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Floor Debate
March 09, 2016

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SENATOR COASH PRESIDING

SENATOR COASH: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FORTIETH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR BLOOMFIELD. PLEASE RISE.

SENATOR BLOOMFIELD: (PRAYER OFFERED.)

SENATOR COASH: THANK YOU, SENATOR. I CALL TO ORDER THE FORTIETH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. MR. CLERK, PLEASE RECORD.

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

SENATOR COASH: THANK YOU, MR. CLERK. ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

SENATOR COASH: ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON APPROPRIATIONS, CHAIRED BY SENATOR MELLO, REPORTS LB956, LB957, AND LB960 TO GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. I HAVE A NEW A BILL. (READ LB960A BY TITLE FOR FIRST TIME.) REVENUE COMMITTEE REPORTS LB1014 TO GENERAL FILE WITH AMENDMENTS. AND AGRICULTURE COMMITTEE, LR378CA TO

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GENERAL FILE WITH COMMITTEE AMENDMENTS. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 911-914.) [LB956 LB957 LB960 LB960A LB1014 LR378CA]

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR MELLO, YOU ARE RECOGNIZED.

SENATOR MELLO: MR. PRESIDENT, I'D LIKE A POINT OF PERSONAL PRIVILEGE. THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AS YOU JUST HEARD, THE THREE LEGISLATIVE BILLS THAT COMPRISE THE APPROPRIATIONS COMMITTEE BUDGET RECOMMENDATIONS WERE JUST READ INTO THE RECORD, AS WELL AS EVERYONE SHOULD HAVE A GREEN COPY OF THE APPROPRIATIONS COMMITTEE BUDGET RECOMMENDATIONS IN FRONT OF YOU. THIS, OBVIOUSLY, REPORTS, SIMILAR TO WHAT WE DO ON AN ANNUAL BASIS, WITH THE FINAL RECOMMENDATIONS GOES THROUGH BOTH GENERAL FUND APPROPRIATIONS AND REVENUES AND HIGHLIGHTS THE KEY AREAS THAT THE APPROPRIATIONS COMMITTEE SINGLES OUT THAT IS PART OF OUR MID-BIENNIAL BUDGET ADJUSTMENT RECOMMENDATION. AN E-MAIL WAS SENT TO, I BELIEVE, TO ALL OF YOUR OFFICES FOR YOU AND YOUR STAFF TO ATTEND A LEGISLATIVE BRIEFING WITH THE APPROPRIATIONS COMMITTEE NEXT TUESDAY, MARCH 15, AT 8:00 A.M. AND IN THE MEANTIME, IF YOU DO HAVE ANY QUESTIONS REGARDING THE APPROPRIATIONS COMMITTEE RECOMMENDATIONS, PLEASE FEEL FREE TO GRAB MYSELF OR ANY OF THE OTHER MEMBERS OF THE COMMITTEE. THANK YOU, MR. PRESIDENT.

SENATOR COASH: THANK YOU, SENATOR MELLO. MR. CLERK, WE WILL PROCEED TO THE CONFIRMATION REPORTS.

CLERK: MR. PRESIDENT, THE EDUCATION COMMITTEE, CHAIRED BY SENATOR SULLIVAN, REPORTS ON THE APPOINTMENT OF PETE GOLDSCHMIDT TO THE TECHNICAL ADVISORY COMMITTEE FOR STATEWIDE ASSESSMENT. (LEGISLATIVE JOURNAL PAGE 846.)

SENATOR COASH: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I BRING FOR YOUR APPROVAL THE APPOINTMENT OF DR. PETE GOLDSCHMIDT TO THE TECHNICAL ADVISORY COMMITTEE FOR STATEWIDE

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ASSESSMENT. DR. GOLDSCHMIDT WAS APPROVED BY THE COMMITTEE BY A 7-0 VOTE AFTER PRESENTING HIMSELF VIA CONFERENCE CALL TO THE COMMITTEE ON MARCH 1. THE TECHNICAL ADVISORY COMMITTEE IS HOUSED UNDER THE DEPARTMENT OF EDUCATION FOR ADMINISTRATIVE PURPOSES. THIS WOULD BE A NEW APPOINTMENT FOR DR. GOLDSCHMIDT, WHOSE APPOINTMENT FILLS ONE OF THE THREE STATUTORILY REQUIRED, NATIONALLY RECOGNIZED EXPERT POSITIONS ON THE COMMITTEE. DR. GOLDSCHMIDT IS AN ASSOCIATE PROFESSOR OF RESEARCH METHODS, DEVELOPMENT LEARNING INSTRUCTION, AND EVALUATION AT CALIFORNIA STATE UNIVERSITY, NORTHRIDGE IN THEIR COLLEGE OF EDUCATION. DR. GOLDSCHMIDT HAS SERVED ON NUMEROUS PANELS AND COMMITTEES PERTAINING TO STATE ASSESSMENTS RANGING FROM THE NATIONAL CONFERENCE ON STUDENT ASSESSMENT PROGRAM COMMITTEE, MISSISSIPPI EDUCATOR EFFECTIVENESS, LOUISIANA STATE ASSESSMENT SYSTEM, AND THE HAWAII SCHOOL OF ACCOUNTABILITY, TO NAME JUST A FEW. DR. GOLDSCHMIDT IS EMINENTLY QUALIFIED IN TERMS OF EDUCATION AND EXPERIENCE TO FILL THIS APPOINTMENT. I ASK FOR YOUR GREEN VOTE IN CONFIRMING DR. GOLDSCHMIDT.

