAYED ON SOME PRETTY SPECTACULAR TEAMS IN MY DAY--BUT NEVER SO PROUD THAN WHEN WE DEBATED THE DEATH PENALTY. I THOUGHT EVERYBODY, THE SPEECHES HERE WERE JUST INCREDIBLY DEEP, PASSIONATE, EMOTIONAL. AND EVEN THOUGH I WAS ON THE WRONG SIDE OF THAT VOTE THAT DAY, I WALKED OUT OF HERE, I DIDN'T FEEL... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR STINNER: ...A LOSER, I FELT A WINNER. LB176 SURE BRINGS OUT A LOT OF PASSION AND I WILL SAY THIS, THAT THE INTEGRITY OF THIS BODY, THE ETHICS, THE MORALS THAT WE DEMONSTRATE ARE VERY, VERY IMPORTANT TO THIS BODY. AND TO HAVE AN ASSOCIATION AND AN INDIVIDUAL INFER THAT ANYBODY WOULD TAKE CONTRIBUTIONS AND THAT WOULD CHANGE THEIR VOTE ON ANYTHING IN THIS BODY, I FIND TO BE INCREDIBLY DISTASTEFUL AND IT ANGERS ME TO HAVE SOMEBODY DO THAT. AND WE HAVE A LOT OF CONTENTIOUS ISSUES THAT ARE COMING UP. WE'RE GOING TO DEBATE A LOT OF THINGS, BUT WE DO NOT WANT TO GO DOWN THIS ROAD. AND I WOULD SAY TO YOU, WE'RE A FAMILY. AND I CAME FROM A BIG FAMILY AND THE RULE WAS, YOU ATTACK ONE OF MY FAMILY, YOU ATTACK THEM ALL. AND I'LL STAND BEHIND ANYBODY IN THIS LEGISLATURE ON THE ISSUE OF ETHICS, ON THE ISSUE OF MORALS, AND... [LB176]

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SPEAKER HADLEY: TIME SENATOR. [LB176]

SENATOR STINNER: ...DOING THE RIGHT THINGS. THANK YOU, MR. PRESIDENT.
[LB176]

SPEAKER HADLEY: THANK YOU, SENATOR STINNER. SENATOR HUGHES, YOU'RE
RECOGNIZED. [LB176]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT; GOOD MORNING, COLLEAGUES. HERE WE ARE AGAIN. IT'S AMAZING HOW WRAPPED UP WE CAN GET IN ISSUES OF AGRICULTURE, AND LAST YEAR IT WAS THE DRY BEAN BILL. THIS YEAR, IT'S THE PACKER BILL FOR HOGS. AND I DO APPRECIATE WHAT SENATOR STINNER JUST TOLD US ABOUT THIS BEING A FAMILY AND HOW WE HAVE TO WORK TOGETHER. WE'VE GOT EACH OTHERS BACKS, BUT, UNFORTUNATELY, ON THIS BILL I THINK THERE WAS A LINE CROSSED AND I AM OFFENDED BY THAT. TO THINK THAT MY INTEGRITY IS WORTH A CONTRIBUTION IS VERY OFFENSIVE, VERY OFFENSIVE. BUT BACK TO THE SUBJECT AT HAND. YOU LOOK AT THE INDIVIDUAL ORGANIZATIONS THAT ARE IN FAVOR OF THIS BILL, THE PORK PRODUCERS. THIS IS THEIR BUSINESS. LAST YEAR IN THE DRY BEANS, SENATOR STINNER AND I, THAT WAS OUR BUSINESS AND I APPRECIATE THE FACT THAT THIS BODY LISTEN TO THOSE WHO ARE GOING TO BE AFFECTED BY THAT TO DO WHAT WE DID LAST YEAR. BUT THE PORK PRODUCERS, THIS IS THEIR BUSINESS. THIS IS THEIR LIVELIHOOD. THIS IS THEIR INDUSTRY. THEY WANT TO DO WHAT'S BEST FOR THEIR INDUSTRY. THE CORN GROWERS ARE ALSO ON BOARD. IT'S GOOD FOR THEIR INDUSTRY AND I'M A PART OF THAT. YOU KNOW, THE MORE MARKETS YOU HAVE, THE MORE MARKETS YOU HAVE CLOSER TO HOME, THE BETTER YOUR MARGINS ARE. AND QUITE FRANKLY, WITH LAST YEAR AND THE NEXT FEW YEARS, MARGINS ARE GOING TO BE SLIM AT BEST. THERE WILL BE SOME NEGATIVE MARGINS AND THAT IS A BIG CONCERN. THAT'S WHY WE'RE HEARING SO MUCH ABOUT PROPERTY TAXES BECAUSE PROPERTY TAXES HAVE SKYROCKETED WITH HIGH GRAIN PRICES, BUT GRAIN PRICES HAVE BACKED OFF. THEY'RE LESS THAN HALF OF WHAT THEY WERE, BUT YET PROPERTY TAXES ESCALATED AND THEY'RE MAINTAINING AT THOSE LEVELS. SO THE MARGIN, IF YOU CAN SAVE A COUPLE PENNIES BY NOT HAVING TO HAUL YOUR CORN, EXPORT IT OUT OF STATE OR OUT OF THE COUNTRY, THAT COULD BE THE DIFFERENCE BETWEEN PROFIT AND LOSS. THE FARM BUREAU IS BEHIND THIS. THE LARGEST FARM ORGANIZATION IN THE STATE IS BACKING THIS BILL. THAT SPEAKS VOLUMES. WE SUPPORT AG. A GROUP OF INDIVIDUALS THAT UNDERSTANDS THAT AGRICULTURE IS THE LARGEST INDUSTRY IN THE STATE. AND IF THE STATE IS GOING TO PROSPER, AGRICULTURE NEEDS TO PROSPER. THE

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STATE CHAMBER, THE BUSINESS LEADERS IN THE STATE OF NEBRASKA THINK THIS IS A GOOD IDEA. THEY UNDERSTAND CAPITALISM. THEY UNDERSTAND THAT COMMERCE, DOLLARS ROLLING OVER IN OUR ECONOMY IS WHAT MAKES THIS COUNTRY GREAT AND WHAT HELPS MAKE NEBRASKA ONE OF THE BEST PLACES IN THIS COUNTRY TO BE. WE HEARD FROM A COUPLE OF BANKERS ON THE FLOOR ALREADY THIS MORNING, THE NEBRASKA BANKERS ASSOCIATION, THE NEBRASKA INDEPENDENT BANKERS ASSOCIATION. THEY UNDERSTAND, THEY'RE ON THE FRONT LINES WITH AG. AGRICULTURE IS A VERY INTENSIVE BUSINESS. IT TAKES A LOT OF MONEY TO BE A FARMER THESE DAYS BECAUSE COSTS HAVE ESCALATED AND YOU'VE GOT TO HAVE VOLUME. WE'VE GOTTEN LETTERS AND E-MAILS... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR HUGHES: ...FROM WHAT I'LL CALL SOME FRINGE GROUPS, THAT HAVE A VERY SMALL FOLLOWING. AND IF WE WANT TO BE SWAYED BY THE MINORITY INSTEAD OF THE MAJORITY ON THIS ISSUE, I THINK THAT'S A VERY BAD THING FOR US TO DO. IT'S IMPORTANT THAT WE VOTE ON THE FACTS, AND UNDERSTAND WHAT THE ISSUE IS AND THE BENEFITS THAT THIS COULD BRING TO NEBRASKA. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR HUGHES. THE COOKIES THAT WILL BE HANDED OUT ARE IN HONOR OF SENATOR MATT WILLIAMS' BIRTHDAY. HAPPY BIRTHDAY, SENATOR WILLIAMS. THOSE IN THE QUEUE ARE SENATORS JOHNSON, GROENE, COASH, BURKE HARR, SCHILZ, MURANTE, AND OTHERS. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB176]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. MY FIRST COMMENT THIS MORNING IS MY RED JACKET. IT'S NOT TO INDICATE THE WAY I'M GOING TO VOTE TODAY. I SHOULD HAVE WORN MY GREEN JACKET, BUT TODAY IS NATIONAL WEAR RED FOR WOMEN. THE NATIONAL HEART ASSOCIATION IS SPONSORING THAT. I SEE WE'VE GOT A FEW, PLUS OUR RED COATS TODAY. THAT'S WHY I'M WEARING MY RED JACKET TODAY. I'LL WEAR IT NEXT THURSDAY IN HONOR OF VALENTINE'S DAY ON THE 14th. NOW TO TALK ABOUT THE SUBJECT AT HAND. MOST OF THE THINGS THAT I MIGHT COMMENT ON HAVE ALREADY BEEN DISCUSSED THIS MORNING, BUT SOMETIMES ITS VALUE AND REPETITION OF COMMENTS. SO I'LL PROCEED THE WAY I HAD PLANNED WHEN I GOT UP HERE TODAY. THE ONES THAT SUPPORT THE BILL BEEN COMMENTED ON, HERE'S THE LIST: PORK PRODUCERS, NEBRASKA BANKERS, INDEPENDENT BANKERS

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ASSOCIATION, NEBRASKA CORN GROWERS, NEBRASKA FARM BUREAU, WE SUPPORT AG, STATE CHAMBER OF COMMERCE, BECAUSE THEY KNOW THIS IS A GOOD BILL FOR NEBRASKA AND NEBRASKA AGRICULTURE. WE'VE TALKED ABOUT NEBRASKA IS THE ONLY STATE THAT HAS A PACKER BAN. TALK ABOUT THAT PROBABLY ON THIS TIME OR THE NEXT TIME ON THE MIKE. EVERY OTHER STATE THAT DOES NOT HAVE A BAN STILL HAS INDEPENDENT FAMILY FARMS AND STILL SELL THEIR HOGS TO PACKERS. IN REFERENCE TO DAVIS' AM1886, IN IOWA, A STATE WITHOUT A BAN, AN AVERAGE OF 60 PERCENT, DEPENDING ON THE PLANTS, OF THE HOGS SLAUGHTERED ARE PURCHASED FROM INDEPENDENT PORK PRODUCERS. IT'S STILL ALIVE IN IOWA, EVEN THOUGH THAT'S THE ONE WE'VE BEEN COMPARED TO. WE KNOW THAT A COUPLE OF THE PLANTS IN NEBRASKA ARE PROBABLY NOT GOING TO ENGAGE HEAVILY IN DIRECT CONTACT OR DIRECT OWNERSHIP. AS I MENTIONED BEFORE, HORMEL, A NATIONAL COMPANY, THEY DO OWN HOGS IN OTHER STATES AND THE WAY THEIR COMPANY IS STRUCTURED RIGHT NOW, THEY FEEL THEY HAVE SUFFICIENT NUMBERS TO MEET THE DEMAND FOR THAT UNIFORMITY OF MEAT AND PROBABLY ARE NOT GOING TO BE INVOLVED, AT LEAST AT THIS POINT, AND PROBABLY NOT IN THEIR NEAR FUTURE TO BE INVOLVED IN PACKER OWNERSHIP OF HOGS IN NEBRASKA. HAD CONCERNS ON THE ENVIRONMENTAL SIDE OF IT. ZONING IS IN PLACE AND BALANCES THAT ALLOW COMMUNITIES AND COUNTIES THAT HAVE ZONING TO CONTROL THE GROWTH OF THE HOG FACILITIES. WE HAVE A VERY STRONG EPA, DEQ STRUCTURE IN NEBRASKA WITH THE NEW LEADERSHIP, AND I BELIEVE THIS WILL BE TAKEN CARE OF VERY WELL IN MY DISTRICT. WE DEALT WITH A SITUATION THREE YEARS AGO WITH A FACILITY THAT WAS COMING IN, INTO A COUNTY THAT DID NOT HAVE ZONING AND THEY DID MEET THE CRITERIA AND I'VE NOT HEARD ANY COMPLAINTS ABOUT IT SINCE IT'S BEEN IN OPERATION NOW FOR A COUPLE OF YEARS. COMMENT ABOUT THE ATTORNEY GENERAL'S OPINION. PACKERS CAN OWN HOGS IN NEBRASKA TODAY AS LONG AS THEY DON'T HAVE A FACILITY IN NEBRASKA. SO WE NEED TO LEVEL THE PLAYING FIELD SO THAT WE CAN COMPETE. THE REASON THAT OUR MARKET HOG NUMBERS ARE DECLINING IS BECAUSE THEY'RE GOING TO OTHER STATES. WE HAVE INCREASED OUR NUMBERS OF HOGS. THAT'S BEEN ONE OF THE POINTS MADE OUT THERE. WE'RE STILL INCREASING OUR NUMBERS... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR JOHNSON: THANK YOU...BUT NOT AT THE RATE OTHER STATES, ESPECIALLY IOWA. AND THAT MEANS WE'RE SHIPPING HOGS AND WE'RE ALSO FEEDING THEIR CORN AND NOT OUR CORN IN ORDER TO MARKET THESE HOGS

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AND BRING THEM TO SLAUGHTER. WITH THAT, THIS IS MY TIME FOR THIS TIME UP AND I ASK FOR EVENTUAL VOTE ON A POSITIVE ON LB176. THANK YOU, MR. SPEAKER. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR JOHNSON. SENATOR GROENE, YOU'RE RECOGNIZED. [LB176]

SENATOR GROENE: THANK YOU, MR. SPEAKER. I'M GOING TO MAKE A PLEA TO MY URBAN SENATORS. YOU GUYS FOUGHT THE PIPELINE AND WON. I WAS AGAINST YOU BECAUSE YOU WORRIED ABOUT OUR GROUNDWATER AND OUR NATURAL RESOURCES. WELL, LET ME TELL YOU THE DIFFERENCE BETWEEN OIL AND NITRATES IN YOUR WATER, WHAT IOWA HAS. IT'S A BIG DIFFERENCE. NEBRASKA WE HAVE A SYSTEM OF LOCAL ZONING, SMALL HOG LOTS, FARMER OWNED, STEWARDS OF THE LAND. WE HAVE NOT NEAR THE PROBLEM WITH NITRATES AS IOWA, COLORADO, AND SOME OTHER STATES DO. YES, WE'RE UNIQUE. WE'RE THE ONLY ONE THAT DOES IT. WE'RE THE ONLY ONE THAT HAS A UNICAMERAL. WE'RE THE ONLY ONE THAT STOPPED THE PIPELINE. WE'RE UNIQUE. AS TO AGRICULTURE IS FOR THIS? STUDY YOUR RURAL SENATORS. WE'RE SPLIT 6-6. DAVIS, SCHNOOR, GROENE, BLOOMFIELD, SULLIVAN, BRASCH AGAINST IT. SCHILZ, JOHNSON, HUGHES, KUEHN, FRIESEN, WATERMEIER FOR IT. THIS IS NOT UNANIMOUS, NOT EVEN CLOSE. FARMERS UNION IS AGAINST IT. FARM BUREAU IS FOR IT. THEIR MEMBERSHIP IS SPLIT, WAS SPLIT DOWN THE MIDDLE. THEY HAD CONTROVERSY WHEN THEY DECIDED TO ENDORSE THIS OR NOT. CORN GROWERS ARE FOR IT, NATURALLY. CORN IS KING IN NEBRASKA. YOU KNOW, THERE'S A SUPPLY FOR IT, SAVE TEN CENTS ON FREIGHT, I UNDERSTAND THAT. BUT THIS ISN'T A NO-BRAINER. WE'RE SPLIT DOWN THE MIDDLE IN RURAL NEBRASKA ON THIS. IOWA, YES, SENATOR EBKE SHARED SOME NUMBERS THAT SMITHFIELD HAD GIVEN TO HER, OR SOMEBODY HAS, 60 PERCENT PACKER OWNED, 40 PERCENT FARMER OWNED. IN NEBRASKA IT'S 80-20. SOUNDS LIKE A GOOD MIX TO ME. SOUNDS LIKE SMITHFIELD IS GETTING ALL THE HOGS THEY WANT AND THEY'RE BUYING 80 PERCENT OF THEM FROM THE FARMER OWNED. LET ME TELL YOU ABOUT ECONOMIES, THE SIZE, AND THIS JOKE ABOUT JOBS. THEY WANT BIG. THEY WANT EFFICIENCY. THEY WANT LOW COST. YOU CAN'T DO THAT. THE BEST WAY TO DO IT IS, THE BIGGER THE BARN YOU CAN GET...BIGGER FACILITY YOU CAN GET, AND THEY CAN BE RUN BY TWO OR THREE EMPLOYEES. YOU INCREASE A MILLION HOGS, 20,000 SHEDS, YOU GOT 50 NEW EMPLOYEES, FOR GUATEMALANS, BECAUSE THEY'RE VERY...THOSE ARE THE PEOPLE WHO ARE USED TO LIVESTOCK. THAT'S WHAT HAPPENED IN COLORADO WHEN I LIVED THERE. THEY CAME IN AND SAID WE'RE GOING TO BUILD BARNS IN NORTHEAST COLORADO. THEY DID. PRETTY SOON THEY GOT

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BIGGER AND BIGGER. PRETTY SOON IT WASN'T THE LOCAL PEOPLE EMPLOYED. THE CULTURE CHANGED. DRIVE THE RURAL ROADS, URBAN SENATORS OF NEBRASKA, AND SEE THE LIVESTOCK FACILITIES ON THE FARMS, THE CATTLE BARNS, THE HOG BARNS. DRIVE IOWA, DRIVE COLORADO AND YOU SEE A BIG BRICK HOUSE WITH A HUGE METAL BUILDING TO PARK THE COMBINE IN. IF YOU WANT TO GO TO GRAIN FARMERS, THAT'S FINE, BUT THAT'S WHAT THIS BILL DOES. A VERY FEW WILL PROFIT FROM IT, AND A FOREIGN COUNTRY'S PEOPLE WILL GET CHEAPER FOOD. IF THAT'S WHAT YOU WANT, VOTE FOR IT. THIS WAS 6 TO 6, EVENLY SPLIT, JUST LIKE THE FARM COMMUNITY IS. I AM GETTING E-MAIL AFTER E-MAIL FROM SMALL RANCHERS, SMALL HOG PRODUCERS, WHO ARE AGAINST THIS, BUT SMALL DON'T COUNT. WHO DOMINATES ANY ORGANIZATION? FARM BUREAU, WHATEVER. IT'S THE BIG GUY. THE LITTLE GUY DOESN'T HAVE A VOICE. WELL, I'M GOING TO TRY TO GIVE HIM ONE HERE AND SO IS SENATOR BLOOMFIELD AND SENATOR DAVIS AND SENATOR SULLIVAN, SENATOR BRASCH. [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR GROENE: THAT'S WHAT WE'RE TRYING TO DO. THIS DOESN'T HARM OUR....THIS HARMS THE FAMILY FARM. THIS IS NOT EDIBLE BEANS. THIS IS A MAJOR CHANGE IN ANIMAL HUSBANDRY IN THE STATE OF NEBRASKA. IT'S A HUGE SHIFT. THIS ISN'T TEN CENTS ON A BUSHEL OF BEANS, ON A TAX. SO IF YOU BELIEVE, AND YOU'RE GOING TO JUST... YOU'RE AN URBAN SENATOR AND YOU DON'T CARE, IT'S A FIGHT BETWEEN THE RURAL GUYS, WELL YOU GOT A 50-50 CHANCE OF WHAT SIDE YOU WANT TO BE ON IT WITH THE RURAL SENATORS. YOU CHOOSE. YOU ARE GOING TO CHANGE ANIMAL HUSBANDRY IN THE STATE OF NEBRASKA BECAUSE IT DOESN'T AFFECT YOU. BS, OR PS. ANYWAY, THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR COASH, YOU'RE RECOGNIZED. [LB176]

SENATOR COASH: THANK YOU, MR. PRESIDENT, AND I YIELD MY TIME TO SENATOR SCHILZ. [LB176]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE YIELDED FIVE MINUTES. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD MORNING. FIRST OF ALL, I WANT TO SAY THANK YOU TO EVERYONE FOR TAKING

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THE TIME TO LOOK AT THIS ISSUE, TO THINK ABOUT IT RATIONALLY, AND TO MOVE FORWARD IN DOING WHAT'S RIGHT. LET ME JUST REAL QUICKLY SPEAK TO THE AMENDMENT THAT SENATOR DAVIS HAS THROWN IN. AND IT SAYS, THE PACKER PURCHASES AT LEAST 75 PERCENT OF ITS SWINE FROM PERSONS WHO ARE NOT PART OF ANY CONTRACT SWINE OPERATION INVOLVING SUCH PACKER. SOUNDS STRAIGHTFORWARD. HERE'S THE PROBLEM YOU RUN INTO. IF YOU'RE TRYING TO MAINTAIN WHAT SENATOR DAVIS WANTS, I BELIEVE HERE, WHICH IS A COMPETITIVE MARKET, THIS DOESN'T HAVE ANYTHING TO DO WITH THAT. THIS DOESN'T TALK ABOUT NEGOTIATED PRICE. THIS DOESN'T TALK ABOUT A FAIR AND FREE MARKET. THESE HOGS COULD COME FROM ANYWHERE AS LONG AS THAT PERSON DOESN'T HAVE A CONTRACT SPECIFICALLY WITH THAT PROCESSOR. IN THE STATE OF NEBRASKA RIGHT NOW, WE HAVE A VERY LARGE HOG FEEDER WHO CONTRACTS TODAY WITH PRODUCTION CONTRACTS FOR OTHER PRODUCERS TO FEED THEIR HOGS. THAT IS COMPLETELY LEGAL IN THE STATE OF NEBRASKA UNDER LB835 BECAUSE THEY'RE NOT A PACKER. GUESS WHERE ALMOST 90 PERCENT OF THOSE HOGS GO. WELL, ALMOST 100 PERCENT, I'LL BET, GO TO A PACKER. SO GUYS, THIS AMENDMENT IS HERE TO CONFUSE. IT'S HERE TO WASTE TWO HOURS. IT'S HERE TO MAKE EVERYBODY GO TO 33 VOTES. THAT'S FINE. WE CAN DO THAT. THE STATE OF IOWA HE TALKED ABOUT, WANTING TO UNDERSTAND WHAT GOES ON THERE. IN 2005, THEY SIGNED A CONSENT DECREE WITH THE ATTORNEY GENERAL'S OFFICE AND THE TWO PROCESSORS THAT WERE THERE, BOTH SMITHFIELD AND HORMEL. THIS NEXT ONE, THE FIRST ONE WAS IN PLACE FOR TEN YEARS, THE NEXT ONE WILL BE IN PLACE FOR ANOTHER TEN YEARS. AND HERE IS WHAT IT SAYS, AND THIS IS FROM THE ATTORNEY GENERAL'S OFFICE OF IOWA: THE STATE AND SMITHFIELD MUTUALLY ACKNOWLEDGE THE BENEFITS THAT HAVE BEEN OBTAINED BECAUSE OF THE CONSENT DECREE. THOUSANDS OF IOWA FARMERS ENJOY CONTRACT GROWER RIGHTS AND REMEDIES THAT DO NOT EXIST UNDER IOWA LAW. SMITHFIELD FOODS, INC.; MURPHY FARMS, LLC; PRESTAGE-STOECKER FARMS, AND THEIR SUCCESSORS AND ASSIGNS ENJOY CERTAINTY UNDER THE LAW AND THE ABILITY TO CARRY OUT AND EXPAND HOG PRODUCTION AND PORK PROCESSING IN IOWA. THE CITIZENS OF IOWA ENJOY AND CONTINUE UNINTERRUPTED EXPANSION OF THE PORK INDUSTRY AND ITS POSITIVE ECONOMIC IMPACTS. SO WE SEE WHAT CAN HAPPEN THERE. THIS ISN'T...UNDERSTAND, FOLKS, WE ARE THE LAST OF 49 STATES TO ALLOW OUR PRODUCERS TO MAKE BUSINESS DECISIONS FOR THEMSELVES. [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