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. ARE THERE MEMBERS WISHING TO SPEAK ON THIS CONFIRMATION REPORT? SEEING NONE, SENATOR SULLIVAN IS RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE EDUCATION COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 914-915.) 27 AYES, 0 NAYS, MR. PRESIDENT ON THE ADOPTION OF THE CONFIRMATION REPORT.

SENATOR COASH: CONFIRMATION REPORT IS ADOPTED. NEXT ITEM, MR. CLERK.

CLERK: EDUCATION COMMITTEE REPORTS ON THE APPOINTMENT OF RANDY SCHMAILZL TO THE EDUCATIONAL TELECOMMUNICATIONS COMMISSION. (LEGISLATIVE JOURNAL PAGE 846.)

SENATOR COASH: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I BRING FOR YOUR CONFIRMATION THE APPOINTMENT OF RANDY

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SCHMAILZL, WHO IS PRESIDENT OF METRO COMMUNITY COLLEGE IN OMAHA, TO THE NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION. THIS WOULD BE A NEW APPOINTMENT FOR MR. SCHMAILZL, WHO WOULD FILL THE POSITION OF THE COMMUNITY COLLEGE REPRESENTATIVE ON THE COMMISSION. MR. SCHMAILZL'S APPOINTMENT ADVANCED FROM THE EDUCATION COMMITTEE BY A 7-0 VOTE WITH ONE MEMBER OF THE COMMITTEE NOT PRESENT. MR. SCHMAILZL HAS WORKED IN THE FIELD OF EDUCATION ALL OF HIS ADULT LIFE, HAVING WORKED AS A TEACHER AT SCHUYLER CENTRAL, PLAINVIEW, AND AXTELL HIGH SCHOOLS; HOLDING SEVERAL ADMINISTRATIVE POSITIONS AT METRO COMMUNITY COLLEGE, CULMINATING IN THE PRESIDENCY POSITION THAT MR. SCHMAILZL CURRENTLY HOLDS. I ASK FOR YOUR APPOINTMENT OF THE...IN THE CONFIRMATION OF MR. SCHMAILZL. THANK YOU.

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. FLOOR IS NOW OPEN FOR DISCUSSION. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SULLIVAN WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF THE REPORT OFFERED BY THE EDUCATION COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 915-916.) 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

SENATOR COASH: CONFIRMATION REPORT IS ADOPTED. (DOCTOR OF THE DAY AND VISITORS INTRODUCED.) NEXT ITEM, MR. CLERK.

CLERK: HEALTH AND HUMAN SERVICES COMMITTEE, CHAIRED BY SENATOR CAMPBELL, REPORTS ON THE APPOINTMENT OF MARK BULGER TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED. (LEGISLATIVE JOURNAL PAGE 866.)

SENATOR COASH: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. THIS APPOINTMENT OF MR. BULGER TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED. MR. BULGER RESIDES IN OMAHA. AND AS HE EXPLAINED TO THE COMMITTEE, HE IS CONSIDERED LEGALLY BLIND. HE IS AN INDUSTRIAL ENGINEER BY TRAINING AND IS THE DESIGNEE TO THE

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COMMISSION FROM THE AMERICAN COUNCIL FOR THE COMMISSION OF THE BLIND AND VISUALLY IMPAIRED. HE SERVES AS PRESIDENT AND BOARD CHAIR OF THE OMAHA ASSOCIATION OF THE BLIND AND VISUALLY IMPAIRED AND BOARD CHAIR OF THE WALTER B. ROBERTS MANOR. AND WE WOULD ENCOURAGE YOUR YES VOTE ON MR. BULGER'S APPOINTMENT. THANK YOU, MR. PRESIDENT.

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE OPENING TO THE CONFIRMATION REPORT. SEEING NO ONE WISHING TO SPEAK, SENATOR CAMPBELL IS RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE HEALTH AND HUMAN SERVICES COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 916.) 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE REPORT.

SENATOR COASH: THE REPORT IS ADOPTED. NEXT ITEM, MR. CLERK.

CLERK: MR. PRESIDENT, THE FINAL REPORT THIS MORNING, HEALTH AND HUMAN SERVICES, OFFERED BY SENATOR CAMPBELL, REPORTS ON THREE APPOINTMENTS TO THE RURAL HEALTH ADVISORY COMMISSION. (LEGISLATIVE JOURNAL PAGE 866.)

SENATOR COASH: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORTS.

SENATOR CAMPBELL: THANK YOU, MR. SPEAKER. OUR FIRST CANDIDATE THIS MORNING IS MARY KENT. MS. KENT IS FROM HUMBOLDT, NEBRASKA, AND SERVES AS THE ADMINISTRATOR FOR THE NURSING HOME THERE, A HOME THAT PROVIDES 49 ACUTE BEDS AND 18 ASSISTED LIVING. MS. KENT IS...HAS A BACHELOR'S DEGREE FROM PERU STATE COLLEGE, AND HAS HAD EDUCATION AND TRAINING AND WAS THE DIRECTOR OF PERSONNEL FOR THE UNITED TRIBES OF KANSAS AND SOUTHEAST NEBRASKA. AND VERY EARLY IN HER CAREER, SHE SERVED AS THE PROBATION OFFICER FOR STATE PROBATION AND WAS STATIONED IN PAWNEE CITY. SHE SEES TWO MAJOR CHANGES COMING FOR THE RURAL HEALTH ADVISORY COMMITTEE, AND THAT IS AS THEY PREPARE TO TAKE A LOOK AT MANAGED CARE STATEWIDE FOR BOTH BEHAVIORAL HEALTH AND PHYSICAL HEALTH, AND THE INCREASED USE OF TECHNOLOGY IN THE

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HEALTH FIELD. OUR SECOND APPOINTMENT IS DR. LAETH NASIR. DR. NASIR IS A NEW APPOINTMENT FROM AND LIVES IN OMAHA TO THE RURAL HEALTH ADVISORY COMMITTEE. HE IS THE CREIGHTON SCHOOL OF MEDICINE'S REPRESENTATIVE TO THAT COMMISSION. HE SERVES AS THE PROFESSOR AND CHAIRMAN OF THE FAMILY MEDICINE DEPARTMENT AND HAS SERVED AS ITS CHAIRMAN SINCE 2011. WE SPENT SOME TIME TALKING TO HIM ABOUT HIS EXPERIENCE AS HE SPENT TWO YEARS IN THE UNITED ARAB EMIRATES UNIVERSITY AS THE ACTING CHAIR OF MEDICAL EDUCATION. HE IS ALSO ASSOCIATE PROFESSOR...HAS BEEN AT UNMC; WAS A FULBRIGHT SCHOLAR ATTENDING THE UNIVERSITY OF JORDAN, AND PUBLISHED EXTENSIVELY WITH RESEARCH. WE ARE VERY FORTUNATE TO HAVE HIS WILLINGNESS TO SERVE ON THAT COMMISSION. OUR LAST NOMINEE THIS MORNING IS NOT A NEW NAME FOR MANY PEOPLE IN THIS ROOM, AND THAT IS DR. MICHAEL SITORIUS. DR. SITORIUS IS A REAPPOINTMENT TO THE RURAL HEALTH ADVISORY COMMISSION, AND HE HAS SERVED ON THE COMMISSION SINCE 1991. HE IS THE REPRESENTATIVE FROM UNMC, GRADUATED FROM HASTING COLLEGE, AND HAS A MEDICAL DEGREE FROM UNMC. HE HAS SPENT TIME OVER THE PAST YEARS, SINCE 2008, WORKING WITH PHYSICIANS AND EDUCATORS IN CHINA ON AN EXCHANGE BACK AND FORTH BECAUSE CHINA DOES NOT HAVE PRIMARY CARE. AND I AM LOOKING FOR SENATOR RIEPE. MAYBE WE SHOULD SEND SENATOR RIEPE OVER TO CHINA AND HE CAN TALK TO THEM ABOUT PRIMARY-DIRECT CARE. IT IS ALWAYS A DELIGHT TO SIT DOWN AND TALK TO DR. SITORIUS. HE IS CERTAINLY ONE OF THE PEOPLE WHO HAS TESTIFIED EXTENSIVELY BEFORE THE HEALTH AND HUMAN SERVICES COMMITTEE ON ISSUES IMPORTANT TO FAMILY HEALTH. HE INDICATED TO THE COMMITTEE THAT THE CHANGES HE HAS SEEN OVER THE YEARS HAVE BEEN GOOD CHANGES IN RURAL HEALTH FOR PHYSICIANS. AND MAINLY, WHEN THE RURAL HEALTH ADVISORY COMMISSION WAS ESTABLISHED BY THE LEGISLATURE, ITS EARLY FOCUS WAS ON PHYSICIANS. BUT AS THE YEARS WENT BY, ITS FOCUS EXPANDED TO ALSO DEAL WITH ALLIED HEALTH FIELDS AND MENTAL HEALTH, EMT, AND A BROAD SPECTRUM OF SHORTAGES AND NEEDS IN RURAL NEBRASKA. HE TALKED A LITTLE BIT ABOUT THE IMPORTANCE OF USING HEALTH SHORTAGE DATA THAT HELPS THEM DETERMINE WHAT PROFESSIONALS THEY NEED TO HAVE. AND, COLLEAGUES, I'M GOING TO TAKE THIS OPPORTUNITY, WHILE I HAVE IT, TO ENCOURAGE YOU TO EXPAND YOUR KNOWLEDGE OF THE RURAL HEALTH ADVISORY COMMISSION. IT NEEDS ADVOCATES FROM THIS BODY, AND IT ALSO NEEDS ADVOCATES ON THE APPROPRIATIONS COMMITTEE. WE NEED TO BE SPENDING OUR MONEY TO HELP PROVIDE PAID INTERNSHIPS, LOAN REPAYMENT TO ENCOURAGE PHYSICIANS IN THE RURAL PART OF NEBRASKA. AND I HOPE

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THAT YOU WILL ALWAYS PAY ATTENTION WHEN THAT TOPIC COMES TO THE FLOOR. THANK YOU, MR. PRESIDENT.

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE OPENING ON THE CONFIRMATION REPORT FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. FLOOR IS NOW OPEN. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE CONFIRMATION REPORT. SENATOR CAMPBELL WAIVES CLOSING. QUESTION FOR THE BODY: SHALL THE CONFIRMATION REPORT BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 916-917.) 30 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF THE CONFIRMATION REPORT.

SENATOR COASH: CONFIRMATION REPORT IS ADOPTED. NEXT ITEM, MR. CLERK.