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SENATOR SCHILZ: THINK ABOUT THIS. IF YOU RUN A BUSINESS, IF YOU MANAGE A BUSINESS, IF YOU OWN A BUSINESS, DO YOU WANT THE STATE TELLING YOU WHO YOU CAN AND CAN'T DO BUSINESS WITH, BECAUSE THAT'S WHAT WE DO WITH THE LAW THAT IS CURRENTLY IN PLACE. ANY OTHER BUSINESS IN THE STATE OF NEBRASKA CAN CONTRACT WITH WHOMEVER THEY WANT. ONLY HOG PRODUCERS AND OTHERS IN THE LIVESTOCK INDUSTRY ARE KEPT FROM THIS. BECAUSE LAST 1 OF 49, FOLKS, THINGS DON'T USUALLY MOVE THE OTHER WAY. QUIT WORRYING ABOUT TRYING TO LEGISLATE NOSTALGIA AND LET'S UNDERSTAND WHAT TWENTY-FIRST AGRICULTURAL IS, AND HOW WE CAN ADAPT AND BE SUCCESSFUL IN THE NEW WORLD. [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR SCHILZ: THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR COASH AND SENATOR SCHILZ. THOSE IN THE QUEUE ARE SENATORS BURKE HARR, SCHILZ, MURANTE, FRIESEN, KOLTERMAN, BRASCH, AND OTHERS. SENATOR BURKE HARR, YOU'RE RECOGNIZED. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. LET'S TALK ABOUT FAMILY FARMS. MY GRANDFATHER MOVED TO OGALLALA, NEBRASKA, TO TRY AND GET A JOB ON THE DAM, LAKE McCONAUGHY. THEY WERE FULL. HE FOUND A RANCHER NAMED GEORGE McGINLEY WHO DECIDED TO GIVE HIM A JOB ON THE RANCH. WELL, AFTER HE GOT BUCKED OFF THE HORSE A COUPLE TIMES AND KICKED IN THE HEAD, THEY DECIDED HE WASN'T A COWBOY, SO THEY MOVED HIM TO THE FARM. AND THAT FARM WAS LOCATED NEAR BRULE, NEBRASKA. AND WHAT GEORGE McGINLEY DID THAT DAY, OR IN THOSE DAYS, WAS HE HAD SIX RANCHES AROUND THE STATE. THREE OF THOSE TODAY AREN'T OWNED BY ANY CORPORATION. NO, THREE OUT OF THOSE SIX ARE OWNED BY TED TURNER TODAY. BIG BUSINESS, BIG GOVERNMENT, CORPORATIONS, THEY ALL HAVE A PLACE IN THE MIX, EVEN TED TURNER, BECAUSE IT'S A FREE COUNTRY AND A FREE STATE AND PEOPLE CAN OWN LAND AS THEY PLEASE BECAUSE WE KICKED INITIATIVE 300 OUT AND RIGHTLY SO. MY GRANDFATHER HAD AN EIGHTH GRADE EDUCATION, BUT HE COULD DO MATH IN HIS HEAD SO FAST THAT IT WAS AMAZING. HE WENT AND WORKED THE FARM FOR A NUMBER OF YEARS. IN 1950, HE WAS GIVEN THE OPPORTUNITY TO BUY IN, SO HE DID. HE MANAGED THAT AND WORKED AT THE FARM AND EVEN SHOWED UP AFTER HE RETIRED UNTIL HE WAS 90 YEARS OLD. MY FATHER, DENNIS, TOOK OVER AFTER THAT. HE GREW

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THE SMALL FEED YARD THAT GEORGE MCGINLEY USED TO BRING HIS CATTLE TO, FROM THOSE RANCHES, FROM 2,500 HEAD TO ALMOST 15,000 HEAD IN JUST A FEW YEARS. HE GOT HIS EDUCATION FROM COLORADO STATE UNIVERSITY IN ANIMAL HUSBANDRY. HE LOVED THE FEED YARD. HE LOVED THE IDEA OF CREATING FOOD FOR EVERYBODY. I WAS A THIRD GENERATION TO WORK AND MANAGE AT THE FEED YARD. I DECIDED TO GO BACK TO THE FARM BECAUSE I KNEW THE OPPORTUNITIES THAT WERE THERE. DURING THAT TIME, I MANAGED THE FEED YARD FOR TEN YEARS. I ENJOYED IT. WON NUMEROUS AWARDS, CERTIFIED ANGUS BEEF NAMED US THEIR PROGRESSIVE PARTNER OF THE YEAR IN 2003, WHICH JUST HAPPENED TO COINCIDE WITH CERTIFIED ANGUS BEEF 25th ANNIVERSARY. FOR TEN YEARS I MANAGED THE FEED YARD. IN 1998, LB835 WAS PASSED. LB835 IS THE LAW THAT WE'RE TALKING ABOUT TODAY. AND IN THOSE TIMES, WE WERE A CUSTOM FEED YARD. WE FED FOR OTHER PEOPLE WHO WOULD BUY THE CATTLE IN NEBRASKA AND BRING THEM TO OUR FEED YARD. ONE OF OUR CUSTOMERS WAS A COMPANY NAMED MORTON MEATS WHO HAD CONTACTS AND TIES WITH XL CORPORATION, A PACKER. AT THE HEIGHT WE HAD ABOUT 4,000 HEAD ON FEED FOR THEM. NO CONTRACT. THEY JUST OWNED THEM. WE FED THEM. WELL, ACTUALLY WE DID HAVE A CONTRACT. WE ORIGINATED THAT CONTRACT BECAUSE WE DID THAT WITH EVERYONE WE FED FOR. GOOD BUSINESS SENSE. THOSE 4,000 HEAD, AS SOON AS THAT LAW WAS PASSED, WITHIN 30 DAYS, MOVED 50 MILES WEST INTO COLORADO AT A PLACE CALLED SMART BROTHERS FEED YARD. THEY BUILT THAT YARD SPECIFICALLY TO HANDLE THE CATTLE... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR SCHILZ: ...THAT WE COULDN'T HAVE ANYMORE; 4,000 HEAD OF CATTLE, \$1.5 MILLION IN REVENUE DISAPPEARED BASICALLY WITHIN A BLINK OF AN EYE. WHERE IS THE HARM THAT WAS CAUSED BY (LB)835? I CAN TELL YOU WHERE IT WAS. THERE WERE TEN OTHER FEED YARDS THAT WERE DOING THAT. THEY ALL LOST THAT ABILITY. SO IF YOU WANT TO TALK ABOUT WHAT THE FAMILY FARM IS GOING THROUGH AND EVERYTHING ELSE, TRUST ME, IT DOESN'T GET ANY EASIER MOVING FORWARD. BUT WE'VE HEARD FROM THE FOLKS, THIS DOES NOT INVOLVE CATTLE. THIS IS ONLY HOGS BECAUSE OF THE DIFFERENCE IN THE MODELS. LET'S KEEP THAT IN MIND, BUT REMEMBER, WHEN WE TALK ABOUT THE EFFECTS OF THIS, I CAN TELL YOU PROBABLY WITH HANDS DOWN, THERE IS NOT ONE OTHER PERSON IN THIS BODY THAT HAS EXPERIENCED... [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

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SENATOR SCHILZ: ...THIS LAW LIKE I HAVE. THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR SCHILZ. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB176]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD MORNING. I RISE IN SUPPORT OF LB176. AND AS THIS IS A SUBJECT MATTER THAT IS OUTSIDE THE SCOPE OF YOUR COMMITTEE ON GOVERNMENT, MILITARY AND VETERANS AFFAIRS, I HAVE TO RELY ON A DIFFERENT STANDARD FOR MAKING THE DECISION. AND I GO BACK TO THE ISSUES THAT MY CONSTITUENTS TALKED ABOUT WHEN I WAS FIRST CAMPAIGNING FOUR YEARS AGO. AND THEY ASKED ME TO DO A COUPLE OF THINGS. FIRST OF ALL, WHEN YOU'RE MAKING A DECISION, CONSULT THE EXPERTS ON THE SUBJECT MATTER. GO TO THEM FIRST. AND THE PEOPLE WHO I TRUST, THE PEOPLE WHO I RESPECT, THE PEOPLE WHO HAVE THUS FAR NEVER STEERED ME WRONG HAVE TOLD ME THAT LB176 IS GOOD PUBLIC POLICY FOR THE STATE OF NEBRASKA. AND WHEN I WAS CAMPAIGNING, WE TALKED AN AWFUL LOT ABOUT FREE MARKETS AND GOVERNMENT REGULATION. AND AT THE END OF THE DAY, WE'RE GOING TO END UP WITH BETTER OUTCOMES, MORE OFTEN, IF WE DEREGULATE AND GET GOVERNMENT OUT OF THE WAY. AND I SEE THIS AS A WAY, A SMALL WAY IN WHICH WE ARE TAKING GOVERNMENT REGULATION OUT OF THE LIVES AND OUT OF INDUSTRY IN THE STATE OF NEBRASKA. IT WAS BROUGHT UP THAT THIS HELPS THE BIG GUY. I WOULD SUBMIT THAT AS A GENERAL RULE WHEN WE'RE TALKING ABOUT THE FORCE OF GOVERNMENT IN GOVERNMENT REGULATION, NINE TIMES OUT OF TEN IT HELPS THE BIG GUY. IT'S THE LITTLE GUY THAT CAN'T PAY THE FEES, THAT CAN'T PAY THE EXPENSE OF THE GOVERNMENT REGULATION. AND IF WE ERR ON THE SIDE OF A LIMITED GOVERNMENT, WE'RE GOING TO ERR ON THE SIDE OF THE LITTLE GUY MORE OFTEN THAN NOT. WE DEAL WITH THESE ISSUES REGULARLY IN THIS BODY AND WHEN TOUGH DECISIONS HAVE TO BE MADE, THAT IS THE SIDE THAT I'M GOING TO SIDE WITH 100 PERCENT OF THE TIME. SO WITH THAT, I WILL YIELD THE REMAINDER OF MY TIME TO SENATOR SCHILZ, IF HE WOULD LIKE IT. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE YIELDED 2:30. [LB176]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. SO BACK TO MY LITTLE STORY, THE HISTORY OF HOW I GOT TO THE LEGISLATURE. THERE WAS ONE SEMINAL MOMENT IN WHY I NO LONGER MANAGE THAT FEED YARD. I CAN LOOK BACK TO

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THE PASSAGE OF LB835 IN 1998 BECAUSE AFTER THAT POINT, BECAUSE OF THE ROCKY TIMES THAT AGRICULTURE HAD, WE WERE NEVER ABLE TO PICK THOSE CATTLE BACK UP. AND AS SUCH IN THE AGRICULTURAL INDUSTRY, AT SOME POINT YOU HAVE TO DECIDE WHETHER YOU WANT TO STAY IN AND RIDE IT ALL THE WAY DOWN, OR WHETHER THE TIME IS RIGHT TO MOVE ON, CHANGE YOUR BUSINESS MODEL SO THAT YOU CONTINUE TO HAVE SUCCESS GOING FORWARD. THAT'S WHAT WE DID. WE SOLD THE FEED YARD. ANOTHER FAMILY FARMER MOVED OFF THE FARM BECAUSE OF NEBRASKA POLICY. REGULATIONS, GUYS. WE TALK ABOUT IT EVERY DAY THAT WE DON'T WANT TO REGULATE OUR PEOPLE TOO MUCH. WELL, GUESS WHAT THIS DOES? THIS IS THE SAME KIND OF LAW THAT TELLS PEOPLE YOU HAVE TO WEAR HELMETS. THIS IS THE SAME KIND OF LAW THAT TELLS PEOPLE YOU CAN'T DO WHAT YOU NEED TO DO AS A BUSINESSPERSON. [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR SCHILZ: LET'S REMEMBER THAT PRODUCERS SHOULD ALSO HAVE A SAY IN HOW THEY OPERATE THEIR BUSINESS, AND IT'S IMPORTANT. NEXT TIME I GET UP AND GET ON THE MIKE, WE WILL TALK ABOUT WHO ELSE THIS AFFECTS. NOT JUST THE PRODUCERS, NOT JUST THE PROCESSORS, NOT JUST THOSE FOLKS THAT WORK AT THOSE PACKING PLANTS, BUT ALSO THE CONSUMERS THEMSELVES THAT ARE ALL PART OF OUR FOOD SYSTEM THAT WE HAVE IN PLACE TODAY. THANK YOU, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE AND SENATOR SCHILZ. THOSE IN THE QUEUE ARE SENATORS FRIESEN, KOLTERMAN, BRASCH, KEN HAAR, BLOOMFIELD, AND OTHERS. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB176]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WELL, I HOPE MY URBAN COLLEAGUES ARE ENJOYING THE SPLIT AMONGST US RURAL AG SENATORS. I HOPE YOU ENJOY IT JUST AS MUCH MAYBE WHEN WE STICK TOGETHER AND ADDRESS THE PROPERTY TAX ISSUE AND WE'LL SEE ONCE HOW STRONG A COALITION WE CAN MAYBE FORM DOWN THE ROAD. AS A FARMER AND AS SOMEONE WHO GREW UP WITH LIVESTOCK, MILKING COWS, RAISING PIGS, CHICKENS, THE WHOLE WORKS, THIS HAS BEEN A VERY DIFFICULT DECISION FOR ME. SO WHEN YOU LOOK AT THE HOG INDUSTRY AS A WHOLE AND HOW IT HAS PROGRESSED OVER THE LAST 50 YEARS, WE'VE CONTINUED IN THAT DOWNWARD SLIDE IN THE NUMBERS OF HOGS FED IN NEBRASKA BECAUSE IT'S A

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DIFFICULT JOB TO DO. WE ALL GET--I'LL CALL IT LAZIER. AS A ROW CROP FARMER, I CAN TAKE MY LITTLE BIT OF TIME OFF IN WINTER, WHEREAS THE HOG PRODUCER DOESN'T HAVE THAT OPTION. IT'S A DIFFICULT JOB. AND HOGS ARE PROBABLY ONE OF THE MOST DIFFICULT LIVESTOCK TO RAISE BECAUSE THEY DESTROY EVERYTHING THEY TOUCH. SO WHEN I LOOK AT SOMEONE THAT HAS THE OPPORTUNITY NOW IF THEY WANT TO...THIS IS AN OPPORTUNITY FOR THEM IF THEY WANT TO TAKE IT. NO ONE HAS TO SIGN THIS CONTRACT. THIS IS AN OPTION. AND IF THESE CONTRACTS CAN BE DESIGNED...IT LEAVES PLENTY OF LEEWAY FOR NEGOTIATION WITH ANYONE WHO WANTS TO ENTER IN ONE OF THESE CONTRACTS NOW, THERE'S NO CONFIDENTIALITY, THEY CAN MAKE SURE THAT THEY'RE PROTECTED TO THE BEST OF THEIR ABILITY. AND SO IT'S UP TO THEM TO MAKE SURE THEIR CONTRACTS ARE WRITTEN ACCORDINGLY. WHEN YOU TALK ABOUT CONTRACT FEEDING AND WHY IT'S PROBABLY HAPPENING, I LOOK AT THE WAY THE PACKERS AND OTHER INDUSTRY OPERATES IN THE STATE AND THE PACKERS WILL NEVER OWN THE FACILITIES. THEY WILL NEVER OWN THE LAND THAT THE FACILITIES ARE ON BECAUSE WITHOUT AN INTEREST IN THE HOGS THAT ARE IN THAT BUILDING LIKE THE FARMER DOES, LIKE HE HAS THAT INTEREST, THAT LOVE FOR ANIMAL AGRICULTURE, THEIR BUSINESS WOULD FAIL. I'VE SEEN SOME BUSINESSES TRY TO FORM SOME MULTI-OWNER HOG FACILITIES AND THEY USUALLY FAIL BECAUSE THE OWNER WASN'T PRESENT IN THE BUILDING. THEY HIRED PEOPLE AND THEY DIDN'T MANAGE IT PROPERLY AND WITHIN A FEW YEARS, THEY WERE BANKRUPT. AND SO I THINK THE FAMILY FARMS, AND I THINK 95 PERCENT OF THE FARMS IN THE STATE ARE STILL FAMILY FARMS, THESE ARE STILL GOING TO BE FAMILY-OWNED FACILITIES. AND THERE IS GOING TO BE OWNERSHIP IN THAT FACILITY AND THEY'RE GOING TO TAKE CARE OF THOSE ANIMALS IN THAT FACILITY BECAUSE IT'S IN THEIR BEST INTEREST. WHEN THE IDEA OF THE POLLUTION FACTOR HAS BEEN BROUGHT UP IN THE PAST OF WHAT HAPPENED IN IOWA, LET ME DISTINGUISH A LITTLE BIT ABOUT THE PROBLEMS THAT THEY'RE HAVING IN IOWA VERSUS WHAT NEBRASKA WOULD BE LIKE. IOWA HAS AN EXTENSIVE NETWORK OF DRAIN TILES THAT THEY PUT UNDERNEATH THEIR LAND. AND IT HELPS TO DRAIN THE SOILS BECAUSE THEY HAVE TOO WET A SOILS. THEY'RE TOO HEAVY A SOILS, THEY DON'T DRY OUT. SO THEY TILE THEIR LAND AND THOSE TILES ARE ANYWHERE FROM THREE, FOUR FEET DEEP, SOMETIMES LESS, SOMETIMES MORE. BUT THEY DRAIN WATER OFF AND DIRECTLY INTO THE DITCHES AND ENDS UP IN THE STREAMS. SO WHEN YOU TALK ABOUT POLLUTION THAT HAS HAPPENED OVER THERE, WHETHER IT'S NITRATES IN THE RIVER SYSTEM, IT'S BECAUSE OF THE DIFFERENT TYPE OF FARMING THAN WE HAVE. I DON'T...THERE IS SOME TILING MAYBE SOMEWHERE IN NEBRASKA, BUT

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VERY LITTLE YET. WE JUST DON'T HAVE THAT ISSUE. SO WHEN YOU TAKE HOG FARMS THAT ARE BUILT IN MY AREA, THEY'RE BUILT TO... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR FRIESEN: ...DEQ SPECS, YOU HAVE TO GET PERMITS, AND THE WAY THE MANURE IS DISPOSED OF THERE IS, IT'S SPELLED OUT IN YOUR CONTRACT AND IT WILL BE INJECTED INTO THE SOIL, BUT WE DO NOT HAVE THE TILE SYSTEM THAT DRAINS IT OFF THAT GETS INTO OUR SURFACE WATER. AND SO, AND TO RETURN WHAT IT IS IS CHEAP FERTILIZER TO US. THAT'S THE WAY THE PRODUCERS HERE ARE LOOKING AT THAT LIQUID THAT COMES OUT OF THOSE HOG FACILITIES IS IT REPLACES COMMERCIAL FERTILIZERS. AND IT HAS A TREMENDOUS VALUE, IT'S NOT A WASTE BYPRODUCT. IT IS A NEEDED SUBSTITUTE FOR COMMERCIAL FERTILIZERS THAT WE HAVE TO PUT ON. SO I JUST...I WANT TO REITERATE, THIS IS A DIFFICULT DECISION. IT SHOULD BE A DIFFICULT DECISION. BUT IF WE WANT TO GROW THE HOG INDUSTRY, WE HAVE TO DO SOMETHING. WE CAN'T JUST SIT AND LET IT GO AWAY. IT HAS NOT BEEN WORKING WHAT WE'VE DONE IN THE PAST, AND I'D SAY WE HAVE TO TRY SOMETHING. [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

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

SPEAKER HADLEY: THANK YOU, SENATOR FRIESEN. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB176]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. COLLEAGUES, I RISE IN SUPPORT OF LB176. THERE'S A LOT OF THINGS THAT COULD BE SAID ABOUT THIS BILL. A LOT OF THINGS HAVE BEEN SAID ABOUT THIS BILL. AS I SAT THROUGH THE HEARINGS IN AGRICULTURE ON LB176, I THINK THE THING THAT INTRIGUED ME THE MOST ABOUT THIS WAS THE FACT THAT WE HAD FATHERS AND SONS THAT CAME OVER FROM IOWA TO TALK ABOUT HOW IMPORTANT THIS HAS BEEN TO THEM IN KEEPING THE YOUNG PEOPLE ON THE FARM. IF YOU LOOKED AT MY DISTRICT, THE 24th DISTRICT, FOR A YOUNG PERSON TO BUY LAND IN MY DISTRICT, THE HIGHEST PRICED LAND SOLD FOR \$16,800 AN ACRE. THAT WAS IN YORK COUNTY TWO YEARS AGO. THAT MEANS A FARMER PAID \$2,688,000 FOR 160 ACRES OF LAND TO FARM. NOW THE PRICES HAVE COME DOWN SINCE THEN A LITTLE BIT, BUT EVEN TODAY YOU'RE SEEING IRRIGATED LAND SELL FROM

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\$10,000 TO \$14,000 AN ACRE. BUT EVEN OUR DRY LAND IS SELLING...MARKETING FOR \$4,000 TO \$6,000 AN ACRE. IT'S VIRTUALLY IMPOSSIBLE FOR A YOUNG FARMER TO COME BACK TO THE FARM, PURCHASE LAND, SET UP A FAMILY, START A FAMILY, SET UP A FARMING OPERATION, BECAUSE IT'S NOT COST EFFECTIVE. MY FAMILY OWNS ABOUT 680 ACRES OF LAND IN SEWARD COUNTY. AND IF ONE OF THE KIDS WANTED TO COME BACK AND FARM THAT LAND AND THEN THEY BRING A SON WITH THEM, IT COULDN'T BE DONE WITHOUT THE HELP OF SOME ALTERNATIVE TYPE OF INCOME. SO WHAT THESE FATHERS AND SONS FROM IOWA TOLD US WAS, THIS ALLOWS THE SON OR DAUGHTER OR SON-IN-LAW, HOWEVER YOU WANT TO PHRASE IT, TO COME BACK TO THE FARM. IT'S AFFORDABLE ENOUGH THAT THEY CAN INVEST IN THE OPERATION, A BUILDING. BUT THEN TO STOCK THE BUILDING WITH LIVESTOCK AND TAKE THE RISKS THAT THE MARKET BRINGS, THE UPS AND DOWNS, PAY FOR THE FEED AND EVERYTHING ELSE THAT GOES ALONG WITH IT, AGAIN, IT'S VIRTUALLY IMPOSSIBLE TO DO TODAY. SO IF WE'RE GOING TO CONTINUE TO GROW OUR AG ECONOMY AND BRING YOUNG PEOPLE BACK TO THE FARM, OR EVENTUALLY THEY CAN FARM THE LAND AS MOM AND DAD DECIDE TO RETIRE, WE'RE GOING TO HAVE TO OPEN UP THE MARKETS TO DO THAT. AND THIS IS ONE THING THAT CAN HAPPEN. THIS ISN'T ONE PERSON BUYING HOGS, BUYING INTO THE HOG MARKET. THIS IS DOZENS OF SMALL FARMERS AROUND THE STATE SETTING UP THESE HOG OPERATIONS ON FARM AFTER FARM AFTER FARM. ANOTHER THING I WANT TO TALK ABOUT IS, LET'S BE CAREFUL WHEN WE START TALKING ABOUT WHO THESE COMPANIES ARE. YOU KNOW, WE TALK ABOUT SMITHFIELD BEING A CHINA-OWNED COMPANY. HOW MANY PEOPLE ENJOY WATCHING TV WITH A SONY OR A SAMSUNG? I MEAN, ARE WE GOING TO SHUT THEM OFF? ARE WE GOING TO SAY, HEY, WE DON'T WANT THEM TO DO BUSINESS IN THE STATE OF NEBRASKA? SYNGENTA, THEY'RE A COMPANY IN MY DISTRICT. THEY'RE A BIG COMPANY, THEY PAY A LOT OF PROPERTY TAXES, THEY DO A LOT OF RESEARCH, AND THEY'RE A COMPANY TO BE RECKONED WITH. WE HAVE A GOVERNOR THAT HAS GONE ON TRADE MISSIONS. IT'S A PRIORITY OF HIS TO GROW THE ECONOMY IN THIS STATE. SO HE'S GONE ON TRADE MISSIONS TO VARIOUS PARTS OF THE WORLD. WE LIVE IN A GLOBAL ECONOMY, AND IT'S VIRTUALLY IMPOSSIBLE FOR US TO TURN THAT AROUND RIGHT NOW. WE NEED TO BE ABLE TO FEED THE WORLD. THAT'S WHAT...IF YOU TALK TO A FARMER...

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR KOLTERMAN: ...THEY TELL YOU THEIR SOLE PURPOSE IN LIFE IS TO GROW ENOUGH GREEN, PRODUCE ENOUGH MILK, RAISE ENOUGH LIVESTOCK TO FEED THE WORLD. THEY'RE NOT...WE COULDN'T...WE DON'T HAVE...WE'VE GOT

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WAY TOO MUCH FOR OURSELVES. SO THE COUNTRIES AROUND THE WORLD NEED OUR HELP. ARE WE GOING TO QUIT DOING TRADE MISSIONS NEXT BECAUSE WE DON'T HAVE THE ABILITY TO PRODUCE THE MARKETS THAT WE NEED? SO I WOULD ENCOURAGE YOU, AS YOU THINK ABOUT THIS, TO SUPPORT THIS BILL. I APPRECIATE THE DIALOGUE WE'RE HAVING, BUT THIS ISN'T GOING TO BE THE END OF THE SMALL FARM. IN MY OPINION, IT COULD DO NOTHING BUT ENHANCE AGRICULTURE IN THIS STATE. SO I WOULD ENCOURAGE YOU TO GIVE THIS A GREEN VOTE, SUPPORT LB176 AND OPPOSE AM1886. THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB176]

SENATOR BRASCH: THANK YOU, MR. SPEAKER, AND THANK YOU, COLLEAGUES. AND THANK YOU FOR THOSE WHO ARE WATCHING TODAY. I KNOW YOU ARE, AND I GET YOUR PHONE CALLS, I GET YOUR MESSAGES, AND I UNDERSTAND YOUR CONCERNS. COLLEAGUES, EVERYONE'S GOT THEIR NOSE BURIED IN SOMETHING. IF YOU'RE LISTENING TO ME, WILL YOU RAISE YOUR HAND? OKAY. I HAVE YOUR ATTENTION. THE OTHER SIDE IS BLOCKED. THEY'VE ALL TURNED ON THEIR LIGHT TO SPEAK, AND SO YOU'LL SEE, I'M HANDING YOU OUT A LOT OF DOCUMENTS BECAUSE, FOLKS, THIS IS BIG STUFF. I'M A FARM BUREAU MEMBER. MY HUSBAND IS, MY IN-LAWS WERE. SEVERAL OF MY NEIGHBORS ARE, BUT THEY DO NOT SUPPORT LB176. I'VE HAD A FEW MEMBERS CALL ME AND TELL ME THEY'RE NOT GOING TO JOIN FARM BUREAU AGAIN. I'M SORRY IT'S GOING TO COME TO THAT BECAUSE IT IS A GOOD ORGANIZATION, BUT LB176 DOES NOT SPEAK FOR THE MEMBERSHIP. I'M SORRY, BUT IT DOES NOT SPEAK FOR THE ENTIRE MEMBERSHIP. SO, WHILE EVERYONE ELSE HAS TURNED ON THEIR LIGHT TO TALK, I HAVE A LOT OF DOCUMENTS, AND I HOPE YOU WILL TAKE THE TIME TO READ THIS AND LOOK AT IT VERY CAREFULLY BECAUSE THIS IS A GAME CHANGER, AND THIS IS NOT A GAME. THIS IS VERY SERIOUS. WE'RE TALKING ABOUT CHINA, COMMUNIST CHINA, NOT THE GOOD PEOPLE OF CHINA. THE INDIVIDUALS ARE WONDERFUL PEOPLE, BUT THEY ARE UNDER A GOVERNMENT VERY UNLIKE OURS. YES, CHINA IS CHANGING AND CHINA ACTUALLY...I THINK THEY LET YOU HAVE TWO CHILDREN NOW. THEY HAD A ONE-CHILD POLICY, AND THAT ONE-CHILD POLICY, THE GOVERNMENT WOULD FORCE INDIVIDUALS TO...THEY'D HAVE FINES, STERILIZATIONS, AND ABORTIONS IF THEY BROKE THE ONE-CHILD RULE. SENATOR SCHILZ TALKED ABOUT HIS FATHER HAVING AN EIGHTH GRADE EDUCATION. WELL, MY FATHER GREW UP IN COMMUNIST COUNTRY, THE UKRAINE. THEY CAME HERE TO FLEE COMMUNISM. HE WASN'T ALLOWED ANY EDUCATION. NEITHER WAS MY MOTHER. NO

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EDUCATION. I WAS THEIR FIRST CHILD BORN HERE AFTER THEY LIVED HERE THREE YEARS. THEY SPOKE ENGLISH. THEY DIDN'T WANT ANY HELP FROM THE GOVERNMENT, BECAUSE THEY FEARED GOVERNMENT. THEY KNEW WHAT GOVERNMENT COULD DO. MY UNCLE WAS VERY LUCKY. THE COMMUNIST PARTY PICKED HIM TO GO TO KIEV TO STUDY, TO BE A PROFESSOR AT THE UNIVERSITY. HOWEVER, THEY FOUND A SHORTWAVE RADIO AND THEY SHOT HIM. THEY DON'T HAVE A JUDICIAL SYSTEM. THEY JUST SHOT HIM. THAT'S WHAT COMMUNISM IS. TALK ABOUT A FREE MARKET, I HANDED OUT A DOCUMENT THERE AND I KNOW THAT SENATOR KINTNER AND OTHERS HERE CHERISHED OUR GOVERNMENTAL SYSTEM, OUR FREE MARKET. THEY DON'T HAVE A FREE MARKET. I HAVE ANOTHER DOCUMENT I'LL PASS OUT TO YOU, COUNTRY RANKINGS ON FREE MARKETS. CHINA IS 144th IN THEIR RANKING, AND THE UNITED STATES USED TO BE SIXTH. HERE, I HAVE ANOTHER DOCUMENT TO READ TO YOU. CHINA HAS THE WORLD'S 144th FREEST ECONOMY, AND AMERICA IN THE LAST DECADE HAS GONE FROM THE WORLD'S SIXTH FREEST ECONOMY TO THE WORLD'S 11th, DOWN TO THE 11th. WE'RE SLIPPING, FOLKS. I BELIEVE IN, MADE IN AMERICA. I BELIEVE IN GROWING OUR PRODUCTS. WE CAN SELL THEM OUR ITEMS, BUT TO OWN US WHEN THEY ARE BUYING AGRICULTURE, THEY'RE BUYING ENERGY, THEY'RE TRYING TO BUY EVERYTHING. THEY WILL OWN OUR FAMILY FARMS. MY HUSBAND IS A FIFTH GENERATION FAMILY FARMER. [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR BRASCH: HE TOLD ME MANY TIMES THE SACRIFICES HIS FAMILY MADE. THEY CAME HERE FROM GERMANY, GENERATIONS AGO. AND THEY SCRAPPED, THEY SAVED EVERYTHING. THEY NEARLY DIED TRYING TO KEEP THAT FARM ALIVE. THEY STRUGGLED, STRUGGLED, AND THEY'RE STRUGGLING TODAY, BUT THEY'RE NOT READY TO SELL IT TO THE CHINESE. WE NEED TO KEEP THIS IN PERSPECTIVE. LET'S DO TRADE AND, YOU KNOW, THERE'S ALL KINDS OF FREE COUNTRIES OUT THERE THAT I'D RATHER, MUCH RATHER BE WORKING WITH AND HAVE ON THE FARM NEXT TO OURS AND WORK SIDE BY SIDE. THEY'RE SUPPORTING POLICIES THAT WE WOULDN'T DREAM OF WANTING IN AMERICA, AND YET WE'RE THAT DESPERATE. THERE'S OTHER COUNTRIES THAT I WOULD LOVE TO WORK WITH THAT I BELIEVE ALSO REPRESENTS A FREE REPUBLIC. [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR BRASCH: THANK YOU. [LB176]

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SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. THOSE IN THE QUEUE: SENATOR KEN HAAR AND BLOOMFIELD, SCHNOOR, SULLIVAN, KUEHN, HUGHES, AND OTHERS. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB176]

SENATOR HAAR: THANK YOU, MR. PRESIDENT, AND THANK YOU FOR CORRECTING ME THAT IT WAS THE OTHER HARR WAS SUPPOSED TO SPEAK FIRST. WHAT I WOULD LIKE TO DO IS, MY FIRST YEAR...MY FIRST TWO YEARS IN THE LEGISLATURE I HAD SOME SIGNIFICANT MENTORS AND I SAT DOWN IN THE FRONT HERE RIGHT NEXT TO SENATOR "CAP" DIERKS. AND HE SENT A LETTER AND I THINK WE ALL GOT A COPY OF THAT, BUT I'D LIKE TO READ IT INTO THE RECORD: DEAR SENATOR, I SERVED AS CHAIR OF THE NEBRASKA LEGISLATURE'S AG COMMITTEE DURING THE ECONOMIC CRISIS OF '98 AND '99 CAUSED BY DEPRESSED HOG PRICES THAT PUT THOUSANDS OF NEBRASKA HOG PRODUCERS OUT OF BUSINESS. IT'S IMPORTANT TO REMEMBER THAT THE CRISIS WAS CAUSED BY THE PORK PROCESSORS WHO USED THEIR POWER TO DRIVE THE MARKET DOWN TO SEVEN CENTS PER POUND. WHEN I SAY CRISIS, IT WAS NOT JUST HOG PRODUCERS WHO WERE BEING SQUEEZED OUT OF BUSINESS, THE WHOLE RURAL COMMUNITY WAS HURTING. OUR AGRICULTURAL LEADERS WERE IN TROUBLE. FEED SUPPLIERS AND EVERYONE WHO PROVIDED SERVICES TO HOG PRODUCERS, INCLUDING VETERINARIANS, WERE GETTING SQUEEZED. THE PHONE CALLS WERE MANY HEARTFELT, DESPERATE AND PAINFUL. MANY MILLIONS OF DOLLARS OF EQUITY WERE LOST WITHIN A VERY SHORT PERIOD OF TIME. PEOPLE WANTED AND NEEDED OUR HELP. EVERYONE WAS WONDERING WHAT THE LEGISLATURE COULD DO TO HELP THE PEOPLE WHO WERE BEING SQUEEZED OUT. THE LEGISLATURE'S AG COMMITTEE INTRODUCED FOUR BILLS, LB832, LB833, LB834, AND LB835. THREE OF THESE FOUR BILLS WERE COMBINED AND BECAME THE COMPETITIVE LIVESTOCK MARKETS ACT. IT WAS OBVIOUS THAT THE PACKERS AND STOCKYARDS DIVISION OF USDA WERE NOT DOING THEIR JOB TO OVERSEE AND POLICE AGRICULTURAL MARKETS TO HELP THEM BE COMPETITIVE. THE LEGISLATURE DID THE RIGHT THING. WE RESPONDED TO THE CRISIS. GOVERNOR JOHANNIS SIGNED THE BILL. WHEN THE PORK PACKERS SAW WHAT HAPPENED THAT THE CONGRESS WAS GETTING PRESSURE TO ALSO ACT, THE CASH PRICE OF HOGS JUMPED OVERNIGHT. WHILE IT TOOK SOME OF THE FINANCIAL PRESSURE OFF, IT ALSO PROVIDED...PROVED THEY WERE MANIPULATING THE PRICE, THEY BEING THE PACKERS. THERE IS A MEAT PACKER CAUSED PRICE CRISIS IN THE COUNTRY TODAY. OUR FEEDLOTS ARE LOSING \$300 TO \$600 PER HEAD ON THEIR CATTLE. THE PRICE OF CALVES CONTINUES TO SINK AND THE PRICE OF BEEF IN THE STORE STAYS THE SAME. LB176 WILL WEAKEN THE LEGAL LEG THAT THE REMAINING BEEF BAN STANDS ON. LB176 TURNS THE PORK PROCESSORS LOOSE SO THEY CAN GET MORE

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CAPTIVE SUPPLY TO FURTHER DEPRESS AND CONTROL PORK PRICES, BOTH THE CASH MARKET AND THE CONTRACTS. THAT WILL NOT HELP PORK PRODUCERS IN THE LONG RUN AND IT WILL ALSO SET THE STAGE FOR THE DESTRUCTION OF THE BEEF INDUSTRY THAT MY FAMILY DEPENDS ON FOR OUR LIVELIHOOD. APPARENTLY "CAP" SEES A CONNECTION TO LIVESTOCK. IT LOOKS LIKE TO ME THAT INSTEAD OF WEAKENING THE COMPETITIVE LIFESTYLE MARKETS ACTS WITH PASSAGE OF LB176, THE LEGISLATURE OUGHT TO BE LOOKING FOR WAYS TO PUT MORE COMPETITION INTO OUR LIVESTOCK MARKETS. IT'S NEVER A GOOD IDEA TO GET RID OF COMPETITION, WHICH IS JUST WHAT LB176 DOES. I RESPECTFULLY ASK YOU TO VOTE AGAINST LB176. THIS BILL SOLVES NO PROBLEM, BUT IT WILL MAKE THE MARKET PROBLEMS WE ALREADY HAVE MUCH WORSE. SINCERELY, M.L., "CAP", DIERKS, LEGISLATIVE DISTRICT 40, RETIRED. AGAIN, "CAP" WAS A MENTOR OF MINE. [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR HAAR: THANK YOU. "CAP" DOES SEE THE CONNECTION BETWEEN THE HOG AND THE CATTLE INDUSTRY, AND HE'S BEEN AT THIS FOR MANY DECADES. AND I WANT TO THANK "CAP" FOR THAT LETTER. I OPPOSE LB176. I SUPPORT AM1886, AND I WOULD GIVE ANY REMINDER OF MY TIME TO SENATOR DAVIS. [LB176]

SPEAKER HADLEY: SENATOR DAVIS, 35 SECONDS. [LB176]

SENATOR DAVIS: THANK YOU, SENATOR HAAR. MEMBERS, LET'S GO BACK TO THOSE DARK TIMES IN THE HOG INDUSTRY WHEN HOGS WERE BASICALLY FREE, ABOUT \$7 OR 7 CENTS A POUND AND THAT'S WHY THAT BILL WAS PUT THROUGH. WE'VE HAD A LOT OF GOOD YEARS IN AGRICULTURE AND MAYBE WE'VE FORGOTTEN WHAT HAS HAPPENED IN THE PAST AND WHY PEOPLE PUT GOOD PROTECTIONS IN OUR CONSTITUTION AND IN OUR LAWS TO PROTECT FAMILY FARMERS. THAT'S WHAT THIS BILL WAS ABOUT IN 1999. I'VE TALKED ABOUT THIS BEFORE AND I WILL AGAIN, BUT THERE WERE 48 STATE SENATORS WHO SIGNED ON TO IT. THE NEBRASKA CATTLEMEN, THE PORK PRODUCERS... [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR DAVIS: THANK YOU, SENATOR. [LB176]

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SPEAKER HADLEY: THANK YOU, SENATOR HAAR, AND THANK YOU, SENATOR DAVIS. SENATOR BLOOMFIELD YOU'RE RECOGNIZED. [LB176]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. WE HEARD THE LIST OF THE GROUPS THAT SUPPORT THIS. LEST MY URBAN COLLEAGUES THINK THERE ARE NO RURAL ORGANIZATIONS THAT OPPOSE LB176, R-CALF, USA, THAT'S RANCHERS-CATTLEMEN ACTION LEGAL FUND; THE ORGANIZATION OF CREATIVE MARKETS. A COUPLE OF GROUPS I NEVER THOUGHT I WOULD AGREE WITH ON ANYTHING--BOLD NEBRASKA AND THE NEBRASKA CHAPTER OF THE SIERRA CLUB. BACK TO PEOPLE I AGREE WITH MOST OF THE TIME: NEBRASKA WIFE, WOMEN INVOLVED IN FARM ECONOMICS, THE CENTER FOR RURAL AFFAIRS, THE STATE GRANGE. WE HEAR ABOUT THE NEBRASKA CATTLEMEN, WELL, THE INDEPENDENT CATTLEMEN OF NEBRASKA ARE ON THE OPPOSITE SIDE, THEY OPPOSE THIS BILL. NEBRASKA FARMERS UNION, THE OLDEST FARM GROUP IN THE STATE. SO DON'T LOOK AT THE LIST OF PEOPLE THAT SUPPORT THIS, WHAT I CONSIDER A POOR BILL, AND THINK THAT ALL THE FARM GROUPS ARE DOING THIS. AND WHAT SENATOR BRASCH TALKED ABOUT BRIEFLY, FARM BUREAU IS LOSING MEMBERS OVER THIS. THEY'RE LOSING THEM IN MY DISTRICT. I BELIEVE THEY'RE GOING TO LOSE SOME BOARD MEMBERS OVER IT BECAUSE, IF THEY HAVEN'T ALREADY, ACROSS THE STATE THAT DISAGREE WITH THIS PLAN. AND WHEN A FARM BUREAU MEMBER WENT BACK TO THEIR BIG MEETING THIS LAST FALL WITH THE PROPOSITION TO RECONSIDER THEIR POSITION ON IT, HE WAS BASICALLY RAILROADED OUT. I KNOW BECAUSE HE LIVES IN MY DISTRICT. THEY WOULDN'T EVEN TALK TO HIM ABOUT IT, WOULDN'T ALLOW HIM TO SPEAK. FARM BUREAU WAS VERY DIVIDED ON THIS IN THEIR ORGANIZATION. THEIR LEADERSHIP IS SOLIDLY BEHIND IT, THEIR LOBBYISTS ARE SOLIDLY BEHIND IT. THE PEOPLE THAT MAKE UP THEIR GROUP ARE NOT SOLIDLY BEHIND THIS. SENATOR DAVIS WAS TALKING ABOUT WHEN HOGS WENT DOWN TO EIGHT AND NINE CENTS A POUND. IT WAS A TIME WHEN YOU DIDN'T LEAVE YOUR STOCK TRAILER PARKED ANYWHERE UNLESS YOU HAD THE DOORS LOCKED BECAUSE IT MIGHT GET FILLED UP WITH BABY PIGS OR FEEDER PIGS. I LIVED THROUGH SOME OF THOSE TIMES. I SOLD THE LAST HOGS I OWNED AT TWENTY-EIGHT CENTS A POUND AND CRIED LIKE A BABY BECAUSE I LOST MONEY ON THEM. AND WHEN THEY GOT TO NINE CENTS A POUND, I DOGGONE NEAR BROKE MY ARM PATTING MYSELF ON THE BACK FOR SELLING THEM WHEN I DID. BUT THAT MARKET IS MANIPULATED BY THE PACKERS. PASSING LB176 WILL MAKE IT MORE SO. I YIELD THE REMAINDER OF MY TIME TO SENATOR GROENE. [LB176]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE YIELDED 1:38. [LB176]