CLERK: MR. PRESIDENT, GENERAL FILE: LB803 IS A BILL BY SENATOR KOLTERMAN. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 7 OF THIS YEAR; REFERRED TO THE RETIREMENT SYSTEMS COMMITTEE; ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB803]

SENATOR COASH: SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO OPEN ON LB803. [LB803]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT; GOOD MORNING, COLLEAGUES. LB803 IS MERELY A CLEANUP BILL. LAST SESSION, THE RETIREMENT COMMITTEE INTRODUCED LB468, WHICH, IN PART, DIVERTED A PORTION OF THE COURT AND DOCKET FEES FROM THE GENERAL FUND TO THE JUDGES RETIREMENT FUND. WHEN LB468 WAS AMENDED, SECTION 33-106.02 WAS INADVERTENTLY LEFT OUT OF THE BILL. LB803 AMENDS SECTION 33-106.02 AS ORIGINALLY INTENDED LAST YEAR. IT DIVERTS \$2 OF THE DISTRICT COURT DOCKET FEE FROM THE GENERAL FUND TO THE JUDGES RETIREMENT FUND BEGINNING JULY 1, 2016; AND BEGINNING JULY 1, 2017, DIVERTS \$4 OF THE DOCKET FEE FROM THE GENERAL FUND TO THE JUDGES RETIREMENT FUND. THERE ARE NO OTHER SUBSTANTIAL CHANGES IN THE BILL. THIS IS THE BILL THAT WE PASSED LAST YEAR. WE INADVERTENTLY MISSED SOMETHING, AND WE'RE JUST NOW CLEANING IT UP. SO I'D APPRECIATE A GREEN LIGHT ON THIS BILL. THANK YOU. [LB803 LB468]

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SENATOR COASH: THANK YOU, SENATOR KOLTERMAN. MEMBERS, YOU'VE HEARD THE OPENING TO LB803. THE FLOOR IS NOW OPEN FOR DISCUSSION. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO CLOSE ON LB803. HE WAIVES CLOSING. THE QUESTION FOR THE BODY IS, SHALL LB803 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB803]

CLERK: 27 AYES, 1 NAY, MR. PRESIDENT, ON THE ADVANCEMENT OF LB803. [LB803]

SENATOR COASH: LB803 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB803]

CLERK: MR. PRESIDENT, LB1033 IS A BILL OFFERED BY SENATOR CAMPBELL. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 19 OF THIS YEAR, REFERRED TO HEALTH AND HUMAN SERVICES COMMITTEE, ADVANCED TO GENERAL FILE. I DO HAVE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2048, LEGISLATIVE JOURNAL PAGE 601.) [LB1033]

SENATOR COASH: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON LB1033. [LB1033]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I WANT TO THANK SPEAKER HADLEY FOR GIVING LB1033 A SPEAKER PRIORITY DESIGNATION. LB1033 IS INTENDED TO BRING NEBRASKA INTO COMPLIANCE WITH FEDERAL LAW. THE AMERICANS WITH DISABILITIES ACT AND THE U.S. SUPREME COURT REQUIRES STATES TO PROVIDE SERVICES TO PEOPLE WITH DISABILITIES IN THE MOST INTEGRATED SETTING APPROPRIATE TO THEIR NEEDS. LB1033 DIRECTS THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN OLMSTEAD PLAN BY DECEMBER 15 OF 2018 AND TO CONVENE A STATEWIDE ADVISORY COMMITTEE TO ASSIST IN REVIEWING AND DEVELOPING THE PLAN. THE TERM "OLMSTEAD PLAN" REFERS TO THE U.S. SUPREME COURT DECISION IN OLMSTEAD v. L.C. IN 1999. IN OLMSTEAD, THE COURT HELD THAT PEOPLE WITH DISABILITIES CANNOT BE KEPT IN SEGREGATED, ISOLATED INSTITUTIONS WHEN THOSE PEOPLE COULD BE AND SHOULD BE ABLE TO CHOOSE TO BE SERVED IN THE COMMUNITY. NEBRASKA IS AT RISK OF BEING FOUND IN VIOLATION OF THE LAW FOR TWO REASONS. FIRST, BECAUSE NEBRASKA SERVES SOME PEOPLE WITH DISABILITIES IN SEGREGATED AND ISOLATED SETTINGS. AND SECOND, BECAUSE NEBRASKA HAS NO COMPREHENSIVE STRATEGIC PLAN TO INTEGRATE PEOPLE WITH DISABILITIES INTO COMMUNITY SETTINGS. BASED ON THE

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OLMSTEAD DECISION, THE U.S. DEPARTMENT OF JUSTICE HAS SUED STATES WITH SIMILAR CIRCUMSTANCES. IN ITS APPLICATION OF THE OLMSTEAD DECISION, THE DOJ, DEPARTMENT OF JUSTICE, HAS ORDERED STATES TO DEVELOP COMPREHENSIVE, EFFECTIVE WORKING PLANS AND IMPLEMENT THEM. THE DEPARTMENT OF JUSTICE HAS CONSIDERED STATES TO BE IN COMPLIANCE WHEN THEY ARE UNDERTAKING CREATION OF SUCH PLANS; AND, THEREFORE, THE FIRST STEP IS THE DEVELOPMENT OF THE OLMSTEAD PLAN. THE DEPARTMENT OF JUSTICE HAS MADE IT CLEAR IN OTHER STATES THAT PIECEMEAL, UNCOORDINATED PROGRAMS DO NOT SATISFY OLMSTEAD. THE PLAN MUST BE COMPREHENSIVE, STRATEGIC, AND INCLUDE ALL STATE AGENCIES THAT ADMINISTER PROGRAMS AFFECTING PEOPLE WITH DISABILITIES. LB1033 WOULD REQUIRE THE DEPARTMENT TO COORDINATE WITH OTHER AGENCIES TO CREATE THE PLAN. THE DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS TAKEN STEPS TO ASSESS SOME OF ITS OWN PROGRAMS. AND IN 2014, THE DEPARTMENT RECEIVED A REPORT FROM A CONSULTANT, TECHNICAL ASSISTANCE SERVICES (SIC--COLLABORATIVE), WHICH STATES THAT NEBRASKA, QUOTE, FACES EXPOSURE TO OLMSTEAD LITIGATION WITHOUT A COORDINATED PLANNING AND IMPLEMENTATION PROCESS, END QUOTE. NEBRASKA HAS ALREADY EXPERIENCED ONE FEDERAL INTERVENTION WHEN THE U.S. DEPARTMENT FOUND THAT THE STATE WAS IN VIOLATION OF LAW IN THE OPERATION OF THE BEATRICE STATE DEVELOPMENTAL CENTER. AND, INCIDENTALLY, IN 2008, THE LEGISLATURE'S OWN BSDC INVESTIGATIVE COMMITTEE RECOMMENDED THAT NEBRASKA DEVELOP AN OLMSTEAD PLAN. I WANT TO DIGRESS HERE FOR JUST A MINUTE, AND I'M SORRY THAT SENATOR COASH IS IN THE CHAIR THIS MORNING. I THINK HE IS THE SOLE REMAINING PERSON WHO JOINED THE SPECIAL INVESTIGATIVE COMMITTEE ON BSDC, AND I COMMEND HIM FOR HIS WORK AND CONTINUED WORK ON THE BSDC SPECIAL COMMITTEE. IN ADDITION TO THESE FORMAL RECOMMENDATIONS, NEBRASKANS THEMSELVES HAVE STATED THAT WE NEED AN OLMSTEAD PLAN. I'VE HEARD TESTIMONY TO THAT EFFECT IN PUBLIC HEARINGS ON DISABILITY ISSUES, AND THESE RECOMMENDATIONS AND THE TESTIMONIES LED ME TO INTRODUCE LB1033. IT IS ESSENTIAL THAT LB1033 PASS THIS YEAR SO THAT THE STATE CAN DEMONSTRATE THAT IT IS DEVELOPING CONCRETE, TIME-SPECIFIC STEPS TO COMPLY WITH FEDERAL LAW. MORE IMPORTANTLY, THE BILL IS NEEDED SO THE NEBRASKANS WITH DISABILITIES CAN BEGIN TO MOVE OUT OF ISOLATION AND INTO THEIR COMMUNITIES. LB1033 HAS ITS PUBLIC HEARING IN THE HEALTH AND HUMAN SERVICES COMMITTEE. ALL COMMITTEE MEMBERS VOTED UNANIMOUSLY TO ADVANCE LB1033 WITH AN AMENDMENT ON GENERAL FILE. THERE'S NO GENERAL FUND IMPACT TO THIS BILL, AND WE RECEIVED NO NEGATIVE OR OPPOSITION TO THE BILL OR ANY IN NEUTRAL. I DO WANT TO

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THANK THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND PARTICULARLY DIRECTOR SHERI DAWSON FOR TAKING TIME IN THEIR LETTER, WHICH WAS IN A NEUTRAL POSITION, AND FOLLOW-UP PHONE CALLS WE CLARIFIED WITH DIRECTOR DAWSON WHAT TERM SHOULD BE USED IN THE BILL. AND THAT REALLY IS WHAT THE AMENDMENT IS. AND WITH THAT, MR. PRESIDENT, I'LL CONCLUDE MY OPENING TO LB1033. [LB1033]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. AS THE CLERK HAS STATED, THERE ARE AMENDMENTS FROM THE HEALTH COMMITTEE. SENATOR CAMPBELL, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB1033]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM2048 MAKES TWO CHANGES. IT ADDS TWO ADDITIONAL MEMBERS OF THE ADVISORY COMMITTEE WHICH WERE INADVERTENTLY LEFT OUT OF THE GREEN COPY OF THE BILL. THESE MEMBERS REPRESENT KEY INTERESTS--PEOPLE WITH DISABILITIES WHO REPRESENT SELF-ADVOCACY ORGANIZATIONS AND VOCATIONAL REHABILITATION. IT MAKES A TECHNICAL CORRECTION RECOMMENDED BY THE DEPARTMENT--AND THAT'S WHAT I TALKED ABOUT IN MY OPENING FROM DIRECTOR DAWSON--TO AVOID CONFUSION OVER THE USE OF A TERM. AND WITH THAT, MR. PRESIDENT, I CONCLUDE MY OPENING TO THE COMMITTEE AMENDMENT. [LB1033]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE OPENING TO LB1033 AND THE COMMITTEE AMENDMENT. THE FLOOR IS NOW OPEN FOR DISCUSSION. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB1033]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. SENATOR CAMPBELL, WOULD YOU YIELD TO A QUESTION, PLEASE? [LB1033]

SENATOR COASH: SENATOR CAMPBELL, WILL YOU YIELD? [LB1033]

SENATOR CAMPBELL: CERTAINLY. [LB1033]

SENATOR SCHNOOR: ALL RIGHT. WE TEND TO SEE A LOT OF ADVISORY COMMITTEES. WE VOTED ON SEVERAL OF THEM THIS YEAR ALREADY, AND THIS IS ANOTHER ONE. I KNOW THERE'S NOT A FISCAL IMPACT; BUT IN LOOKING AT

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THE BILL ITSELF, IT FIRST SAYS THAT THIS IS DONE WITHIN HEALTH AND HUMAN SERVICES AND WITHIN THE SIX DIVISIONS. IS THAT CORRECT? [LB1033]

SENATOR CAMPBELL: THAT IS CORRECT. [LB1033]

SENATOR SCHNOOR: AND THEN YOU ADDED WITH THE AMENDMENT THAT IT ADDS TWO MORE MEMBERS OF ADVOCACY GROUPS. IS THAT CORRECT? [LB1033]