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SENATOR GROENE: THANK YOU, PRESIDENT. I'VE HEARD ABOUT...WE'VE HEARD ABOUT HOW THIS IS GOING TO SAVE THE STATE ECONOMIC GROWTH. WANT TO TALK ABOUT HOW WE RATE? FIRST OR SECOND IN THE NATION IN UNEMPLOYMENT RATE. WE DO THINGS RIGHT HERE. FIRST IN CATTLE, SIXTH IN HOGS. WE DO THINGS RIGHT HERE BY THE INDEPENDENT FARMER. LET'S EXPLAIN CONTRACT FARMING TO MY URBAN COMPATRIOTS. CONTRACT FARMING IS, YOU GO TO...YOU'VE JOINED THE BEAN GROWERS, YOU CONTRACT HOW MANY EDIBLE BEANS YOU GROW. YOU GO TO THE BEET GROWERS... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR GROENE: ...THE BEET GROWER AND...OR SUGAR FACTORY AND YOU SAY, YOU CONTRACT FOR SO MANY TONS THE SUGAR CONTENT. YOU GO TO THE ELEVATOR, YOU CONTRACT YOUR CORN. YOU STILL OWN THAT PRODUCT. YOUR HARD LABOR RAISES MORE BUSHEL, YOU CONTROL YOUR COST. YOU MAKE THE PROFIT. THIS IS NOT CONTRACT FARMING. THIS IS EMPLOYMENT BY THE PACKER OF A FARMER TO RAISE THEIR LIVESTOCK. BIG DIFFERENCE. BIG DIFFERENCE. LAWSUIT? I HEAR, WELL, THIS IS PROPERTY RIGHTS LAWSUITS. WHY HAVEN'T WE HAD A LAWSUIT? WHY DIDN'T SMITHFIELD DO THIS BY A LAWSUIT? WHERE'S HORMEL? WHERE'S TYSON? THEY'RE NOT WORRIED ABOUT THIS. IT'S SMITHFIELD. WATER. WATER IN IOWA, THEY DON'T HAVE GROUNDWATER, FOLKS. THEY GOT TILES. THEIR POLLUTION WAS IN THEIR RIVERS. THAT RIVER GOES TO THE GULF. [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR GROENE: THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD AND SENATOR GROENE. THOSE IN THE QUEUE: SENATORS SCHNOOR, SULLIVAN, KUEHN, HUGHES, STINNER, AND OTHERS. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB176]

SENATOR SCHNOOR: THANK YOU. I HANDED OUT A LETTER AND I'M GOING TO READ THIS SO THIS GETS ON THE RECORD BECAUSE HAVING BEEN HERE LONG ENOUGH, I KNOW A LOT OF PEOPLE THEY JUST THROW THAT TO THE SIDE. SO I WANT YOU TO LISTEN. I WANT EVERYBODY TO LISTEN. WE ARE NOT ALL SUBJECT MATTER EXPERTS IN EVERY AREA WE CONSIDER AS STATE SENATORS. WE RELY ON OUR CONSTITUENTS, WE RESEARCH EACH, WE TALK TO EACH OTHER, AND WE COME TO OUR OWN LIFE EXPERIENCES TO GUIDE THE

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DIRECTION WE TAKE IN SUPPORTING OR OPPOSING LEGISLATION. IN THE CASE OF LB176, I WOULD DARE TO SAY I HAVE AS MUCH, OR MORE, DIRECT EXPERIENCE IN LIVESTOCK PRODUCTION THAN ANYBODY IN THE BODY BECAUSE I STILL DO IT. I AM ONE OF THE FEW IN HERE THAT STILL OWNS AND GROWS LIVESTOCK. I ALSO OWN A COMMERCIAL FEEDLOT. NOBODY ELSE DOES. MY OPERATION INCLUDES FEEDING MY OWN CATTLE, COMMERCIAL FEEDING FOR OTHER PRODUCERS, HAULING LIVESTOCK TO MARKET, GROWING FEED FOR MY CATTLE. I PREPARE THE SOIL, I PLANT THE SEED, I FERTILIZE, I SPRAY IT, I HARVEST IT, AND I HARVEST A VARIETY OF CROPS. I DECIDE HOW MUCH TO FEED MY LIVESTOCK, WHEN TO BUY IT, AND WHEN TO SELL. I KNOW LIVESTOCK INDUSTRY. I NEED YOU TO LISTEN AND LISTEN CAREFULLY. I CANNOT SOUND THE ALARM ANYMORE LOUDLY. I CANNOT OVERSTATE THE IMPORTANCE OF THIS BILL AND THE DECISION WE WILL MAKE AS WE VOTE ON LB176. IF WE PASS THIS, ALL OF THE WORK DONE BY SENATOR "CAP" DIERKS--WHICH SENATOR HAAR JUST READ THAT LETTER, AND THANK YOU--HIS WORK AND OTHERS WHO WERE SERVING IN 1999 WILL HAVE BEEN IN VAIN. HERE'S THE HISTORY. PACKERS GOT CONTROL OF THE MARKET AND DROVE THE HOG PRICE DOWN TO DEVASTATING LOWS. FAMILY FARMERS WERE GOING BANKRUPT. THIS WAS TRULY A CRISIS. THE SOLUTION WAS THE COMPETITIVE LIVESTOCK MARKET ACT, WHICH LB176 SEEKS TO AMEND. QUOTING FROM SENATOR DIERKS: LB176 TURNS THE PORK PROCESSORS LOOSE SO THEY CAN GET MORE CAPTIVE SUPPLY TO FURTHER DEPRESS AND CONTROL PORK PRICES, BOTH THE CASH MARKET AND THE CONTRACTS. THAT WILL NOT HELP PORK PRODUCERS IN THE LONG RUN AND IT WILL ALSO SET THE STAGE FOR THE DESTRUCTION OF THE BEEF INDUSTRY. VERTICAL INTEGRATION IS FORCING SMALL PRODUCERS OUT OF BUSINESS BECAUSE THERE'S SIMPLY NO PLACE FOR THEM TO SELL THEIR HOGS. THE PASSAGE OF LB176 WILL SEAL THE FATE OF THE SMALL FAMILY FARMER WHO CHOOSES TO USE SWINE TO DIVERSIFY THEIR INVESTMENT. PASSAGE OF LB176 IS A CHOICE TO HELP BIG INDUSTRY WHO BROUGHT THIS BILL WHILE DESTROYING THAT SMALL FAMILY FARMER. IF YOU BELIEVE IN THE VALUE OF THE FAMILY FARMER, YOU MUST OPPOSE THIS. IF YOU BELIEVE IN THE FAMILY WHO RELIES ON THE FREE MARKET TRADE FOR THEIR FAMILIES LIVELIHOOD, YOU MUST OPPOSE THIS. I CANNOT OVERSTATE THE DEVASTATING CONSEQUENCES OF PASSING THIS BILL. ONLY ONE MARKETABLE LIVESTOCK SECTOR WILL REMAIN, AND THAT'S CATTLE. WE WILL NOW HAVE SET THE LEGAL PRECEDENT THAT WILL ALLOW CATTLE PROCESSORS TO OWN LIVESTOCK IN NEBRASKA. THEY WILL NOT HAVE TO COME TO US FOR LEGISLATION. IT WILL BE OUT OF OUR CONTROL. THERE WILL BE NO NEED. THE DECISION WILL BE MADE TODAY...THE DECISION WE MAKE TODAY WILL DECIDE

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THE FATE OF THE CATTLE INDUSTRY AS WELL. FREE MARKET TRADE IN THE LIVESTOCK INDUSTRY... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR SCHNOOR: ...IN NEBRASKA WILL BE GONE. NEBRASKA IS THE NUMBER ONE CATTLE PRODUCER IN THE NATION. WE ARE NUMBER SIX IN HOG PRODUCTION, AND WE ARE NUMBER ONE, PER CAPITA, INDEPENDENT FAMILY FARMER AND RANCHER WHO PRODUCE LIVESTOCK IN THE NATION. WE BUILT THE LIVESTOCK INDUSTRY ON FREE MARKET. IN 1999, OUR LEGISLATURE SAVED THE LIVESTOCK FREE MARKET. ARE WE WILLING TO GIVE THAT FREE MARKET IN NEBRASKA AWAY? I AM NOT. I CANNOT UNDERESTIMATE THE DEVASTATION THAT THIS WILL BRING TO THE FAMILY FARMER. I'M GETTING CALL AFTER CALL FROM PEOPLE TO NOT DO THIS THAT WENT THROUGH THIS CRISIS IN THE 90s. THEY CANNOT BEGIN TO FATHOM WHY WE WOULD EVEN CONSIDER THIS BECAUSE THEY BARELY SURVIVED. [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR SCHNOOR: THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR SCHNOOR. SENATOR SULLIVAN, YOU ARE RECOGNIZED. [LB176]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. WE HAVE A JOB TO DO DOWN HERE IN THIS UNIQUE, ONE OF ONLY IN THE NATION, UNICAMERAL. WE HAVE A JOB TO OPERATE UNDER REPRESENTATIVE GOVERNMENT. SO WHO ARE WE REPRESENTING IN THIS LEGISLATION? SOME WILL SAY YOUNG FARMERS GIVING THEM A LEG UP AND AN OPPORTUNITY. SOME WILL SAY THE FUTURE OF RURAL NEBRASKA IN ECONOMIC DEVELOPMENT. I HAVEN'T HEARD ANY PROOF OR FACTUAL INFORMATION THAT SUPPORTS THAT HAPPENING UNDER LB176. WHAT I DO KNOW FOR SURE IN LB176 IS THE PREFERENCE AND THE EMPHASIS TOTALLY IS GIVEN FOR THE BENEFIT OF THE PACKER. THAT'S WHO WANTS THIS LEGISLATION. THAT'S WHO WANTS TO CONTROL MORE OF THE MARKET, AND THEREBY, CONTROLLING THE PROFIT. YOU KNOW, I LISTEN TO ALL THIS CONVERSATION OF WHY THIS IS SO IMPORTANT, BUT WE FAIL TO REMEMBER THAT'S THE BOTTOM LINE. THAT'S WHO WANTS THIS. THAT'S WHO STANDS TO GAIN FROM LB176, NOT NECESSARILY RURAL NEBRASKA. NO GUARANTEE THAT

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WE WILL HAVE ADDITIONAL HOG PRODUCERS. AND, OF COURSE, I'VE LISTENED TO THE CONSTITUTIONAL CLAIMS. BUT KEEP IN MIND, IF THERE WERE CONSTITUTIONAL ISSUES RIGHT NOW, WHY HASN'T THERE BEEN A LAWSUIT BROUGHT? AND SENATOR STINNER SAYS, OKAY, WE CAN PROTECT ABOUT THIS GOING TO CATTLE. OH WAIT, WE CAN CONTROL IT HERE IN THE LEGISLATURE. WAIT A MINUTE. WE WON'T HAVE THAT OPPORTUNITY IF LB176 COMES TO PASS BECAUSE IT WILL PLAY OUT IN THE COURTS AND THEY WILL SAY, OKAY, YOU'RE DOING IT FOR HOGS, YOU'D BETTER DO IT FOR CATTLE. SO THAT LITERALLY OPENS THE DOOR FOR PACKERS TO OWN THE CATTLE. SENATOR HUGHES SAYS THAT THESE ARE FRINGE GROUPS THAT ARE WORKING AGAINST LB176. I TAKE ISSUE WITH THAT. AS I SAID, WE'RE DOWN HERE FOR REPRESENTATIVE GOVERNMENT AND DEMOCRACY AND SOMETIMES IT'S THOSE INDEPENDENT PRODUCERS THAT DON'T HAVE THE VOICE, AND WE'RE SUPPOSED TO BE HERE GIVING THEM THE VOICE. AND I DON'T THINK I'M BEING IRRATIONAL IN ALL OF THIS. I THINK MOST OF YOU MAY HAVE RECEIVED AN E-MAIL FROM A PRODUCER IN NORTH DAKOTA AND IT STRUCK A CHORD WITH ME. HE SAID, YOU KNOW, IT'S IMPORTANT FOR YOU TO KNOW THAT ALLOWING PACKER OWNERSHIP OF HOGS IN YOUR STATE WILL REDUCE THE INDEPENDENT PRODUCERS IN YOUR STATE. WHEN THE PROCESSOR OWNS THEIR OWN HOGS, IT WILL KEEP THEM OUT OF THE CASH MARKET WHICH WILL RESULT IN DRIVING THE CASH MARKET DOWN. THIS WILL HURT THE CURRENT PRODUCERS AND WILL STOP YOUNG PRODUCERS FROM GETTING INTO THE BUSINESS. THAT'S WHAT I'M WORRIED ABOUT. YOU KNOW, SENATOR FRIESEN TALKED ABOUT IT'S HARD WORK RAISING HOGS. AND THAT'S PROBABLY ONE OF THE REASONS WE HAVE, OVER THE YEARS, SEEN FEWER HOG PRODUCERS AS AGRICULTURE HAS BECOME MORE MECHANIZED, AS WE'VE GAINED EFFICIENCIES IN AGRICULTURE, IT'S IN SOME WAYS BECOME A LITTLE EASIER FOR THAT AG PRODUCER. THAT COULD BE ONE OF THE REASONS THAT WE'VE HAD ATTRITION. BUT A GOOD NUMBER OF INDEPENDENT HOG PRODUCERS STILL REMAIN AND THERE IS ABSOLUTELY NO GUARANTEE THAT THOSE NUMBERS... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR SULLIVAN: ...WILL INCREASE UNDER LB176. AND, YOU KNOW, THAT'S WHAT I FIND SO IRONIC ABOUT LB176 BECAUSE IF THIS BILL PASSES, IF THIS COMES TO PASS, WE ARE ELIMINATING AND DESTROYING THE ONE REMAINING OPPORTUNITY FOR INDEPENDENT HOG PRODUCERS TO OPERATE IN A COMPETITIVE MARKETPLACE. AND, THEREFORE, I CANNOT FOR THE BENEFIT OF INDEPENDENT HOG PRODUCERS AND THE BENEFIT OF RURAL NEBRASKA, I CANNOT SUPPORT LB176. THANK YOU. [LB176]

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SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. THOSE IN THE QUEUE ARE SENATORS KUEHN, HUGHES, STINNER, JOHNSON, GROENE, AND OTHERS. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB176]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THIS IS AN INTERESTING MORNING FOR THOSE OF US IN AGRICULTURE. AS SENATOR GROENE POINTED OUT, THERE ARE PRODUCERS, THERE ARE AGRICULTURE SENATORS, THERE ARE INDIVIDUALS INVOLVED AND AFFILIATED WITH AGRICULTURE ON EITHER SIDE OF THIS ISSUE. AND AS PART OF WHAT MAKES IT BOTH CHALLENGING FOR US AS SENATORS, CHALLENGING FOR OUR CONSTITUENTS, AND CHALLENGING FOR ALL THE STAKEHOLDERS IN THIS ISSUE AS WE ALL ARE FOCUSED ON ONE GOAL. AND THAT IS TO IMPROVE AGRICULTURE IN THIS STATE, IMPROVE THE OPPORTUNITIES FOR YOUNG FARMERS TO ENGAGE IN THE MARKETPLACE, STRENGTHEN OUR RURAL COMMUNITIES, AND STRENGTHEN THE OPPORTUNITIES THAT ARE AVAILABLE FOR EVERYONE IN AGRICULTURE, WHETHER THAT IS THROUGH ENGAGING INTO CONTRACTUAL RELATIONSHIPS, THROUGH ACCESS TO A FREE AND OPEN MARKET, THROUGH ACCESS TO PRICE DISCOVERY MECHANISMS. MY HISTORY WITH PIGS IS SOMETHING THAT I RELAYED LAST YEAR DURING THIS DEBATE. HOGS PUT ME THROUGH COLLEGE. HOGS PUT ME THROUGH VETERINARY SCHOOL. IT WAS AS AN INDEPENDENT PRODUCER THAT I WAS ABLE TO ACHIEVE ACCESS TO HIGHER EDUCATION FROM A FARM FAMILY THAT LIVED THROUGH THE FARM CRISIS OF THE '80s THAT USED HOGS AS MORTGAGE LIFTERS AND CASH FLOW. SO I CERTAINLY KNOW ALL TOO WELL THE CONCEPT OF THE INDEPENDENT PRODUCER. MY LAST GROUP OF HOGS THAT I SOLD WHEN I WAS A VETERINARY STUDENT, I DID SELL FOR \$10 A HUNDRED WEIGHT. I DID CRY AND IT WAS THE LAST GROUP OF HOGS THAT I SOLD. I WOULD LOVE NOTHING MORE TODAY THAN TO BE ABLE TO FARROW SOWS AGAIN. IT WAS SOMETHING THAT...I REALLY ENJOY IT. IT'S NEAR AND DEAR TO MY HEART. THAT SAID, I RECOGNIZE THAT IT'S 2016 AND AS MUCH AS I MIGHT LIKE TO GO BACK TO THE NOSTALGIA OF THE LATE '90s AND FARROW A FEW SOWS AND TAKE THEM TO THE BUYING STATION IN GIBBON FOR CLOUGHERTY'S, THEN LATER IBP, AND HAVE THAT ABILITY, I KNOW THAT THE MARKET HAS CHANGED AND THE LIKELIHOOD THAT WE'RE GOING BACK IS PRETTY MUCH ZERO. THE PAST 20 YEARS HAVE SEEN A LOT OF CONSOLIDATION AND VERTICAL INTEGRATION IN LIVESTOCK. IT MAY BE GOOD, IT MAY BE BAD, BUT IT IS WHERE WE ARE RIGHT NOW. WE NOW KNOW THAT CONTRACT FEEDING, CAPTIVE SUPPLIES, MARKETING TOOLS, ARE TOOLS THAT WE USE FOR RISK MANAGEMENT. OF THE 1,200 HEAD CURRENTLY IN MY FAMILY'S INDEPENDENT FEED YARD, SOME OF THEM WILL BE SOLD ON A VERY DIFFICULT CASH MARKET. SOME OF THEM ARE FORWARD CONTRACTED AS PART

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OF A RISK MANAGEMENT TOOL WE USE TO ENSURE OUR PROFITABILITY IN A TIGHTENING MARGIN ENVIRONMENT. WHAT'S DISTURBED ME ABOUT THIS ENTIRE DISCUSSION, HOWEVER, ASIDE FROM THE FACT THAT WE'RE PITTING RURAL AGAINST RURAL IS THE NUMBER OF STRAW MEN THAT WE HAVE REALLY PUT UP AND BEATEN DOWN IN THE COURSE OF THIS DISCUSSION. LB176 REALLY IS ABOUT MARKET ACCESSIBILITY, IT'S ABOUT PRICE DISCOVERY, IT'S ABOUT PRICE TRANSPARENCY, IT'S ABOUT ACCESS TO MARKETS. AND ALONG THE WAY WE HAVE A COMPLICATED LEGAL DISCUSSION. I'VE SPOKEN TO A MYRIAD OF ATTORNEYS, EACH WITH A DIFFERENT AND OFTENTIMES CONFLICTING OPINION, WHICH LEAVES ME AS A SENATOR CHALLENGED TO UNDERSTAND WHAT IS THE BEST LEGAL STEP FORWARD, AS WELL AS RECONCILE THAT WITH MY OWN IDEOLOGY AS A FAMILY FARMER AND MY TRUE BELIEF IN SUPPORTING FAMILY AGRICULTURE GOING FORWARD. THERE IS, HOWEVER, SOME THINGS THAT I THINK NEED TO BE PUT ON THE RECORD WHICH ACTUALLY HAVE BOTHERED ME THROUGHOUT THIS DEBATE. MISINFORMATION ABOUT THE NATURE OF HOG PRODUCTION, PRESENTING IT AS A POTENTIAL RISK TO THE ENVIRONMENT. SOMEHOW SAYING THAT CONFINEMENT HOG FEEDING--WHICH DEVELOPED, I REMIND YOU, AS A MEANS OF PROMOTING A SAFER FOOD PRODUCT--AS PROMOTING LIVESTOCK HEALTH IS SOMEHOW EVIL AND ANTIFARM AND ANTIFAMILY FARMING. CONFINEMENT SITUATIONS ARE OWNED BY FAMILIES ACROSS THE STATE OF NEBRASKA. THEY PROVIDE AND CONTRIBUTE TO THE HEALTH... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR KUEHN: ...AND SUSTAINABILITY OF OUR FARMS, THEY REDUCE THE CARBON FOOTPRINT AND WATER USE, THEY IMPROVE THE HEALTH OF ANIMALS AND LIVESTOCK AND THE PEOPLE WHO CARE FOR THEM. AND SOMEHOW THEY'RE BEING VILLAINIZED IN A DISCUSSION ABOUT OPEN ACCESS TO MARKETS AND I THINK IT'S UNACCEPTABLE. EXTREMIST GROUPS CLOAKING THEMSELVES IN THE IDEA OF A FAMILY FARM AND THEN TURNING AROUND AND MAKING DISTINCTLY ANTI-AGRICULTURE ARGUMENTS IS UNACCEPTABLE. AND AS I'M CERTAINLY TORN ON THIS ISSUE, WHAT HAS TIPPED ME OVER IS SOME TACTICS THAT I THINK ARE JUST DISHONEST AND DISINGENUOUS. AND I WILL BE SUPPORTING LB176. I'M GOING TO STAND WITH AGRICULTURE IN THE STATE OF NEBRASKA AND I'M GOING TO STAND WITH A DEGREE OF INTELLECTUAL HONESTY THAT WE IN THIS BODY HAVE A HISTORY OF AND WE OWE TO THE INDIVIDUALS WHO ORIGINALLY DEVELOPED THIS LEGISLATION 20 YEARS AGO. THANK YOU, MR. PRESIDENT. [LB176]