SENATOR CAMPBELL: THAT IS CORRECT. [LB1033]

SENATOR SCHNOOR: SO IN GENERAL TERMS, I GUESS WHAT I'M GETTING AT, THIS GROUP, THIS COMMITTEE, ADVISORY COMMITTEE IS, ESSENTIALLY, WITHIN HHS. SO I GUESS MY QUESTION IS, WHY DO WE NEED TO HAVE A LEGISLATIVE BILL FOR AN ADVISORY COMMITTEE FOR A JOB THAT THEY ARE ALREADY SUPPOSED TO BE DOING? [LB1033]

SENATOR CAMPBELL: SENATOR SCHNOOR, IN THE BILL WE ALSO TALK ABOUT BRINGING IN OTHER STATE AGENCIES THAT SERVE PEOPLE WITH DISABILITIES. THIS CAN RANGE FROM THE DEPARTMENT OF ROADS, ANY NUMBER OF STATE AGENCIES, AND THEY NEED TO BE BROUGHT IN. MOST STATES THAT PUT TOGETHER AN OLMSTEAD PLAN, SENATOR, DO HAVE A STAKEHOLDER GROUP. SO IT'S NOT JUST INTERNAL, IT WILL BE EXTERNAL ALSO. THERE WILL BE PEOPLE WHO REPRESENT DISABILITIES OR WHO ADVOCATE FOR PEOPLE WITH DISABILITIES. YOU NEED TO HAVE THAT VOICE WORKING THROUGH THE PLAN. MOST STATES THAT HAVE DEVELOPED AN OLMSTEAD PLAN BRING IN THESE STAKEHOLDERS; BECAUSE IN THE LONG RUN, THE DEPARTMENT SEEKS AND NEEDS THEIR ADVICE. [LB1033]

SENATOR SCHNOOR: OKAY. I KNOW IT'S NOT A GENERAL RULE OF THUMB THAT THE DEPARTMENTS COME AND TESTIFY, BUT...AND I DON'T SEE ANYTHING ON THE COMMITTEE STATEMENT, BUT WHAT IS THE INPUT FROM HEALTH AND HUMAN SERVICES ON THIS? [LB1033]

SENATOR CAMPBELL: THEY PROVIDED A LETTER IN A NEUTRAL POSITION, SENATOR. WE FOLLOWED UP TO FIND OUT, AND THAT'S WHAT I TALKED ABOUT IN THE OPENING. DIRECTOR SHERI DAWSON FROM THE DEPARTMENT OF BEHAVIORAL HEALTH SAID: I WOULD LIKE YOU TO CLARIFY A TERM IN THE BILL WHICH WILL MAKE OUR JOB MUCH EASIER AS WE PROCEED. BECAUSE YOU'RE

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GOING TO...THIS WILL REACH ACROSS ALL DIVISIONS AND MANY STATE AGENCIES. AND WITH THAT, WE FEEL THE DEPARTMENT...THE DEPARTMENT HAS ALREADY STARTED WORKING ON SOME COMPONENTS OF THIS OVER THE YEARS, BUT WE DO NOT HAVE A COMPREHENSIVE PLAN. [LB1033]

SENATOR SCHNOOR: OKAY. THANK YOU, SENATOR CAMPBELL, AND THANK YOU, MR. PRESIDENT. [LB1033]

SENATOR COASH: THANK YOU, SENATOR SCHNOOR. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION FOR THE BODY IS, SHALL THE HEALTH COMMITTEE AMENDMENT BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB1033]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB1033]

SENATOR COASH: COMMITTEE AMENDMENT IS ADOPTED. RETURN TO DISCUSSION ON LB1033. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF LB1033. [LB1033]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AND I APPRECIATE SENATOR SCHNOOR'S QUESTION BECAUSE IT UNDERLINES THE IMPORTANCE OF BRINGING PEOPLE TOGETHER. MANY PEOPLE WITH DISABILITIES HAVE WANTED TO HAVE A VOICE AND HAVE WANTED TO SHARE IN DEVELOPMENT OF THIS PLAN. THE DEPARTMENT'S WHOLE CULTURE IS CHANGING THERE AND IN TERMS OF INVITING PEOPLE IN AND WANTING COMMUNITY MEMBERS TO BE A PART OF IT, THEY DO. AND I COMMEND THE DEPARTMENT FOR THAT AND FOR THE WORK THEY'VE DONE. AND ONCE AGAIN, THANK SENATOR COASH FOR HIS WORK. THANK YOU, MR. PRESIDENT. [LB1033]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE CLOSING OF LB1033. THE QUESTION FOR THE BODY IS, SHALL LB1033 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB1033]

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CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB1033.
[LB1033]

SENATOR COASH: LB1033 DOES ADVANCE. SPEAKER HADLEY FOR AN
ANNOUNCEMENT. [LB1033]

SPEAKER HADLEY: MR. PRESIDENT AND COLLEAGUES, I JUST WANT TO MAKE A
QUICK ANNOUNCEMENT. I'VE HAD SOME QUESTIONS ABOUT THE TIME THAT WE
EXPECT TO WRAP UP THINGS FOR THE DAY. AS A GENERAL RULE, IT WILL BE 5:00
UNTIL, I THINK, IT'S MARCH 15, THEN WE'LL GO TO THE 7:00. BUT I JUST WANT TO
MAKE IT ABSOLUTELY CLEAR, BECAUSE I'VE HAD QUESTIONS ABOUT IT, THOSE
ARE NOT FIXED IN CONCRETE TIMES. AND IF WE'RE IN A POSITION TO BE ABLE
TO MOVE A BILL BY TAKING A FEW EXTRA MINUTES OF DEBATE, WE WILL DO
THAT. OR IF WE'RE IN A POSITION WHERE WE WOULD HAVE A CLOTURE VOTE
WITHIN A RELATIVELY SHORT PERIOD OF TIME AFTER THAT PROPOSED TIME
WHEN WE'VE TALKED ABOUT ENDING THE DAY, WE WILL STAY HERE TO GET THE
CLOTURE VOTE. SO I JUST WANTED YOU TO KNOW THAT WE'RE NOT...THOSE ARE
NOT FIXED IN STONE. IT'S POSSIBLE TO BE BEFORE 5:00 OR A LITTLE AFTER 5:00.
SO I JUST WANTED YOU TO BE SURE THAT YOU STICK AROUND FOR THE ENTIRE
DAY BECAUSE THERE'S POSSIBLE, YOU KNOW, IMPORTANT VOTES THAT COME
TOWARD THE END OF THE DAY. THANK YOU, MR. PRESIDENT.

SENATOR COASH: THANK YOU, SPEAKER HADLEY, AND HAPPY BIRTHDAY. NEXT
ITEM, MR. CLERK.

CLERK: MR. PRESIDENT, LB467, A BILL BY SENATOR KOLTERMAN. (READ TITLE.)
SENATOR KOLTERMAN PRESENTED HIS BILL YESTERDAY, MR. PRESIDENT, AND
PRESENTED RETIREMENT SYSTEMS COMMITTEE AMENDMENTS. THOSE
AMENDMENTS ARE NOW PENDING. (AM2351, LEGISLATIVE JOURNAL PAGE 797.)
[LB467]

SENATOR COASH: SENATOR KOLTERMAN, WOULD YOU TAKE ABOUT ONE
MINUTE TO TALK ABOUT THE BILL AND THE COMMITTEE AMENDMENT. [LB467]

SENATOR KOLTERMAN: THANK YOU. YES, I WOULD, MR. PRESIDENT.
COLLEAGUES, THE AMENDMENT, THE COMMITTEE AMENDMENT BECOMES THE
BILL AND CREATES A SECOND TIER OF REDUCED BENEFITS IN THE STATE PATROL
PLAN. ALL THE REDUCED BENEFITS APPLY ONLY TO NEW MEMBERS. THE TIER
TWO BENEFITS INCLUDE THE CONTRIBUTION RATE WILL BE 17 PERCENT. THE

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FINAL SALARY WILL BE AVERAGED OVER FIVE YEARS. THE MAXIMUM COST OF LIVING WILL BE 1 PERCENT WITH THE POSSIBILITY OF UP TO 1.5 PERCENT SUPPLEMENTAL PAYMENT IF THE PLAN IS 100 PERCENT FUNDED. AND THE DROP PLAN IS ELIMINATED FOR NEW MEMBERS. REMEMBER, WE'RE DEALING WITH NEW MEMBERS HERE. HOW DID WE GET HERE? LAST FALL THE COMMITTEE DECIDED TO MOVE FORWARD WITH LB467. THE PERB BEGAN GATHERING DATA ON PATROL RETIREES' FINAL AVERAGE SALARIES. I UNDERSTAND THERE'S SOME QUESTION ABOUT WHO SUGGESTED THE ADDITIONAL BENEFITS THAT ARE IN THE BILL, AND I WANT TO MAKE IT VERY CLEAR--ALL OF THESE CHANGES WERE INITIATED BY THE COMMITTEE AND ARE IN RESPONSE TO SEVERAL CONCERNS. WHEN THE COMMITTEE REVIEWED THE RESULTS OF THE DATA COLLECTED BY THE PERB ON FINAL AVERAGE SALARIES, WE LEARNED THAT THE SPIKING ADDS AN ADDITIONAL \$12 MILLION COST TO THE PLAN THAT MUST BE PAID BY THE TAXPAYERS OVER TIME. THE PRESENTATION OF THE ANNUAL ACTUARIAL EVALUATION REPORT TO THE COMMITTEE IN NOVEMBER REVEALED THAT THE ONLY WAY THIS PLAN REMAINS SOLVENT OVER THE NEXT 30 YEARS IS THROUGH ONGOING ANNUAL STATE CONTRIBUTIONS KNOWN AS ARC PAYMENTS. AND FINALLY, DURING THE INTERIM, SENATOR DAVIS, MELLO, AND I MET WITH STAN, THE UNION REPRESENTATIVE, SEVERAL TIMES TO TALK ABOUT MILITARY SERVICE CREDIT, DISCUSS THE COMMITTEE'S PROPOSED CHANGES TO LB467. AT ONE OF THOSE MEETINGS, THE PATROL UNION'S ATTORNEY AND LOBBYIST WERE ALSO PRESENT. SINCE THE BEGINNING OF THE SESSION, I HAVE MET SEVERAL MORE TIMES WITH UNION REPRESENTATIVES AND WITH THEIR LOBBYISTS. WE HAVE ALSO MET WITH REPRESENTATIVES OF THE PATROL AGENCY AND PRO TO DISCUSS THE PROPOSED CHANGES AND LISTEN TO THEIR CONCERNS. THE BIGGEST CONCERNS ON THIS PLAN ARE COMING FROM STAN, THE UNION. I WANT TO MAKE THAT VERY CLEAR. THANK YOU. [LB467]