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SPEAKER HADLEY: THANK YOU, SENATOR KUEHN. SENATOR HUGHES, YOU ARE RECOGNIZED. [LB176]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. AGAIN, COLLEAGUES, WE'RE WINDING DOWN; I THINK, A LITTLE OVER HALF AN HOUR LEFT. BUT THERE ARE SOME THINGS THAT HAVE BEEN BROUGHT UP ON THE FLOOR THAT I WOULD LIKE TO ADDRESS. THE ISSUES WITH NITRATES IN IOWA, IT'S NOT JUST HOGS. THERE ARE NITRATES IN THE PLATTE RIVER VALLEY IN NEBRASKA AND IT'S NOT FROM HOGS. IT COMES FROM OVER-FERTILIZATION, FOR THE AMOUNT OF RAINFALL YOU GET, FROM THE AMOUNT OF FERTILIZER YOU PUT ON YOUR LAWN IN TOWN. YOU GET A BIG RAIN, IT WASHES OFF INTO THE SEWER SYSTEM. WE NEED TO BE BETTER STEWARDS OF THE LAND, THAT'S TRUE, BUT WE ALL NEED TO BE BETTER STEWARDS OF THE LAND. IN NATURAL RESOURCES WE'RE TALKING ABOUT A BILL OF A WELL UP IN THE PANHANDLE ABOUT PUTTING PRODUCED WATER FROM OIL AND GAS PRODUCTION BACK INTO THE GROUND. AND OF COURSE, THE FIRST THING WE HEAR IS, OH, MY GOD, WE'RE GOING TO CONTAMINATE THE AQUIFER. WELL, IF YOU DON'T WANT TO CONTAMINATE THE AQUIFER, NEVER PUT A HOLE IN THE GROUND, NEVER DRILL A WELL. IF YOU'RE WORRIED ABOUT CONTAMINATING THE AQUIFER, GET A TWO-BY-FOUR AND A COUPLE OF FIVE-GALLON BUCKETS AND HEAD FOR THE RIVER. THAT'S THE ONLY WAY THAT YOU DON'T TAKE A CHANCE OF CONTAMINATING THE AQUIFER. TECHNOLOGY HAS ALLOWED US TO PUT DOWN HOUSE WELLS, STOCK WELLS, IRRIGATION WELLS, OIL WELLS, GAS WELLS. AND, YES, THERE HAVE BEEN SOME PROBLEMS, BUT TECHNOLOGY AND KNOWLEDGE IS HOW WE GET THROUGH THAT. SO JUST BECAUSE WE HAVE A CHANGE IN PRACTICE OR A CONCENTRATION OF ANY INDUSTRY DOESN'T NECESSARILY MEAN THAT IT'S BAD. WE HAVE A CONCENTRATION OF HUMANS IN CITIES. HOW DO WE HANDLE THE WASTE THERE? WE HANDLE IT. WE TREAT IT. AND IT GOES BACK INTO THE RIVERS OR IT'S EVAPORATED. SAME THING HAPPENS WITH LIVESTOCK. YOU CONTAIN THE MANURE AND YOU USE IT AS FERTILIZER ON YOUR LAND. THAT'S ONE OF THE BENEFITS OF THIS BILL. ONE OF THE THINGS THAT I LOOKED AT, IF I WERE YOUNGER AND WANTED TO EXPAND MY FARM OPERATION WITHOUT HAVING TO SPEND A LOT OF MONEY TO BUY MORE LAND, SPEND A MINIMAL AMOUNT OF MONEY AND CONTRACT FEED HOGS. THEY'RE PAYING ME FOR MY LABOR. I DON'T HAVE THE MASSIVE CASH OUTLAY FOR THE LIVESTOCK. AND I GET THE BENEFIT OF THAT...THOSE NUTRIENTS IN THAT MANURE. AND THE PRICE OF FERTILIZER, THAT IS A BIG BENEFIT. WHEN IT COMES TO TALKING ABOUT WHY FARMERS ARE SPLIT ON THIS, ANY OF YOU KNOW MORE THAN ONE FARMER KNOW WE DON'T AGREE ON MANY THINGS. WE ARE A VERY INDEPENDENT INDUSTRY. WE'RE INDEPENDENT BUSINESSMEN. WE OWN OUR

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OWN LAND. WE HAVE THE PRIVILEGE, THE ABSOLUTE PRIVILEGE OF BEING OUR OWN BOSS. AND THAT IS WORTH A LOT, BUT THAT ALSO COMES WITH BURDENS. WHEN YOU'RE YOUR OWN BOSS, IT'S YOUR NECK ON THE LINE. AND THAT CAUSES YOU TO HAVE STRONG OPINIONS ABOUT HOW THINGS ARE DONE AND LAWS THAT ARE PASSED. THERE IS QUITE A DIFFERENCE BETWEEN... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR HUGHES: ...CATTLE AND HOGS. AND I WAS HOPING DR. KUEHN MIGHT GET INTO THIS, BUT THE REASON WE'VE SEEN CONCENTRATION IN CHICKENS AND PORK IS BECAUSE THEY HAVE ONE STOMACH. THEY CAN SURVIVOR ON CORN AND SOYBEANS AND OTHER GRAINS. BUT CATTLE HAVE FOUR STOMACHS, THEY'RE HERBIVORES, THEY NEED GRASS. THAT'S THE BEAUTY OF THE SANDHILLS WE HAVE IN NEBRASKA IS THE VAST TERRITORY THAT WE CAN HAVE CATTLE. SO THE CONCENTRATION IN THE CATTLE INDUSTRY I DO NOT BELIEVE WILL FOLLOW HOGS AND CHICKENS. THE LAST POINT I'D LIKE TO MAKE IS ABOUT THE PRICE. WE'VE SEEN COLLAPSES IN PRICES BEFORE. THE MOST RECENT ONE WAS IN HOGS. BUT IT HAS HAPPENED BEFORE AND WILL HAPPEN AGAIN. THAT'S THE NATURE OF CAPITALISM. [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR HUGHES: THANK YOU, MR. CHAIRMAN. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR HUGHES. THOSE IN THE QUEUE ARE: SENATOR STINNER, JOHNSON, GROENE, WILLIAMS, DAVIS, SCHILZ, AND OTHERS. SENATOR STINNER, YOU ARE RECOGNIZED. [LB176]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I'D LIKE TO CORRECT SENATOR GROENE IF HE'S GOING TO SAY HE'S A RURAL SENATOR. HIS TOWN IS BIGGER THAN MY TOWN, SO HE DIDN'T COUNT ME IN THAT. AND CERTAINLY SENATOR WILLIAMS IS IN THAT COUNT, TOO, SO. I JUST WANTED TO TAKE TIME TO READ AN E-MAIL I RECEIVED FROM THE EXECUTIVE DIRECTOR OF THE NEBRASKA PORK PRODUCERS ASSOCIATION: THAT THERE IS SUCH AN ONSLAUGHT OF INFORMATION, MUCH OF INACCURATE, ON LB176 IN THE PAST WEEK. BECAUSE THE BILL IS SCHEDULED FOR HEARING TOMORROW AND BECAUSE WE HAVE INTENTIONALLY TRIED NOT TO INUNDATE YOU WITH CALLS AND LETTERS, PERHAPS A MISTAKE--HE PUTS IN PARENTHESIS--WE THOUGHT THIS E-MAIL SHOULD RESTATE THE FACTS. THE

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BILL IS SUPPORTED BY THE NEBRASKA PORK PRODUCERS, THE NEBRASKA BANKERS, NEBRASKA INDEPENDENT BANKERS, NEBRASKA CORN GROWERS, NEBRASKA FARM BUREAU. WE SUPPORT AG. AND THE STATE CHAMBER OF COMMERCE, BECAUSE THEY KNOW THAT THIS BILL IS GOOD FOR NEBRASKA AND NEBRASKA AGRICULTURE. NEBRASKA IS THE LAST STATE IN THE NATION WITH A PACKER BAN. EVERY OTHER STATE, INDEPENDENT FAMILY FARMS STILL EXIST AND STILL SELL THEIR HOGS TO PACKERS. IN IOWA, A STATE WITHOUT A BAN, ON AVERAGE OVER 60 PERCENT--DEPENDING ON WHERE THE PLANT IS LOCATED--OF THE HOG SLAUGHTERS, ARE PURCHASED FROM INDEPENDENT PRODUCERS. ZONING CHECKS AND BALANCES EXIST TO ALLOW COMMUNITIES AND COUNTIES TO CONTROL THE GROWTH OF HOG FACILITIES. PACKERS CAN OWN HOGS IN NEBRASKA TODAY AS LONG AS THEY DON'T HAVE A FACILITY IN NEBRASKA. THE ONLY ENTITY THAT CANNOT OWN HOGS IN THE STATE IS A PACKER THAT HAS A FACILITY HERE, WHICH DISCOURAGES THE GROWTH OF THE INDUSTRY. THE REASON THAT OUR MARKET HOGS ARE DECLINING AND OUR SLAUGHTER HOGS ARE INCREASING IS BECAUSE PACKERS ARE STILL SLAUGHTERING, BUT THOSE HOGS ARE BEING TRUCKED IN FROM OTHER STATES. NEW HOG FACILITIES WILL ADD TO THE TAX BASE, BOTH INCOME AND PROPERTY. IN ORDER FOR NEBRASKA TO COMPETE GLOBALLY, WE NEED TO HAVE THE TOOLS FOR OUR FARMERS TO BE ABLE TO COMPETE. THIS IS A VERY EMOTIONAL ISSUE. WE UNDERSTAND THAT EMOTION AND EMPATHIZE, BUT THE ARGUMENTS THAT ARE BEING MADE AGAINST THE BILL SIMPLY AREN'T TRUE. IF THEY WERE, WE WOULD SEE NO FAMILY FARMS IN ANY OTHER STATE AND FAMILY FARMS WOULD BE GROWING IN NEBRASKA. THAT JUST ISN'T THE CASE. WE ASK THAT YOU LOOK AT THE FACTS AND VOTE YES TO LB176. AND THIS IS FROM THE EXECUTIVE DIRECTOR OF THE NEBRASKA PORK PRODUCERS. THE ONLY THING THAT I WANT TO ADD TO THE DISCUSSION THAT MAYBE HASN'T BEEN TALKED ABOUT IS BUSINESS CYCLES. AND IF YOU BELIEVE IN BUSINESS CYCLES, YOU BELIEVE IN CHANGE. AND I REALLY LIKED THE COMMENTS THAT SENATOR SCHUMACHER HAD MADE ABOUT IF YOU'RE GOING TO SURVIVE THAT CHANGE, YOU HAVE TO BE ADAPTABLE. AND I THINK IF YOU LOOK AT THE HISTORY OF BUSINESS, WHETHER IT BE AGRICULTURE OR ANY OTHER BUSINESS, THERE'S BEEN CHANGE IN THOSE BUSINESS. AND HOW YOU ADAPTED TO THOSE CHANGE REALLY RELATED TO IF YOU SURVIVED OR NOT. ANYWAY, I WOULD ENCOURAGE EVERYBODY TO TAKE A LOOK AT WHAT THE FACTS ARE AND UNDERSTAND THAT THIS IS A WAY TO GROW NEBRASKA AND HELP RURAL NEBRASKA. THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR STINNER. SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB176]

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SENATOR JOHNSON: THANK YOU, MR. SPEAKER. I WANT TO TALK A LITTLE BIT ABOUT VERTICAL INTEGRATION AND WHERE THE HOG INDUSTRY HAS BEEN AND WHERE IT'S HEADED IN THE PAST FEW YEARS. WHEN I GOT OUT OF COLLEGE... WELL, WHEN I WAS IN HIGH SCHOOL, I WAS GIVEN A PUREBRED HAMPSHIRE GILT, BRED GILT, STARTED A HERD OF REGISTERED ANIMALS. I WAS IN THAT BUSINESS FOR TEN YEARS. IT HELPED ME THROUGH COLLEGE, IT HELPED ME GET A START. AFTER BEING INVOLVED WITH THAT AND THE FAMILY FARM FOR TEN YEARS, MY CAREER WAS HEADING IN A DIFFERENT DIRECTION AND I SOLD OUT MY INVENTORY. BUT WHILE I WAS IN BUSINESS IN THE COOPERATIVE SYSTEM, I DEALT WITH AGRICULTURAL. I DEALT WITH FARM GROUPS. I DEALT WITH FARMERS WHO HAD DIFFERENT OPINIONS. AND OFTEN, EVEN AT THE BOARD TABLE, THERE WOULD BE FARMERS THAT WOULD DISAGREE WITH CERTAIN THINGS THAT ARE HAPPENING OR CERTAIN DIRECTIONS WE WERE GOING. BUT WHEN WE CAME TOGETHER, WE ALL SUPPORTED THE DECISION THAT WAS MADE. AND I HOPE WHAT HAPPENS TODAY, WHATEVER IT IS, THAT WE ARE ABLE TO STAY TOGETHER AS MUCH AS POSSIBLE. GOING BACK, VERTICAL INTEGRATION IN THE PORK INDUSTRY STARTED A LONG TIME AGO. I'VE GOT SOME FIGURES HERE THAT SHOW FROM 1982 TO 2012; THAT'S THE MOST CURRENT INFORMATION. IT SAYS "DISTRIBUTION OF HOG AND PIG SALES AND THE BREEDER PIG INVENTORIES." IN 1982, IT GOES ALL THE WAY FROM FARMS WITH 25 ANIMALS ALL THE WAY UP TO 5,000 AND MORE. IN 1982, THOSE WITH 5,000 MORE PIGS SOLD WAS ABOUT 19 PERCENT OF THE TOTAL. A TOTAL OF 7 MILLION HOGS, THAT WAS ABOUT 1.3 MILLION. IN 2012, WE WENT TO 10 MILLION. WE HAD SOME INCREASE, SO I AGREE. THAT NUMBER OF THE 10 MILLION THAT WERE SOLD, 9.5 MILLION OF THEM WERE SOLD THROUGH FACILITIES THAT HAD 5,000 OR MORE. THAT'S 89.9 OR 90 PERCENT. SO VERTICAL INTEGRATION HAS GONE A LONG WAYS OVER THE YEARS. I DO WANT TO COMPLIMENT "CAP" DIERKS. I KNEW...I WOULD BE IN THE BODY ONCE IN A WHILE LOBBYING OR BEING INVOLVED WITH FARM GROUPS AND SAT IN SOME MEETINGS WITH HIM. I DO WANT TO COMPLIMENT HIM ON THE WORK THAT WAS DONE BACK IN 1999 WITH THE LEGISLATURE--I'M NOT SURE IF THAT'S THE RIGHT DATE, I BELIEVE IT IS--WHEN HE WORKED TO IMPROVE THE PACKERS AND STOCKYARDS DIVISION OF THE USDA AND PROTECT NEBRASKA. THAT WAS A STEP THAT WAS NEEDED AT THAT POINT. WE'RE TAKING THAT NEXT STEP TODAY, I BELIEVE. WE TALK ABOUT FAMILY FARMS AND WHO OWNS THE PRODUCTS. ONE INDUSTRY THAT'S COME IN IN THE LAST 20 YEARS, PROBABLY, IS SEED PRODUCTION IN NEBRASKA, AND WE'VE TALKED ABOUT IT BEFORE WITH CORN SEED. THE FARMER DOES NOT OWN THE SEED. HE HAS A CONTRACT WITH A DEVELOPER, A SEED COMPANY. THE SEED COMPANY TELLS YOU WHEN YOU'RE GOING PLANT, THE SEED COMPANY TELLS YOU WHEN YOU NEED TO WATER, THE

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SEED COMPANY IS INVOLVED WITH THE SPRAYING. THE SEED COMPANY TELLS YOU WHEN YOU'VE GOT TO DETASSEL. IT TELLS YOU WHEN YOU NEED TO HARVEST. IT STILL PROTECTS THE FAMILY FARM. THIS...LB176 ALLOWS THE SAME THING FOR A HOG PRODUCER TO BE INVOLVED. I STILL BELIEVE IT WILL HELP BRING BACK OR KEEP THE FAMILY FARMS ALIVE. [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR JOHNSON: THE EDITORIAL IN THE LINCOLN PAPER LAST SUNDAY, I GUESS, HAD A PICTURE OF A HOG PRODUCER. THAT HOG PRODUCER, THE PICTURE, ANYWAY, HAD AMERICAN GUINEA PIGS IN IT. I DON'T BELIEVE LB176 IS GOING TO AFFECT THAT NICHE MARKET. I'M NOT SAYING THAT WAS A TRUE PICTURE OF SMALL FARMS AND WITH SMALL HERDS OF HOGS. BUT WE'RE NOT GOING TO AFFECT SOME OF THOSE THAT HAVE A NICHE MARKET. I BELIEVE THERE IS A FUTURE WITH HOG PRODUCTION IN NEBRASKA IF WE PASS THIS BILL. ANOTHER AREA THAT WE'VE TALKED ABOUT BEFORE...I WON'T HAVE TIME TO GO THROUGH THIS, BUT IT HAS LIVESTOCK PRODUCTION CONTRACT, A CHECKLIST. REMEMBER, A PRODUCER DOES NOT HAVE TO SIGN ANYTHING, DOESN'T HAVE TO BE INVOLVED IN PACKER OWNERSHIP IF THEY DON'T WANT TO BE. THEY DON'T EVEN HAVE TO (INAUDIBLE)... [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR JOHNSON: THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR JOHNSON. THOSE IN THE QUEUE: SENATORS GROENE, WILLIAMS, DAVIS, SCHILZ, AND OTHERS. SENATOR GROENE, YOU'RE RECOGNIZED. [LB176]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. YES, I THREW THAT LIST TOGETHER IN A HURRY TO IMPRESS ON MY URBAN SENATOR FRIENDS THAT THE RURAL SENATORS ARE NOT UNITED ON THIS; NOT EVEN CLOSE. YES, I FORGOT STINNER, WILLIAMS, KOLTERMAN, AND LARSON, GOOD FRIENDS OF MINE. BUT WE THREW THE LIST TOGETHER. BUT THE REALITY IS THAT THAT WAS A GROUP OF...IF WE WERE THE UNICAMERAL, THOSE 16 SENATORS, THE MAJORITY WOULDN'T HAVE ENOUGH VOTES FOR CLOTURE. BUT THIS ISN'T ABOUT WHO'S PRO AGRICULTURE AND WHO ISN'T. I'M ABOUT AS PRO AGRICULTURE AS YOU CAN GET. I'M ABOUT AS PRO ENTERPRISE...FREEDOM OF ENTERPRISE AS YOU CAN GET. AND I ADMIRE OUR AGRICULTURE. I'VE BEEN IN IT ALL OUR LIVES. WE

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DO NOT HAVE GROUND WATER PROBLEMS, NITRATE PROBLEMS. EVERY FARMER I KNOW IS A STEWARD OF HIS LAND. HE PUSHES FOR NO-TILL. HE WATCHES THE INGREDIENTS HE PUTS ON SO HE DOESN'T HARM THE LAND. NOBODY IS PRESSURING HIM TO SAY, YOU'VE GOT A CONTRACT WITH ME AND THIS IS THE WAY YOU WILL DO IT, BECAUSE HE OWNS THE LAND AND HE TAKES CARE OF IT. THE FARMERS INVOLVED IN AGRICULTURE IN NEBRASKA, WE'RE NOT IN THE SITUATION OF IOWA OR COLORADO OR SOME OTHER AREAS WHERE WATER AND POLLUTION IS A PROBLEM. WHY? BECAUSE THE LOCAL FARMER CONTROLS THAT LAND AND HE IS THE STEWARD OF IT. BUT THIS ISN'T AN ARGUMENT ABOUT...THIS IS AN ARGUMENT ABOUT A HUGE CHINESE MANUFACTURER OF HOG MEAT. THAT'S WHAT IT IS. I CLOSED MY LAST STATEMENT BY MENTIONING YOU BECOME AN EMPLOYER (SIC). THAT'S WRONG OF SMITHFIELD. THAT FARMER BECOMES A CONTRACT LABORER. HE CAN'T QUIT ONE DAY AND SAY, THIS AIN'T WORKING. HE'S GOT A CONTRACT. HE CAN'T SAY, NEXT YEAR, I'M GOING ON MY OWN. NO, YOU'VE GOT A CONTRACT FOR FIVE YEARS. HE'S A CONTRACT LABORER. BUT HE HAS TO SUPPLY THE NATURAL RESOURCES AND THE AREA AND THE GROUND AND THE BUILDING AS A CONTRACT LABORER. MAYBE IT'S LIKE A BASEBALL PLAYER WHO HAS A CONTRACT. ALL HE HAS TO BRING, THOUGH, IS HIS MITT. BUT THAT'S WHAT THIS DOES TO THE FARMER. DO YOU REALLY WANT TO CONCENTRATE LIVESTOCK ACROSS THE UNITED STATES IN ONE GROUP? LOOK WHAT HAPPENED TO CHICKENS. WHAT DID YOU PAY FOR THE LAST CHICKEN YOU BOUGHT? FOUR OR FIVE DOLLARS A POUND? WE HAD CHOLERA SWEEP SOME AREAS. MILLIONS AND MILLIONS OF CHICKENS GOT BUILT UP...GOT BURNED UP IN WAKEFIELD--I THINK THAT'S SENATOR BLOOMFIELD'S. BECAUSE OF THAT CONCENTRATION, THE MARKET WAS DISRUPTED. BECAUSE WE HAVE EXPORTS OF HOGS, WHEN THE TEAMSTERS WENT ON STRIKE, CHINA COULDN'T SHIP OUR HOGS TO CHINA SO THE MARKET WENT DOWN BECAUSE OF CONCENTRATION OF JUST A FEW. THE REASON THIS EXISTS, AS SENATOR SCHNOOR SAID, IN 1990...AND SENATOR DIRKS SAID, IN 1999 WE HAD THIS MESS AND WE STEPPED IN. WE'RE GOING TO GO RIGHT BACK THERE. REMEMBER MA BELL? SOMETIMES THE GOVERNMENT HAS TO STEP IN. REMEMBER WHEN THEY BROKE IT UP? YOU KNOW HOW CHEAP YOUR PHONE SERVICE IS NOW BECAUSE THE GOVERNMENT STEPPED IN? NO, VERTICAL INTEGRATION DOES NOT HAVE TO HAPPEN. WE CAN STOP IT. WE CAN PROTECT THE INDIVIDUAL, THE SMALLER GUY. AND THAT IS FREEDOM, BECAUSE AS SENATOR SULLIVAN SAID, THE LITTLE GUY DESERVES SOME FREEDOM, TOO. THIS ISN'T ABOUT JUST THE BIG GUY. THIS IS JUST ABOUT THE BIG GUY, LET ME CORRECT MYSELF. [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

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SENATOR GROENE: SO, FOLKS, MY URBAN FRIENDS, DO YOU WANT TO CONCENTRATE? YOU KNOW, ONE OF THE THINGS I FORGOT TO TELL YOU ABOUT COLORADO WHEN I DRIVE THE ROADS, WHEN THOSE CORPORATE PIG FARMS HAPPEN, THERE'S CHAIN-LINK FENCE. YOU FOLKS IN THE URBAN AREA ARE USED TO THAT IN YOUR INDUSTRIAL AREAS. BIG CHAIN-LINK FENCE THEM SAID, DO NOT ENTER. WE GOT WHAT YOU GOT IN YOUR INDUSTRIAL AREAS OUT IN SOME OF THE RURAL AREAS OF OUR STATES. THAT'S THE FIRST THING THAT HAPPENS. PHEASANT HUNT? NO. DON'T EVEN LOOK OUR WAY AS YOU DRIVE BY OUR FACILITY. THIS IS CORPORATE AMERICA. THAT WILL HAPPEN HERE, TOO. THERE WILL BE CHAIN-LINK FENCES AROUND FACILITIES...LARGE FACILITIES. IT WILL HAPPEN. WHY MESS WITH SOMETHING THAT WORKS IN NEBRASKA? NUMBER ONE IN UNEMPLOYMENT. NUMBER TWO...NUMBER ONE IN CATTLE, NUMBER SIX IN HOGS, WE ARE THE DEFINITION OF FAMILY AGRICULTURE, FAMILY FARMS. LET'S LEAVE IT ALONE. [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR GROENE: THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB176]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND WELCOME, AGAIN, FELLOW LEGISLATORS. THIS WILL BE THE LAST TIME THAT I WILL HAVE AN OPPORTUNITY TO SPEAK ON LB176. AND I DO THANK SENATOR GROENE FOR RECOGNIZING THAT I AM A RURAL SENATOR; COME FROM A VERY RURAL DISTRICT. AND MY FAMILY MOVED TO NEBRASKA IN THE LATE 1880s AND BEGAN ACQUIRING SOME REAL ESTATE IN BOTH DAWSON AND LINCOLN COUNTIES. I GREW UP WORKING ON THE FAMILY FARM. AND I JOKINGLY SAY, IT WAS EITHER ONE REALLY COLD FEBRUARY NIGHT WHEN THERE WAS A CALF TO BE PULLED OR A REAL HOT AUGUST AFTERNOON WHEN I WAS FIXING FENCE HORSEBACK THAT I DECIDED I WAS GOING TO GO A LITTLE BIT DIFFERENT DIRECTION. BUT I STILL LIVE ON THE FAMILY FARM AND HAVE DEEP ROOTS WITH THE BALANCE OF MY FAMILY. ONE OF THE THINGS THAT TENDS TO HAPPEN AROUND THIS BUILDING AND OTHERS IS WE THROW LABELS ON PEOPLE THOUGH. WHETHER THEY'RE RURAL SENATORS, URBAN SENATORS, WHETHER WE'RE MALE, FEMALE, REPUBLICAN, DEMOCRAT, AND THE LIKE. THE PROBLEM WITH LABELS IS IT TENDS TO PUT US IN CATEGORIES AND CATEGORIES EMPHASIZE OUR DIFFERENCES RATHER THAN EMBRACE OUR AREAS OF COMMONALTY. AND I

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BELIEVE WE, AS A GROUP, HAVE A GREAT DEAL MORE IN COMMON THAN WE HAVE AS DIFFERENCES. AND THE NUMBER ONE THING WE HAVE IN COMMON IS TRYING TO DO WHAT WE BELIEVE IS RIGHT FOR THE FUTURE OF NEBRASKA. AS I SAID EARLIER, IT IS OUR RESPONSIBILITY TO GROW THIS STATE. AND GROWING THIS STATE MEANS MAKING DIFFICULT DECISIONS AT TIMES ABOUT ISSUES. THIS IS ONE OF THEM. THIS CAN BE A VERY EMOTIONAL ISSUE IF YOU BUY INTO SOME OF THE MYTHS THAT ARE BEING PROMULGATED. AT THE SAME TIME, WHEN YOU TAKE THE MYTHS AND THE FEARS AWAY FROM THIS, IT'S SIMPLY A CASE OF INVESTING IN OUR FUTURE--CREATING JOBS, CREATING MORE OPPORTUNITIES FOR NEBRASKANS. AND THAT'S WHAT I BELIEVE WE SHOULD BE ABOUT AS A LEGISLATOR. WE HAVE THE OPPORTUNITY IN OUR COUNTRY TO CREATE AND CONTINUE A POLICY ON FOOD THAT AGRICULTURE IS BUILT ON. AND WE SHOULD BE PROUD OF THE FACT THAT WHEN YOU COMPARE THE UNITED STATES TO OTHER COUNTRIES, WE SPEND LESS OF OUR DISPOSABLE INCOME ON FOOD THAN ANY OTHER COUNTRY. IN FACT, IN THE UNITED STATES WE ONLY SPEND 6.8 PERCENT OF OUR INCOME ON FOOD, COMPARED TO MANY OTHER COUNTRIES THAT SPEND MUCH MORE. I THINK THAT'S SOMETHING WE CAN CONTINUE AND LB176 IS A STEP THAT DIRECTION. THEREFORE, I FULLY SUPPORT LB176. AND I WOULD YIELD THE BALANCE OF MY TIME TO SENATOR KRIST. [LB176]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE YIELDED 1:30. [LB176]

SENATOR KRIST: THAT'S ALL IT'LL TAKE. THANK YOU, MR. PRESIDENT; THANK YOU, MEMBERS, AND GOOD MORNING, NEBRASKA. WE'LL BE TAKING A CLOTURE VOTE HERE BY MY ESTIMATE IN PROBABLY 20 MINUTES. I DON'T WANT TO SPEAK TO THE ISSUE. I HAVE SPOKEN WITH MY VOTE. WHAT I DO WANT TO SPEAK TO, THIS MORNING ON THE MIKE, IS WHAT I WOULD REFER TO AS THE DEMONIZATION OF A POLITICAL PROCESS. WHEN YOU'RE ON THE MINORITY SIDE AND YOU LOSE, IT IS SO EASY--AS SENATOR WILLIAMS HAS JUST TALKED ABOUT--TO THROW MUD, TO TALK TO PEOPLE AS THOUGH THEY HAVE NO INTEGRITY, TO TALK TO PEOPLE AS THOUGH \$250 IS GOING TO BUY MY VOTE OR CHANGE MY MIND. OR HOW ABOUT \$1,000? WILL \$1,000 DO IT? EVERYBODY HAS THEIR PRICE, RIGHT? I'M LOOKING AROUND THIS ROOM AND I SEE 48 OTHER SENATORS THAT I WOULD TRUST WITH MY LIFE BECAUSE I HAVE TO. I TRUST YOU WITH MY VOTE. AND I TRUST YOU WITH LEADING THE STATE, AS SENATOR WILLIAMS SAID, IN THE RIGHT DIRECTION. DON'T DEMONIZE SOMEONE WHO IS ON A DIFFERENT SIDE. DON'T ALLOW THE PEOPLE BEHIND THIS GLASS TO DEMONIZE US. IGNORE THEM. I'VE BEEN CENSURED SO MANY TIMES BY THE REPUBLICAN PARTY, I STOPPED COUNTING. [LB176]

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SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR WILLIAMS AND SENATOR KRIST. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB176]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WANT TO MAKE A COUPLE OF POINTS HERE THAT I THINK ARE REALLY RELEVANT. AND I DON'T KNOW IF YOU HAVE LOOKED AT WHAT WE'RE DOING HERE IN TERMS OF THE REPEALER LANGUAGE THAT'S AT THE BOTTOM OF THE BILL, IT'S 54-2603. PART OF THAT TALKS ABOUT MANDATORY PRICE REPORTING, VERTICAL INTEGRATION, AND ALL THOSE THINGS THAT WE'VE BEEN TALKING ABOUT HERE ON THE FLOOR, AND IT TALKS ABOUT THAT REFERENCE TO LIVESTOCK. SO I AM CONCERNED ABOUT WHY THAT LANGUAGE WAS INCLUDED HERE. WHY ARE WE REPEALING THAT PARTICULAR PART OF OUR STATUTES, BECAUSE I DON'T SEE THAT THAT'S RELEVANT TO THE DISCUSSION OF HOG PRODUCTION IN THIS STATE. I THINK THERE IS ANOTHER PURPOSE BEHIND THAT. AND I THINK YOU OUGHT TO LOOK CLOSELY AT THAT, BECAUSE NEBRASKA NEEDS MANDATORY PRICE REPORTING. IT WAS AN IMPORTANT PIECE THEN. IT WAS AN IMPORTANT PIECE NOW. I WENT BACK AND DID A LITTLE DIGGING THROUGH SOME FILES I FOUND ONLINE. I JUST KIND OF WANTED TO TALK A LITTLE BIT ABOUT WHAT HAPPENED BACK IN IOWA WHEN SMITHFIELD CAME TO THEM AND SAID, WE'RE GOING TO SUE UNLESS YOU DO WHAT WE WANT. AND THE PEOPLE IN THE ATTORNEY GENERAL'S OFFICE IN IOWA DEBATED THAT BACK AND FORTH. FINALLY ENDED UP WORKING THROUGH A SETTLEMENT AGREEMENT WITH SMITHFIELD TO ACCOMMODATE SMITHFIELD'S DEMANDS. AND THAT ISSUE WAS AROUND SOMETIME IN 2006. ACCORDING TO PROFESSOR GORDON ALLEN, AN ATTORNEY REPRESENTED THE IOWA OFFICE OF THE ATTORNEY GENERAL, DURING THE SMITHFIELD LITIGATION, THE DECISION WAS BEST FOR BOTH PARTIES. AND THEN IT GOES ON AND TALKS ABOUT THAT. AND THIS IS FROM THE DRAKE LAW REVIEW. THESE ARE SOME OF THE THINGS THAT SMITHFIELD AGREED TO: THEY CONTRIBUTED \$100,000 PER YEAR FOR TEN YEARS TO IOWA STATE UNIVERSITY FOR AN ENVIRONMENTAL PROGRAM; A GRANT PROGRAM FOR IOWANS DEVELOPING MECHANISMS TO IMPROVE SWINE PRODUCTION--\$100,000 PER YEAR FOR TEN YEARS; SCHOLARSHIP PROGRAM FOR DESCENDANTS OF SMITHFIELD EMPLOYEES--\$60,000 FOR FOUR YEARS. THE IOWA ATTORNEY GENERAL ALSO REQUIRED SMITHFIELD TO: PROVIDE NOTICE OF INTENT TO CLOSE ANY PROCESSING PLANTS IN THE STATE; TO PURCHASE AT LEAST 25 PERCENT OF TOTAL PIGS SLAUGHTERED FROM THE OPEN MARKET FOR THE FOLLOWING TWO YEARS; AND TO WAIT FIVE YEARS BEFORE RAISING HOGS FOR SLAUGHTER IN COMPANY-OWNED FACILITIES. SO THAT'S WHAT SMITHFIELD AGREED TO IN IOWA. AND IN NEBRASKA, WE'RE NOT GETTING ANY OF THOSE THINGS. WE'RE JUST SAYING, COME ON IN, THE WATER IS FINE. WE'LL JUST

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TRASH ALL THE LAWS THAT WE HAVE ON THE BOOKS THAT PROTECT THE FAMILY FARMER, THE FAMILY RANCHER IN THIS STATE, BECAUSE WE REALLY THINK WE NEED YOU AND WE'RE WILLING TO SELL OUR SOUL FOR IT. COLLEAGUES, WE'RE NUMBER ONE IN BEEF CATTLE PRODUCTION IN THE UNITED STATES, IN THE FEEDING OF LIVESTOCK, OF CATTLE AND HAVE BEEN FOR THE LAST THREE OR FOUR YEARS. WE'VE OUTPACED TEXAS. WE'VE OUTPACED KANSAS. WE'VE OUTPACED OKLAHOMA. THOSE ARE STATES WHERE PACKERS OWN CATTLE. SO DON'T TELL ME THAT THIS BIG MOVE IS GOING TO OPEN THIS DOOR FOR A PLETHORA OF WEALTHY FARMERS AND RANCHES IN THIS STATE. WE WERE ABLE TO DO IT WITH CATTLE, WHY CAN'T WE DO IT WITH HOGS? IT'S MAINLY BECAUSE THE INDUSTRY IS CENTERED IN TWO BIG STATES, NORTH CAROLINA AND IOWA. IT HAS BEEN FOR A LONG TIME. IF YOU LOOK AT THE DATA, YOU'LL FIND THAT OUR GROWTH IS JUST AS GOOD AS IOWA'S. WE'RE JUST STARTING FROM A SMALLER BASE IN HOG PRODUCTION, BECAUSE OUR STATE HAS FOCUSED LARGELY UPON CATTLE AND CATTLE ARE A MUCH MORE LUCRATIVE PRODUCT THAN HOGS. SO I THINK THOSE ARE THINGS THAT ARE IMPORTANT TO TALK ABOUT. SENATOR SCHILZ TALKED ABOUT HIS FAMILY BUSINESS. AND I WOULD JUST REMIND SENATOR SCHILZ THAT THE NEBRASKA CATTLEMEN, THE PORK PRODUCERS, THE FARM BUREAU, NEBRASKA FARMERS UNION, EVERYONE OF THOSE ENTITIES WERE ON BOARD WITH THE... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

SENATOR DAVIS: ...THANK YOU, MR. PRESIDENT...WITH THE COMPETITIVE LIVESTOCK MARKETS ACT OF 1999. SENATOR GRASSLEY OF IOWA INTRODUCED A BILL IN 2007. AND THE LANGUAGE THAT HE USED IN HIS INTRODUCTORY LETTER SAID: MY SPONSORSHIP OF THE PACKER BAN, THIS CONGRESS IS BASED ON THE BELIEF THAT INDEPENDENT PRODUCERS SHOULD HAVE THE OPPORTUNITY TO RECEIVE A FAIR PRICE FOR THEIR LIVESTOCK. THE PAST CEO OF A MAJOR PACKER IN 1994 EXPLAINED THE REASON PACKERS OWN LIVESTOCK IS THAT WHEN THE PRICE IS HIGH, THE PACKERS USE THEIR OWN LIVESTOCK FOR THE LINES AND WHEN THE PRICE IS LOW THE PACKERS BUY LIVESTOCK. THIS MEANS INDEPENDENT PRODUCERS ARE MOST LIKELY BEING LIMITED FROM PARTICIPATING IN THE MOST PROFITABLE RANGE OF THE LIVE MARKET. AND THAT'S WHAT WE'RE GOING TO DO IN NEBRASKA, BY PASSING LB176. IT'S JUST REALLY BAD POLICY, COLLEAGUES. I URGE YOU TO VOTE NO ON CLOTURE AND DON'T VOTE FOR THE BILL. THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR DAVIS. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB176]

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SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. WE ARE GOING TO MOVE HERE TO CLOTURE SOON. WE WON'T HAVE TO...I WILL NOT DO A CALL OF THE HOUSE BECAUSE WE'RE UNDER FINAL READING, SO EVERYONE WILL HAVE TO CHECK IN. BUT THERE'S STILL A FEW MORE THINGS THAT I'D LIKE TO DISCUSS. SENATOR GROENE TALKED ABOUT THE BEET FARMERS OUT WEST. WELL, THOSE BEET FARMERS SIGNED A CONTRACT. THERE IS ONLY ONE SUGAR COMPANY THAT TAKES THEIR BEETS. THEY HAVE NO PLACE ELSE TO GO. AND WHEN THEY SIGNED THAT CONTRACT, THEY DON'T EVEN KNOW THE PRICE THAT THEY'RE GOING TO GET. ALL THAT DOES IS JUST GIVES THEM A SLOT. SO IN AGRICULTURE TODAY IN NEBRASKA WE HAVE CONTRACTING WITH BEETS. IN AGRICULTURE TODAY, AS SOMEBODY ELSE SAID, IS FOLKS LIKE MONSANTO AND THE SEED CORN GROWERS WHO DO CONTRACT FARMING WITH THEIR PRODUCERS. FOLKS, WE DO IT RIGHT NOW. LET'S TALK ABOUT FREE MARKETS. INDIVIDUAL BUSINESS PEOPLE SHOULD HAVE THE ABILITY TO SET UP THEIR BUSINESS ARRANGEMENTS AS THEY SEE FIT. THIS REGULATION PROHIBITS THAT FOR CERTAIN FOLKS. THE NUMBERS THAT I BRING TO YOU ARE USDA NUMBERS AND THEY'RE NEBRASKA DEPARTMENT OF AGRICULTURE NUMBERS. THEY'RE REAL, THEY'RE THERE. SENATOR DAVIS TALKED ABOUT...AND I...JUST...WOW. SENATOR DAVIS TALKED ABOUT HOW HE THINKS THERE'S SOMETHING IN THIS BILL THAT IS TRYING TO DO SOMETHING NEFARIOUS. WELL, FOLKS, ASK YOURSELVES, DO YOU THINK THAT I WOULD PUT SOMETHING IN A BILL THAT IS HIDDEN, THAT IS TRYING TO DO SOMETHING TO PULL THE WOOL OVER PEOPLE'S EYES? FOLKS, IF YOU DON'T KNOW ME BY NOW AFTER THESE EIGHT YEARS, I DON'T DO THAT. I DEAL WITH EVERYTHING HEADS UP, STRAIGHT ON. AND EVERY CHANCE I GET, I TRY TO USE THE FACTS. LET'S LISTEN TO THE TONE OF THE TWO DIFFERENT SIDES. THE PROPONENTS OF THE BILL TALKING ABOUT MOVING AGRICULTURE FORWARD. THE PROPONENTS OF THE BILL TALK ABOUT HOW THIS HELPS THE NEBRASKA ECONOMY, HOW IT HELPS YOUNGER PRODUCERS, HOW IT HELPS GIVE CERTAINTY TO THOSE OUT THERE, INCLUDING BANKS, INCLUDING FINANCIAL INSTITUTIONS. THE OPPONENTS, ON THE OTHER HAND, HAVE TALKED ABOUT FEAR, HAVE TALKED ABOUT POSSIBLE SITUATIONS THAT COULD COME UP IN THE FUTURE. WELL, FOLKS, THOSE MARKET REALITIES ARE OUT THERE NO MATTER WHAT WE DO. ANSWER ME THIS QUESTION: IF THE BIG PACKERS ARE SO BAD, THEN LET'S JUST GET RID OF THEM. IF THE ENVIRONMENTAL CONCERNS ARE SO BAD AND OUR LAWS AREN'T UP TO DATE ON THAT, THEN LET'S CHANGE THE ENVIRONMENTAL LAWS. IT'S A MARKETING BILL, FOLKS. DON'T LET THE CLUTTER GET IN THE WAY. THIS TAKES US BACK TO BEFORE 1998, IT REMOVES REGULATION... [LB176]

SPEAKER HADLEY: ONE MINUTE. [LB176]

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SENATOR SCHILZ: ...FOR PRODUCERS. IT ALLOWS FOLKS TO MAKE THE BUSINESS DECISIONS THAT THEY WANT TO. IT DOES NOT FORCE ANYONE TO DO THIS. ARE THERE MARKET RAMIFICATIONS WHEN YOU DON'T HAVE ENOUGH PACKING SPACE NEAR YOU? ABSOLUTELY, YOU PAY MORE IN FREIGHT, YOU PAY MORE IN FEED, EVERYTHING. THOSE MARKET REALITIES ARE GOING TO BE THERE. THOSE THOUSANDS OF EMPLOYEES IN THOSE PACKING PLANTS THAT MAKE, ON AVERAGE, OVER \$50,000 A YEAR; NOT PRETTY JOBS, BUT GOOD JOBS. SENATOR MORFELD, JUST THE OTHER DAY, WAS TALKING ABOUT HOW BIOSCIENCES JOBS ARE BRINGING SOMEWHERE AROUND \$58,000. AND THOSE ARE GOOD JOBS, TOO. BUT WE'VE ALREADY GOT THOUSANDS OF THESE JOBS IN PLACE RIGHT NOW. LET'S MAKE SURE THOSE FOLKS... [LB176]

SPEAKER HADLEY: TIME, SENATOR. [LB176]

SENATOR SCHILZ: THANK YOU. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR SCHILZ. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB176]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB176 AND I ENCOURAGE EVERYONE ELSE TO DO SO, ALSO. I THINK THIS IS A GOOD BILL. I THINK THIS WILL GIVE SOME PEOPLE AN OPPORTUNITY TO GET INTO THE HOG PRODUCTION BUSINESS THAT DO NOT HAVE THAT OPPORTUNITY NOW. AND I KNOW SOME OF THE OLDER PRODUCERS OUT THERE WILL BE OPPOSED TO IT. I REALIZE THAT. BUT I THINK THE OPPORTUNITY FOR SOME OF THE YOUNG PRODUCERS COMING UP, THIS WILL BE AN OPPORTUNITY FOR THEM. AND AGAIN, AS IT'S BEEN STATED MANY TIMES, IT'S JUST AN OPPORTUNITY. SO I ENCOURAGE EVERYONE TO SUPPORT LB176 AND I'LL YIELD THE REST OF MY TIME TO SENATOR SCHILZ. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR FRIESEN. SENATOR SCHILZ, YOU'RE YIELDED 4:00. [LB176]

SENATOR SCHILZ: VERY GOOD. THANK YOU. I HOPE NOT TO TAKE IT ALL UP. THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. WE'RE TO THE END. IT'S BEEN A HARD ROAD. IT'S BEEN A LONG ROAD. IT'S BEEN TWO YEARS IN THE MAKING. SO AS WE GET TO THE CLOTURE MOTION, WHICH IS COMING UP NEXT, WE WANT TO MAKE SURE EVERYBODY UNDERSTANDS WE WILL VOTE GREEN FOR CLOTURE, WHICH IS THE FIRST VOTE. WE WILL VOTE RED TO RETURN LB176

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TO SELECT FILE FOR THE SPECIFIC AMENDMENT. AND THEN ONCE WE VOTE RED ON THAT, THEN IT'S GREEN FOR THE BILL. PLEASE, FOLKS, DON'T LET EMOTION TAKE OVER WHAT FOLKS...WHAT IS REALLY TRUE AND HAPPENING. DON'T LET THE OPPONENTS, MOSTLY OUTSIDE THE GLASS, TRY TO SCARE YOU INTO WHAT'S GOING ON. UNDERSTAND THAT THIS WILL BE GOOD FOR NEBRASKA, BECAUSE THERE'S MORE SECTORS IN NEBRASKA THAN JUST PACKERS, PRODUCERS, CORN FARMERS, SOYBEAN FARMERS. WE'RE ALL IN THIS TOGETHER. WE NEED EACH OTHER TO MOVE FORWARD, SO WE NEED THIS INDUSTRY HEALTHY FROM THE BEGINNING TO THE END. AND IF WE CAN DO THAT, WE CAN MOVE FORWARD IN THIS STATE, REDUCE OUR PROPERTY TAXES, TAKE AWAY SOME OF THE REGULATIONS THAT HAVE BEEN PUT IN PLACE THAT HOLD BACK OUR BUSINESS PEOPLE IN THE STATE OF NEBRASKA. I APPRECIATE EVERYONE'S TIME. I APPRECIATE EVERYONE LISTENING TO THE ISSUES. AND PLEASE, VOTE GREEN FOR CLOTURE; VOTE NO TO RETURN TO SELECT FILE; AND THEN VOTE YES ON LB176. THANK YOU, MR. PRESIDENT. [LB176]

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

ASSISTANT CLERK: MR. PRESIDENT, SENATOR SCHILZ WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10, ON LB176. [LB176]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE ACCORDED TO LB176. WE ARE ON FINAL READING, SO I WOULD ASK THE SENATORS TO PLEASE CHECK IN BY PRESSING THEIR GREEN LIGHT, PLEASE. SENATOR CRAIGHEAD, WOULD YOU PLEASE CHECK IN. SENATOR MORFELD, SENATOR KUEHN, SENATOR COASH, SENATOR CHAMBERS, SENATOR HILKEMANN. SENATOR SCHILZ. [LB176]

SENATOR SCHILZ: I WOULD LIKE A ROLL CALL VOTE IN REGULAR ORDER, PLEASE. [LB176]

SPEAKER HADLEY: THANK YOU, SENATOR SCHILZ. MR. CLERK, THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. [LB176]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 511-512.) THE VOTE IS 34 AYES, 14 NAYS ON THE INVOKING OF CLOTURE, MR. PRESIDENT. [LB176]

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SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE IS ADOPTED. MEMBERS, THE NEXT VOTE IS ON THE ADOPTION OF AM1886 TO LB176. IT'S THE MOTION TO RETURN. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB176]

ASSISTANT CLERK: 13 AYES, 32 NAYS ON THE MOTION TO RETURN THE BILL, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: THE MOTION FAILS. MR. CLERK, THE FIRST VOTE IS TO...MR. CLERK, WOULD YOU READ THE TITLE OF THE BILL? [LB176]

ASSISTANT CLERK: (READ LB176 ON FINAL READING.) [LB176]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB176 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB176]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 512-513) 34 AYES, 14 NAYS, 1 EXCUSED AND NOT VOTING ON THE FINAL PASSAGE OF THE BILL, MR. PRESIDENT. [LB176]

SPEAKER HADLEY: LB176 PASSES. WE WILL NOW PROCEED TO LB190 (SIC). THE FIRST MOTION IS TO DISPENSE WITH THE AT-LARGE READING. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB176 LB47]

ASSISTANT CLERK: 44 AYES, 1 NAY ON DISPENSING OF THE AT-LARGE READING, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB47]

ASSISTANT CLERK: (READ TITLE OF LB47.) [LB47]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB190 (SIC) PASS? ALL THOSE IN FAVOR VOTE AYE. LB47, I'M SORRY. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB47]

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ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 513-514.)
THE VOTE IS 48 AYES, 0 NAYS, 1 EXCUSED AND NOT VOTING. [LB47]

SPEAKER HADLEY: LB47 PASSES. WE WILL NOW PROCEED TO LB190. [LB47 LB190]

ASSISTANT CLERK: (READ LB190 ON FINAL READING.) [LB190]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING
BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB190 PASS? ALL THOSE IN
FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD,
MR. CLERK. [LB190]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 514-515.)
43 AYES, 2 NAYS, 3 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR.
PRESIDENT. [LB190]

SPEAKER HADLEY: LB190 PASSES. WE WILL NOW PROCEED TO LB285. [LB190
LB285]

ASSISTANT CLERK: (READ LB285 ON FINAL READING.) [LB285]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING
BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB285 PASS? ALL THOSE IN
FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB285]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 515.) THE
VOTE IS 41 AYES, 3 NAYS, 4 PRESENT NOT VOTING, 1 EXCUSED NOT VOTING, MR.
PRESIDENT. [LB285]

SPEAKER HADLEY: LB285 PASSES. WE WILL NOW PROCEED...WHILE THE
LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I
PROPOSE TO SIGN AND DO HEREBY SIGN LB176, LB47, LB190, AND LB285. MR.
CLERK, WE WILL PROCEED TO THE GENERAL FILE. [LB285 LB176 LB47 LB190]

SENATOR SCHEER PRESIDING

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ASSISTANT CLERK: MR. PRESIDENT, FIRST, AN ANNOUNCEMENT THAT TRANSPORTATION AND TELECOMMUNICATIONS WILL MEET IN EXECUTIVE SESSION IN ROOM 2022 NOW.

WITH RESPECT TO LB188, THE BILL WAS UNDER CONSIDERATION YESTERDAY. AT THAT TIME, FA85 WAS OFFERED BY SENATOR CHAMBERS; THAT AMENDMENT FAILED. CURRENTLY UNDER CONSIDERATION IS A MOTION TO RECONSIDER THE VOTE ON THE CHAMBERS AMENDMENT. [LB188]

SENATOR SCHEER: THANK YOU, MR. CLERK. SENATOR WATERMEIER, COULD YOU MAKE A BRIEF REINTRODUCTION TO YOUR BILL, PLEASE? [LB188]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, MEMBERS OF THE LEGISLATURE. YESTERDAY WE DISCUSSED LB188 FOR ABOUT AN HOUR AND A HALF. WHEN I OPENED I WENT INTO A LENGTHY OPENING, EXPLAINING THE NEED FOR THE BILL WHICH I WON'T REPEAT TODAY. TO SUMMARIZE, THOUGH, LB188 CLARIFIES THE MEANING OF INNOCENT THIRD PARTY FOR PURPOSES OF DETERMINING LIABILITY OF LAW ENFORCEMENT AGENCIES DURING A POLICE PURSUIT. THIS BILL DOES NOT CHANGE THE LAW RELATING TO BYSTANDERS, PERSONS IN OTHER VEHICLES, AND ETCETERA. IT ONLY AFFECTS PASSENGERS IN THE FLEEING VEHICLE AND ONLY UNDER CERTAIN CIRCUMSTANCES. THE CERTAIN CIRCUMSTANCES SPELLED OUT IN LB188 ARE BASED ON CASE LAW. BECAUSE THE LEGISLATURE HAS NOT DEFINED WHO IT INTENDS TO BE CONSIDERED AS INNOCENT THIRD PARTY FOR PURPOSES OF THE STRICT LIABILITY PURSUIT LAW, THE COURTS--THE COURTS--HAVE JUDICIOUSLY CONSTRUCTED A DEFINITION. HOWEVER, THE SUPREME COURT WENT SO FAR AS TO ISSUE A SEPARATE OPINION IN A CASE STATING THAT THEY DOUBT THAT THIS IS WHAT THE LEGISLATURE INTENDED, AND SUGGESTED THAT THE LEGISLATURE COULD NARROW THE COURT'S INTERPRETATION. LB188 IS A COMMONSENSE BILL THAT WILL ONLY AFFECT A SMALL NUMBER OF CASES. BUT THESE CASES HAVE THE POTENTIAL TO BE VERY EXPENSIVE FOR CITIES, COUNTIES, AND THE STATE. ALL INJURED PERSONS WILL STILL BE ABLE TO SUE THE GOVERNMENTAL ENTITY RESPONSIBLE FOR THE CHASE. THE INTENT BEHIND LB188 IS TO PREVENT ONLY THOSE PERSONS WHO ARE PASSENGERS--LET ME REPEAT THIS--PASSENGERS IN THE FLEEING VEHICLE AND ARE TRULY INNOCENT FROM COLLECTING. THIS BILL WILL GIVE THE COURT STANDARDS TO CONSIDER IN DETERMINING WHETHER A PASSENGER IN A FLEEING VEHICLE IS REALLY AN INNOCENT THIRD PARTY AND ELIGIBLE FOR AN AUTOMATIC RECOVERY. IF LB188 WOULD PASS, IT DOES NOT MEAN THAT THE

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INJURED PASSENGER IN A FLEEING VEHICLE LOSES. IT JUST MEANS THAT THEY DON'T AUTOMATICALLY WIN. THANK YOU, MR. PRESIDENT. [LB188]

SENATOR SCHEER: THANK YOU, SENATOR WATERMEIER. THERE WERE COMMITTEE AMENDMENTS. SENATOR COASH YOU'RE RECOGNIZED FOR THEM. (AM374, LEGISLATIVE JOURNAL PAGE 746, FIRST SESSION, 2015.) [LB188]

SENATOR COASH: THANK YOU, MR. PRESIDENT AND COLLEAGUES. AS A REMINDER, AM374 IS THE JUDICIARY COMMITTEE AMENDMENT WHICH WAS ADOPTED AND MAKES THREE CHANGES TO THE EXCLUSION FROM THE DEFINITION OF INNOCENT THIRD PARTY. THE FIRST CHANGE ADDS A PASSENGER THAT ENTERS ONTO A VEHICLE WITH A REASONABLE BELIEF THAT THE DRIVER IS UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR DRUGS. THIS IS TO COVER MOTORCYCLE PASSENGERS AS WELL AS VEHICLE PASSENGERS. THE SECOND CHANGE REMOVES AN AMBIGUOUS TERM SUBJECT TO ARREST. AND THE THIRD CHANGE IS, LIMIT THE EXCLUSION OF THE PASSENGER ENGAGING IN ILLEGAL ACTIVITY TO FELONIES BUT EXPANDS IT TO INCLUDE CONDUCT THAT WAS ENGAGED IN PRIOR TO ENTRY INTO OR ONTO THE VEHICLE. THAT IS THE SUMMARY OF THE JUDICIARY COMMITTEE AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB188]

SENATOR SCHEER: THANK YOU, SENATOR COASH. SENATOR CHAMBERS, YOU HAD INTRODUCED FA85. [LB188]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THE MOTION BEFORE US IS TO RECONSIDER AN AMENDMENT I HAD OFFERED AND FAILED. BUT SO THAT PEOPLE WILL BE AWARE OF IT, TO STATE IT AS SUCCINCTLY AS I CAN, THIS BILL IS UNDERGOING A COMMITTEE AMENDMENT AND IT MENTIONS CERTAIN ACTIVITIES THAT WOULD DISQUALIFY A PASSENGER FROM RECOVERING IF THERE WERE AN ACCIDENT AND THAT PASSENGER WERE TO BE HURT. MY AMENDMENT SIMPLY SAYS THAT THE OFFICER WOULD HAVE TO HAVE KNOWLEDGE OF THIS DISQUALIFYING ELEMENT AT THE TIME THE CHASE COMMENCES. I HAVE ANOTHER VERSION OF THIS AMENDMENT WHICH I INTEND TO OFFER, BUT YESTERDAY EVERYTHING WAS SO HECTIC. NOT ONLY SHOULD THE OFFICER HAVE KNOWLEDGE OF IT, BUT THAT PARTICULAR ELEMENT SHOULD BE A BASIS FOR THE CHASE IN ORDER TO DISQUALIFY THE PASSENGER FROM BEING AN INNOCENT THIRD PARTY. SO THIS THAT WE'RE ON IS A RECONSIDERATION OF THAT AMENDMENT I JUST DISCUSSED, WHICH HAD BEEN REJECTED. THANK YOU, MR. PRESIDENT. [LB188]

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SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. YOU'VE HEARD THE REINTRODUCTION OF LB188, THE COMMITTEE AMENDMENT AM374, AND A BRIEF DESCRIPTION OF FA85. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB188]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I CAN UNDERSTAND SENATOR WATERMEIER'S ATTEMPT TO MAKE IT SEEM LIKE THIS IS INCONSEQUENTIAL. I'D LIKE TO ASK HIM A QUESTION BASED ON SOMETHING HE SAID. [LB188]

SENATOR SCHEER: SENATOR WATERMEIER, WILL YOU PLEASE YIELD? [LB188]

SENATOR WATERMEIER: YES, I WOULD. [LB188]

SENATOR CHAMBERS: SENATOR WATERMEIER, BY THIS BEING THE BILL THAT YOU OFFERED, YOU STATED THAT IT IS BASED ON CASE LAW, WHICH YOU'RE OFFERING. IS THAT TRUE? [LB188]

SENATOR WATERMEIER: SEVERAL CASES. [LB188]

SENATOR CHAMBERS: NOW, WHAT CASE DO YOU KNOW OF WHERE THE COURT REQUIRED THESE ITEMS ON PAGE 3 AND AGAIN ON PAGE 5 WHERE IT SAYS, ENTERS INTO THE VEHICLE WITHOUT COERCION, KNOWING OR WITH A REASONABLE BELIEF THAT THE DRIVER OF THE VEHICLE IS UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR DRUGS? YOU DIDN'T FIND THAT IN A CASE, DID YOU? [LB188]

SENATOR WATERMEIER: THAT FIRST LANGUAGE...AND I APOLOGIZE, I LEFT MY LANGUAGE IN THE OFFICE HERE. [LB188]

SENATOR CHAMBERS: TAKE YOUR TIME, BECAUSE WE'RE GOING TO BE HERE FOR SOME TIME. [LB188]

SENATOR WATERMEIER: YEAH, WE'RE HAVING FUN. THE FIRST PART UNDER (a) IS NEW, YOU'RE CORRECT. THE OTHER ONES ARE CASE LAW, HENERY, HENERY, AND HENERY. [LB188]

SENATOR CHAMBERS: LET'S GO SLOWLY. [LB188]

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SENATOR WATERMEIER: LET'S DO. [LB188]

SENATOR CHAMBERS: LET'S TAKE (a). ENTERS INTO THE VEHICLE WITHOUT COERCION, KNOWING OR WITH A REASONABLE BELIEF THAT THE DRIVER OF THE VEHICLE IS UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR DRUGS. THAT DOESN'T COME FROM ANY CASE, DOES IT? [LB188]

SENATOR WATERMEIER: IT DOES NOT, IT'S NEW. [LB188]

SENATOR CHAMBERS: OKAY. AND (b), FAILS TO TAKE REASONABLE STEPS TO PERSUADE THE DRIVER OF THE FLEEING VEHICLE TO STOP THE VEHICLE. IS THAT FROM A SPECIFIC CASE? [LB188]

SENATOR WATERMEIER: I HAVE IT REFERENCED JUST TO THE HENERY CASE. [LB188]

SENATOR CHAMBERS: BUT THAT IS NOT...WHAT CAME FROM THE HENERY CASE WAS THIS LAST ONE: PROMOTES, PROVOKES, OR PERSUADES THE DRIVER TO ENGAGE IN FLIGHT FROM LAW ENFORCEMENT PERSONNEL. AND THEN THEY SAID, OR WAS NOT WANTED, OR SOMETHING ALONG THAT LINE. [LB188]

SENATOR WATERMEIER: MY...THAT IS...MY NOTES DIRECTLY GO TO THE HENERY CASE AND THE (b) POINT, BUT IT'S MORE OF AN INDIRECT POINT, BUT IT CAME FROM THAT CASE, AS FAR AS OUR DISCUSSION. [LB188]

SENATOR CHAMBERS: BUT IT WAS NOT A BASIS FOR THE DECISION COMING DOWN THE WAY IT DID. WELL, ANYWAY, I'LL GO ON. MEMBERS OF THE LEGISLATURE, SENATOR WATERMEIER IS NOT A LAWYER. BUT WHEN YOU BRING A BILL SUCH AS THIS AND YOU'RE GOING TO MAKE A REPRESENTATION THAT IT'S BASED ON CASE LAW, YOU SHOULD HAVE THE CASE AND YOU SHOULD BE ABLE TO CALL OUR ATTENTION TO IT. I DON'T MEAN ANYBODY WOULD BE EXPECTED TO REMEMBER VERBATIM EVERYTHING IN AN OPINION THAT'S WRITTEN BY THE COURT. AND A PERSON COULD PARAPHRASE THE LANGUAGE THAT LED TO THE DECISION ULTIMATELY. BUT THIS STUFF ABOUT TRYING TO PERSUADE THE DRIVER OF THE FLEEING VEHICLE TO STOP THE VEHICLE, THAT IS NOT SOMETHING RELIED ON BY THE COURT IN REACHING AN OPINION, A DECISION. AND I'D LIKE TO ASK SENATOR WATERMEIER SOME QUESTIONS BASED ON THAT LANGUAGE, EVEN THOUGH IT'S NOT WHAT THE COURT RELIED ON.

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SENATOR WATERMEIER, YOU SAID, TAKE REASONABLE STEPS TO PERSUADE. WHAT DID THE COURT SAY--YOU SAID IT'S FROM A COURT CASE--WHAT DID THE COURT SAY THESE REASONABLE STEPS WERE? [LB188]

SENATOR WATERMEIER: THIS MORNING WE WERE IN THE PROCESS OF PUTTING TOGETHER A HANDOUT THAT'S GOING TO DESCRIBE EVERY SINGLE ISSUE THAT ARE ON THERE DIRECTLY TO THE COURT CASE, SO I CAN COME UP WITH IT BETTER BY MONDAY. [LB188]

SENATOR CHAMBERS: I WANT TO TALK TO YOU, YOU BROUGHT THIS BILL. YOU DON'T KNOW RIGHT NOW, DO YOU? [LB188]

SENATOR WATERMEIER: I HAD IT ON MY DESK, BUT I WAS MORE CONCERNED ABOUT A PACKER BAN THIS MORNING. [LB188]

SENATOR CHAMBERS: WELL, WHY DON'T YOU GET THE COPY THAT YOU HAVE THERE SO YOU AND I CAN DISCUSS IT? [LB188]

SENATOR WATERMEIER: I HAVE IT, BUT THIS IS JUST ROUGH NOTES THAT I'VE TAKEN HERE. [LB188]

SENATOR CHAMBERS: WELL, TELL ME WHAT COURT SAID, TO TAKE THESE REASONABLE STEPS TO PERSUADE THE DRIVER TO STOP THE VEHICLE. [LB188]

SENATOR SCHEER: ONE MINUTE. [LB188]

SENATOR WATERMEIER: AS I SAID, I HAVE IT REFERENCED TO HENERY, BUT NOT AS DIRECTLY. IT'S MORE OF AS AN INDIRECT FROM THE HENERY CASE. [LB188]

SENATOR CHAMBERS: MEMBERS OF THE LEGISLATURE, WHAT WE'RE GOING TO SPEND TIME DOING IS PROVING WHAT I SAID. SENATOR WATERMEIER DOES NOT KNOW WHAT HE'S TALKING ABOUT WHEN HE ALLEGES THESE THINGS. IT'S HIS BILL. HE BROUGHT IT. HE OUGHT TO KNOW NOT ONLY WHAT IT SAYS BUT WHERE IT COMES FROM WHEN HE'S REPRESENTING TO THE BODY THAT IT'S FROM A COURT DECISION. NOW, COURTS SAY A LOT OF THINGS IN THE COURSE OF AN OPINION, BUT NOT EVERYTHING THAT THE COURT SAYS HAS ANY BEARING ON THE ULTIMATE DECISION. THE ONE PROVISION THAT IS DIRECTLY FROM A COURT CASE IS PROVISION (c), LINES 29 THROUGH 30, ON PAGE 3 AND

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THEN IT'S REPEATED ON PAGE 5. BUT SINCE MY TIME IS UP, I WILL STOP NOW AND PUT MY LIGHT ON. THANK YOU, MR. PRESIDENT. [LB188]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. BUT YOU ARE NEXT IN THE QUEUE AND YOU'RE RECOGNIZED. [LB188]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, AFTER THE DISCUSSION THAT WAS HAD THIS MORNING ON THAT HOG BILL, I CAN UNDERSTAND WHY EVERYTHING IS ANTICLIMACTIC NOW FOR THE OTHER SENATORS. BUT THIS STILL IS A VERY IMPORTANT ISSUE FOR ME, AND WE'RE NOT GOING TO RESOLVE IT TODAY. WE'RE JUST GOING TO RUN OUT THE CLOCK UNTIL WE ADJOURN FOR TODAY. THEN WE'LL COME BACK MONDAY AND BY THEN MAYBE SENATOR WATERMEIER WILL HAVE HAD TIME TO BE COACHED BY MR. VALENTINO OR WHOEVER HAS BEEN PAID TO INFLUENCE THE LEGISLATURE. THIS THAT HE'S PUTTING IN THE BILL DOESN'T EVEN HAVE TO BE IN THE BILL IF IT'S FROM A COURT DECISION, BECAUSE THE COURT WOULD HAVE INTERPRETED THE LAW AND IT'S NOT NECESSARY TO PUT IT INTO THIS STATUTE. THE COURT DID NOT SAY THIS AND A LOT OF IT DOES NOT MAKE SENSE. AND THIS IDEA OF MENTIONING A FELONY--AS SENATOR SCHUMACHER POINTED OUT YESTERDAY--WITH NO DATE, NO MENTION OF THE TYPE OF FELONY, AND THE FACT THAT EVEN IF THE OFFICER HAD KNOWLEDGE OF IT, THAT WAS NOT WHY THE CHASE WAS UNDERTAKEN. THE REASON THAT'S IMPORTANT: EVEN IF THERE IS A WARRANT FOR A PERSON, THE COP WOULD HAVE TO KNOW THAT THAT PERSON IS IN THE CAR INSTEAD OF CHASING IT FOR SOME BOGUS REASON, THEN SAYING AFTER THE FACT I RAN A CHECK AND THIS PERSON IN THE CAR HAD A WARRANT. THERE SHOULD BE A BASIS FOR STARTING THE CHASE. IT SHOULD NOT BE PRETEXTUAL, IT SHOULD NOT BE IN THE NATURE OF A FISHING EXPEDITION NOR A DRAGNET. THIS LANGUAGE IS UNNECESSARY FOR THIS BILL. IT IS UNNECESSARY TO PUT IT HERE. I CAN UNDERSTAND MR. VALENTINO TRYING TO MAKE MONEY, BUT I HAVEN'T HEARD ANY OF THOSE PEOPLE WHO TALK ABOUT LAWYERS WHO ARE OF SUSPECT MOTIVATION--TALKING ABOUT THE LAWYER WHO GAVE SENATOR WATERMEIER A BILL THAT HE DOESN'T EVEN UNDERSTAND--TO PUT STUFF INTO THE LAW THAT DOESN'T NEED TO BE HERE. BUT NOT ONLY THIS BILL, WHEN OTHERS OF ITS ILK COMES BEFORE US, I AM GOING TO FIGHT IT. FORTUNATELY, FOR PEOPLE WHO ARE IN MY POSITION OF TRYING TO BRING SENSE TO A BODY DETERMINED TO ENGAGE IN NONSENSE, THERE ARE PEOPLE WHO WATCH WHAT WE DO. THERE ARE PEOPLE WHO CAN SEE THAT SENATOR WATERMEIER DOESN'T KNOW WHAT HE'S TALKING ABOUT. EVEN THOSE WHO HAVEN'T READ THE CASES, WHO ARE NOT TRAINED IN THE LAW, CAN SEE THAT WHAT IS BEING ATTEMPTED HERE IS TO DEPRIVE

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INDIVIDUALS WHO ARE HARMED, THROUGH NO FAULT OF THEIR OWN, AS A RESULT OF THE VERY DANGEROUS POLICE ACTIVITY SHOULD BE LEFT WITH VARIOUS TYPES OF FINANCIAL AND, IN SOME CASES, PROPERTY DAMAGE EXPENSES. WHEN THAT CHASE IS APPROVED BY...AND BY THE WAY, THE MEDIA DON'T PICK THIS UP, EITHER. THE RATIONALE IS THAT WHEN THIS TYPE OF ACTIVITY BY THE POLICE IS APPROVED OF BY SOCIETY, CONSIDERED A LEGITIMATE LAW ENFORCEMENT ACTIVITY, THEN WHEN A PERSON WHO IS INNOCENTLY HARMED FACES EXPENSES OF ANY KIND, SOCIETY AS A WHOLE SHOULD MAKE THAT PERSON WHOLE. THE MEDIA NEVER PRESENT THAT RATIONALE. THEY WILL TALK ABOUT WHAT SENATOR WATERMEIER AND SENATOR GROENE TALK ABOUT IN TERMS OF PEOPLE NOT WANTING TO BE ON THE HOOK FOR SOMEBODY WHO WAS BAD AND WAS INJURED, RECOVERING, BECAUSE OF THAT INJURY. THIS TERM, INNOCENT, DOES NOT HAVE TO DO WITH... [LB188]

SENATOR SCHEER: ONE MINUTE. [LB188]

SENATOR CHAMBERS: ...WITH SIN FREE OR ANY OF THOSE RELIGIOUS NOTIONS THAT YOU ALL CARRY AROUND BUT YOU DON'T APPLY TO YOURSELVES. IT HAS TO DO WITH SOME ACTIVITY THAT SPECIFICALLY RELATES TO THE CHASE THAT IS UNDERWAY. SENATOR SCHUMACHER GOT INTO THE DISCUSSION YESTERDAY. SENATOR PANSING BROOKS GOT INTO THE DISCUSSION YESTERDAY. I DON'T KNOW THAT ANYBODY OTHER THAN MYSELF WILL BE IN IT TODAY, BECAUSE THE TIME IS SO SHORT. I CAN RUN US TO 12:00 VERY EASILY. AND WE'RE GOING TO START NEXT WEEK. AND I CAN BE GENTLE WITH SENATOR WATERMEIER. I THINK I MADE MY CASE, IF WE READ THE TRANSCRIPT, THAT HE DOESN'T UNDERSTAND THIS BILL AND HE DOESN'T KNOW WHAT HE TALKS ABOUT. AND WHEN YOU ASK HIM A QUESTION HE WANTS TO DISMISS THAT QUESTION WHICH BEARS DIRECTLY ON WHAT WE'RE TALKING ABOUT AND SAY--LET'S FOCUS ON THE BILL. THAT'S WHAT WE'RE TRYING TO GET HIM TO DO... [LB188]

SENATOR SCHEER: TIME SENATOR. [LB188]

SENATOR CHAMBERS: YOU SAID TIME? [LB188]

SENATOR SCHEER: YES, SENATOR. [LB188]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB188]

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SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SENATOR HARR YOU'RE RECOGNIZED. [LB188]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. THANK YOU, SENATOR CHAMBERS, FOR BRINGING UP SOME VERY VALID ISSUES ON THIS BILL. I THINK I'M GOING TO HELP RUN THE CLOCK A LITTLE BIT FOR YOU. I AM GOING TO GET INVOLVED. MAYBE I SHOULDN'T, BUT I'M GOING TO. WE HAVE A SITUATION. THE REASON THIS BILL WAS PASSED IS A GOOD REASON. UNFORTUNATELY, AS IS OFTEN THE CASE WHEN WE DO PASS A BILL WE SOMETIMES HAVE CONSEQUENCES THAT WE DON'T FORESEE AND WE HAVE INDIVIDUALS WHO MAY OR MAY NOT BE SO INNOCENT WHO RECEIVE AWARDS. AND SO THIS BILL IS REALLY ABOUT LOOKING AT HOW DO WE DETERMINE WHO IS INNOCENT AND WHO ISN'T. SENATOR CHAMBERS' AMENDMENT, WHILE...FLOOR AMENDMENT...IT'S A GOOD QUESTION IS, IF THE POLICE DON'T KNOW SOMEONE HAS A WARRANT AND MAYBE THAT'S THE REASON FOR THE SEARCH OR FOR THE HIGH-SPEED CHASE, MAYBE IT ISN'T. SO WHAT DO WE DO? DO WE AUTOMATICALLY SAY YOU ARE OR YOU AREN'T? OR DO WE SAY, HEY, THERE'S A BURDEN, AND THEN ASK OURSELVES WHO CARRIES THAT BURDEN AND WHY? AND I THINK THAT'S MAYBE WHAT WE NEED TO BE FOCUSING ON, IS. INSTEAD OF SAYING YOU'RE AUTOMATICALLY IN OR YOU'RE AUTOMATICALLY OUT, LET'S LOOK AND SAY, OKAY, STRICT LIABILITY. POLICE, WE THINK HIGH-SPEED CHASES ARE DANGEROUS AND PROBABLY AREN'T WORTH IT MOST OF THE TIME. THERE ARE TIMES WHEN IT IS VALID AND IT IS NECESSARY. BUT THERE ARE OTHER TIMES WHERE MAYBE WE HAVE AN INDIVIDUAL WHO ISN'T THAT DANGEROUS AND MAYBE IT'S IN OUR SOCIETY'S BEST INTERESTS TO STOP. SO MAYBE WE NEED MORE TRAINING SO OFFICERS KNOW WHEN TO CONTROL THE ADRENALINE AND TO PULL BACK. AND IT IS TRAINING. AND LOOK, IF I WAS IN THAT SITUATION, I KNOW WHAT I WOULD DO, I WOULD FOLLOW MY ADRENALINE. BUT, HOPEFULLY, COOLER MINDS PREVAIL. BUT IN THAT SITUATION WHERE A CHASE CONTINUES AND THERE IS PROPERTY DAMAGE, WHAT IS THE RESPONSIBILITY OF THE STATE AND WHAT IS THE BURDEN OF THE STATE AND THE INDIVIDUAL HARMED? THAT'S THE QUESTION. THAT'S WHAT WE'RE TRYING TO GET AT RIGHT HERE. I CAN GIVE YOU A PERSONAL EXPERIENCE OF MY OWN. I WAS ONCE IN A VEHICLE, SITTING IN THE BACKSEAT. A FRIEND OF MINE WAS DRIVING. WE ROWED TOGETHER, AS IN CREW. I SPENT MORE TIME WITH HIM THAN I PROBABLY...AND MY OTHER CREW MEMBERS THAN I DID ANYONE ELSE. I HAD NO IDEA HE HAD A SUSPENDED LICENSE. WE WERE RIDING TO AN EVENT AND HE WAS SPEEDING AND THE POLICE STARTED TO CHASE HIM AND TO PULL HIM OVER. A SIMPLE PULL OVER; THEY HAD NO IDEA. WELL, HE TOOK OFF AND I WAS SCARED TO DEATH IN THE BACKSEAT. BUT

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I WAS IN THE BACKSEAT. I MAYBE HAD A MISDEMEANOR WARRANT OUT, PROBABLY DIDN'T. I DIDN'T. BUT LET'S SAY, HYPOTHETICALLY, I DID. I HAD AN M-I-P, NOTHING RELATED AT ALL, AND THERE'S A HIGH-SPEED CHASE AND I'M INJURED. AM I DISQUALIFIED? SHOULD I BE DISQUALIFIED? THAT'S WHAT WE NEED TO ASK, IF THAT UNDERLYING ISSUE IS RELATED TO THE CHASE. AND SO I THINK THERE NEEDS TO BE, IF I AM A PASSENGER, MAYBE, A BURDEN TO SHOW THAT, IN FACT, THIS WASN'T. BUT THE BURDEN NEEDS TO BE ON THAT PASSENGER. [LB188]

SENATOR SCHEER: ONE MINUTE. [LB188]

SENATOR HARR: THANK YOU, MR. PRESIDENT. AND SO I'M GOING TO TRY TO WORK WITH THE TWO SIDES TO SAY, HEY, IS THIS RELATED? WHO HAS THE BURDEN AND WHY AND HOW MUCH? BUT THIS, YOU'RE AUTOMATICALLY IN OR YOU'RE AUTOMATICALLY OUT, HAS CREATED PERVERSE RESULTS AND THE COURTS HAVE STATED AS MUCH. AND SO I WILL TRY TO FIND A WAY TO SAY, WE DON'T WANT PERVERSE RESULTS, BUT WE DO WANT THE RIGHT RESULT. AND THAT'S ABOUT WHO HAS THE BURDEN AND HOW HIGH THAT BURDEN IS. SO I LOOK FORWARD TO WORKING WITH BOTH SIDES ON THIS TO TRY TO FIND A SOLUTION THAT ADDRESSES SENATOR CHAMBERS' VALID CONCERNS, AND SENATOR WATERMEIER'S VALID CONCERNS. I DON'T THINK THEY'RE THAT FAR OFF. IT'S JUST A MATTER OF HOW WE CAN FIND SOME MIDDLE GROUND. SO LOOK FORWARD TO IT. THANK YOU, MR. PRESIDENT. [LB188]

SENATOR SCHEER: THANK YOU, SENATOR HARR. SENATOR CHAMBERS, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB188]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SENATOR HARR, IT WOULD BE POSSIBLE TO TALK TO SOMEBODY LIKE YOU WHO KNOWS WHAT YOU'RE TALKING ABOUT. SENATOR WATERMEIER GAVE US AN EXAMPLE AND THE MEDIA PRINTED IT AS THOUGH IT'S A JUSTIFICATION FOR THIS BILL THAT THE PERSON ON THE BACK OF A MOTORCYCLE COULD JUMP OFF WHEN THE GUY SLOWED DOWN, MAYBE TO GO AROUND A CORNER. NOW, ARE YOU GOING TO REQUIRE SOMEBODY IN TRAFFIC TO JUMP OFF OF A MOTORCYCLE WHILE IT'S MOVING? THAT'S THE SILLINESS...AND SENATOR HARR CAN BE AS REASONABLE AS HE WANTS TO BE, BUT I'M NOT GOING TO STAND HERE AND TAKE SERIOUSLY THE KIND OF NONSENSE THAT I HEARD. HE SHOULDN'T BE THE ONE CARRYING THIS BILL. HE DOESN'T KNOW WHAT HE'S TALKING ABOUT. HE HAD TIME TO PREPARE ALL

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LAST NIGHT FOR THE KIND OF QUESTIONS THAT WERE ASKED AND HE'S NOT PREPARED. THAT MY FAULT? NO. HE KNOWS THE KIND OF PERSON THAT I AM. NOW, MAYBE IF HE WERE 6- OR 7-YEARS-OLD, AND STANDING UP THERE TRYING TO DO THE BEST THAT HE CAN, I WOULD HAVE AN ENTIRELY DIFFERENT APPROACH, BECAUSE I'M DEALING WITH A CHILD AND I WOULD DEAL WITH A CHILD AS A CHILD. BUT WHEN I'M DEALING WITH SOMEBODY WHO IS GROWN AND HAS BEEN IN THIS WORLD A LONG TIME AND IS FOOLISH ENOUGH TO TAKE A BILL LIKE THIS--WHICH HE OUGHT TO KNOW IS GOING TO GENERATE CONTROVERSY--AND COME HERE AND KNOW NOTHING ABOUT IT, BUT FIGURE THAT HE'S GOING TO GET VOTES BECAUSE PEOPLE ARE OPPOSED TO ME. GIVE HIM THE VOTES, BUT MY POSITION IS GOING TO BE ON THE RECORD AND I'M GOING TO TAKE MY TIME FROM THIS BODY. AND IF THIS BILL MOVES LIKE THIS, I'M GOING TO TAKE MORE TIME FROM THIS BODY. I'M NOT GOING TO ALLOW THIS TO GO THROUGH WITHOUT THERE BEING A PRICE PAID. I WANT THE PEOPLE WHO SUFFER AS A RESULT OF SOCIETAL ACTION OR AN ACTION APPROVED BY SOCIETY WHICH IS INHERENTLY DANGEROUS AND SAY, THE PIDDLING AMOUNT, COMPARED TO THE AMOUNT SPENT BY THIS POLITICAL SUBDIVISION, SHOULD NOT BE PAID TOWARD MAKING AN INDIVIDUAL WHOLE. I GAVE YOU AN EXAMPLE YESTERDAY, WHICH THE MEDIA DIDN'T TOUCH, WHERE A PEDESTRIAN WAS RUN OVER. NOT IN THE CAR, NOT EVEN A PASSENGER. AND THE COURT SAID THAT WAS NOT A CHASE. THE MEDIA DID NOT REPORT THE CASES WHERE THERE WERE PEOPLE INJURED AND THE COURT DETERMINED IT WAS NOT A CHASE, EVEN THOUGH THERE WAS A PURSUIT. BUT THEY SAID, PURSUANT TO THIS LAW IT'S NOT A CHASE. THOSE PEOPLE WERE STILL INJURED. THEY HAD NOTHING TO DO WITH THE CHASE. YOU'RE WALKING DOWN THE STREET, AN UNMARKED COP IS CHASING SOMEBODY AND YOU GET RUN OVER. THEN THE COURT IS THE ONE WHO SAID, IT'S NOT A CHASE. WE NEED TO CHANGE THE LAW TO STOP THE COURTS FROM CREATING LOOPHOLES WHERE THERE IS NONE IN THE LAW. THE MEDIA DON'T TALK ABOUT THAT, BECAUSE THAT'S NOT THE POINT THEY WANT TO MAKE. I WANT THAT CLEAR SO THAT ANYBODY WATCHING US KNOW THAT I'M NOT LETTING THESE THINGS GO WITHOUT ADDRESSING THEM. AND I'LL CONTINUE AND I WILL CONTINUE. AND SENATOR WATERMEIER MIGHT HAVE HIS LIGHT ON, HE MIGHT NOT, BUT WE'RE ALMOST AT THE END OF THE DAY ANYWAY. AND IF NOBODY PUTS THEIR LIGHT ON I STILL HAVE THE OPPORTUNITY TO DO MY CLOSE AND I WILL HAVE SUCCEEDED IN RUNNING OUT THE CLOCK TODAY. AND THIS ISSUE, NO MATTER HOW IT MAY BE RESOLVED, IF YOU MOVE THIS BILL IS GOING TO BE WITH US DURING THE SESSION AND CERTAINLY ON SELECT FILE AND ON FINAL READING. I'M NOT GOING TO LET IT GO. [LB188]

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SENATOR SCHEER: ONE MINUTE. [LB188]

SENATOR CHAMBERS: WHAT IS BEING PROPOSED HERE IS WRONG. THE COURT HAS ALREADY SET THE STANDARD OF WHEN A PERSON IS NOT DEEMED AN INNOCENT THIRD PARTY. THE COURT HAS ALREADY SAID IT. SO MR. VALENTINO, WATCHING THE LEGISLATURE, HOW INATTENTIVE, HOW UNCONCERNED THEY ARE, BROUGHT SOMETHING LIKE THIS AND IT DID GET OUT OF THE JUDICIARY COMMITTEE. WHEN YOU READ THE COMMITTEE STATEMENT AND YOU SEE CHAMBERS WAS ABSENT, THAT DOESN'T MEAN A WHOLE LOT OF EXECUTIVE SESSIONS. IT MEANS THAT AT A PARTICULAR EXECUTIVE SESSION A LOT OF TRASH LEGISLATION WAS ADVANCED BY THE COMMITTEE; THAT'S WHAT THAT MEANS. AND HAD I BEEN THERE, SOME OF THIS TRASH WOULDN'T BE OUT HERE AND THAT'S WHAT IT IS. IT'S WORSE THAN TRASH, BECAUSE YOU CAN JUST SCOOP UP THE TRASH AND THROW IT IN THE WASTEBASKET. THIS RELATES TO THE ACTUAL LIVES OF PEOPLE. SOME PEOPLE HAVE BEEN KILLED IN THESE CHASES AND THE COURT SAID, BUT IT WASN'T A CHASE, EVEN THOUGH THE COP WAS PURSUING. [LB188]

SENATOR SCHEER: TIME, SENATOR. [LB188]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB188]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB188]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I JUST WANT TO BRING IT BACK AND I APPRECIATE SENATOR CHAMBERS' COMMENTS. YES, I'M AS A CHILD AS IT WOULD BE CONSIDERED IN THE LAW, BUT I DO CONSIDER MYSELF A POLICYMAKER. AND WE CAN COME TO THIS BODY AND TALK ABOUT POLICY AND TALK ABOUT WHAT'S IMPORTANT TO THE STATE OF NEBRASKA. BUT YOU CAN CERTAINLY BURY ME, IF YOU WANT TO, ON THE LAW. BUT I'M NOT AFRAID TO BRING THE LAW TO THIS BODY AND TALK ABOUT IT. I DO WANT TO JUST COME BACK TO MY OPENING--I MAY HAVE MISSPOKE IN MY OPENING--TO BRING US BACK TO THE WHOLE NEXUS OF THE BILL. ALL INJURED PERSONS WILL STILL BE ABLE TO SUE THE GOVERNMENTAL ENTITY RESPONSIBLE FOR THE CHASE. THE INTENT BEHIND LB188 IS TO PREVENT ONLY THOSE PERSONS WHO ARE PASSENGERS IN A FLEEING VEHICLE AND ARE TRULY NOT INNOCENT FROM COLLECTING. THIS BILL WILL GIVE THE COURTS ONLY STANDARDS. WE'RE NOT IN HERE TO REALLY DECIDE WHO IS GUILTY AND WHO IS INNOCENT. WE'RE

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HERE TO DEFINE THE INNOCENT THIRD PARTY. THAT'S STRICTLY A POLICY DECISION, STRICTLY A POLICY DECISION. WE'VE BEEN DIRECTED BY THE SUPREME COURT THAT SAYS, IT'S WIDE OPEN. THEY'RE NOT GOING TO DO ANYTHING YET. IT'S AS BROAD AS YOU CAN MAKE, IT'S AS BROAD AS A BARN. AND WE HAVE THE OPPORTUNITY TO DEFINE IT, TO NARROW IT JUST A LITTLE BIT. THIS BILL WILL GIVE THE COURT STANDARDS, AND STANDARDS ONLY, TO CONSIDER IN DETERMINING WHETHER A PASSENGER IN A FLEEING VEHICLE IS REALLY INNOCENT--JUST STANDARDS ONLY--AND IS ELIGIBLE FOR AN AUTOMATIC RECOVERY. THANK YOU, MR. PRESIDENT. [LB188]

SENATOR SCHEER: THANK YOU, SENATOR WATERMEIER. MR. CLERK. [LB188]

ASSISTANT CLERK: MR. PRESIDENT, A SERIES OF ITEMS: YOUR COMMITTEE ON GENERAL AFFAIRS REPORTS LR380CA IS INDEFINITELY POSTPONED. HEALTH AND HUMAN SERVICES REPORTS LB786, LB791, LB813, LB859, LB746, LB849, LB898, ALL TO GENERAL FILE. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB328, LB19 TO SELECT FILE. AMENDMENT TO BE PRINTED FROM SENATOR COOK TO LB510A. I HAVE NOTICE OF COMMITTEE HEARING FROM GOVERNMENT, MILITARY AND VETERANS AFFAIRS. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB136 AS CORRECTLY ENGROSSED, AS WELL AS LB471, LB665, LB666, AND LB667, ALL AS CORRECTLY ENGROSSED. GENERAL AFFAIRS REPORTS LB820 TO GENERAL FILE WITH AMENDMENTS, ALONG WITH LB862 AND LB970. JUDICIARY REPORTS LB924 AND LB1009 TO GENERAL FILE WITH AMENDMENTS. THE E-BILLS THAT WERE READ ON FINAL READING THIS MORNING HAVE BEEN PRESENTED TO THE GOVERNOR AS OF 11:40 A.M. (RE LB176, LB47, LB190, AND LB285.) GENERAL AFFAIRS HAS SELECTED LB970 AS A PRIORITY BILL FOR THIS LEGISLATIVE SESSION. IN ADDITION TO THAT, NAME ADDS: SENATOR KINTNER TO LB717 AND LB188. (LEGISLATIVE JOURNAL PAGES 516-524.) [LR380CA LB786 LB791 LB813 LB859 LB746 LB849 LB898 LB328 LB19 LB510A LB136 LB471 LB665 LB666 LB667 LB820 LB862 LB970 LB924 LB1009 LB176 LB47 LB190 LB285 LB717 LB188]

FINALLY, A PRIORITY MOTION. SENATOR McCOLLISTER WOULD MOVE TO ADJOURN UNTIL MONDAY, FEBRUARY 8, 2016, AT 10:00 A.M.

SENATOR SCHEER: YOU HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. THE AYES HAVE IT. WE ARE ADJOURNED.