SENATOR COASH: THANK YOU, SENATOR KOLTERMAN. MEMBERS, YOU'VE HEARD A RECAP OF LB467 AND THE COMMITTEE AMENDMENT. THE FLOOR IS NOW OPEN FOR DISCUSSION. THOSE WISHING TO SPEAK: SENATORS LINDSTROM, McCOLLISTER AND OTHERS. SENATOR LINDSTROM, YOU'RE RECOGNIZED. [LB467]

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT, AND COLLEAGUES. I STAND IN SUPPORT OF THE AMENDMENT, AM2351, AS WELL AS THE UNDERLYING BILL, LB467. HOW I SEE THIS BILL IS REALLY IT COMES DOWN TO ONE THING IS LONG-TERM SOLVENCY. WE'LL HAVE AN EXPERIENCE STUDY COMING OUT SOON. I THINK SENATOR KOLTERMAN HANDED OUT A FORM THAT BASICALLY TALKED ABOUT THE 8 PERCENT RETURN. I WOULD SUSPECT THAT WHEN THE ACTUARY

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LOOKS AT THE DATA AND PUTS IN ITS RECOMMENDATION, THAT WILL CHANGE FROM 8 PERCENT TO, POTENTIALLY, 7.75 PERCENT TO 7.5 PERCENT. ONE OF THE ISSUES THAT WAS BROUGHT UP YESTERDAY WAS PART OF THE RECRUITMENT AND WHETHER OR NOT WE'LL HAVE A PROBLEM WITH RECRUITING NEW AND POTENTIAL STATE PATROLMEN AND WOMEN. I WENT BACK AND LOOKED AT THE TRANSCRIPTS BECAUSE I THINK SENATOR GROENE ASKED A QUESTION THAT I THOUGHT WAS PERTINENT TO THE DISCUSSION. IT WAS ASKED ABOUT THE RECRUITMENT HERE OF MR. FRAZEY. WHAT MR. FRAZEY DISCUSSED WAS THAT THEY HAD AN OPENING FOR 30 PEOPLE IN THE RECRUITMENT CLASS IN FEBRUARY. THEY HAD 303 APPLICANTS THAT PUT IN AN APPLICATION TO APPLY FOR THAT, THEY ENDED UP TAKING 26. THIS BILL HAS BEEN DISCUSSED SINCE LAST FALL, SO IF THERE WAS AN ISSUE, IF PEOPLE WERE MAKING A DECISION ON WHETHER OR NOT TO PUT IN THEIR APPLICATION FOR...TO BECOME A MEMBER OF THE STATE PATROL, I THINK THAT THOSE NUMBERS WOULD HAVE DROPPED BASED ON THIS POTENTIAL BILL AND WHAT WE WERE DOING ON THE SECOND TIER PORTION OF THE RETIREMENT PLAN. SO I URGE THE BODY TO VOTE FOR THE AMENDMENT AND VOTE FOR LB467. THANK YOU, MR. PRESIDENT. [LB467]

SENATOR COASH: THANK YOU, SENATOR LINDSTROM. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB467]

SENATOR McCOLLISTER: MORNING, MR. PRESIDENT; GOOD MORNING, COLLEAGUES. MY INTEREST IN THIS PARTICULAR BILL, LB467, WAS PIQUED BY THE WORLD-HERALD ARTICLE THAT REPORTED THAT A NUMBER OF STATE PATROLMEN HAD ABUSED THE SYSTEM A LITTLE BIT AND PADDED THEIR RETIREMENT TOWARD THE END OF THEIR CAREER. WITH THAT BEING THE CASE, I TALKED TO SENATOR KOLTERMAN AND HE AND HIS LA GAVE ME A FULL REVIEW OF THE STATUS OF THE COLLECTIVE BARGAINING. CAN I HAVE A GAVEL, MR. PRESIDENT? SO WITH THAT THE...SENATOR KOLTERMAN AND HIS LA DESCRIBED THE PROCESS THEY USED TO COMPOSE THIS PARTICULAR BILL. HE ALSO SHOWED ME THE ACTUARIAL REPORT WHICH SHOWED ABOUT 82 PERCENT FULLY FUNDED, WHICH IS...IN A COMPARISON WITH MANY FUNDS IS A PRETTY DARN WELL FUNDED. YES, THIS DIDN'T GIVE THE STATE PATROL ALL THAT THEY WANTED. THE STATE OF NEBRASKA'S GOING TO HAVE SOME COST AS A RESULT OF THIS, \$210,000 IN THE FIRST YEAR AND \$64,000 IN THE SECOND YEAR. BUT IT'S A GOOD PLAN AND A GOOD SOLUTION. WHEN BOTH PARTIES AREN'T PARTICULARLY HAPPY ABOUT THE RESULT, YOU KNOW YOU PROBABLY HAVE A FAIR RESULT. WITH THAT I COMMEND SENATOR KOLTERMAN AND THE MEMBERS

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OF THE RETIREMENT COMMITTEE AND YIELD THE BALANCE OF MY TIME.
[LB467]

SENATOR COASH: THANK YOU, SENATOR McCOLLISTER. SENATOR KOLTERMAN, YOU'VE BEEN YIELDED 3:20. SENATOR KOLTERMAN WAIVES. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB467]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I, TOO, STAND IN SUPPORT OF LB467. I THINK THE ISSUE HERE IS WE DO NEED TO GET OUR RETIREMENT SYSTEMS TO WHERE THEY'RE COMPATIBLE ACROSS THE BOARD. THIS IS A VERY...I THINK IT'S A VERY RESPONSIBLE THING TO DO WHEN WE LOOK AT OUR FUTURE BUDGETS. AND I THINK IT GETS THINGS IN LINE ACROSS...WE CAN MAKE EVERYTHING WORK. AND IF DOWN THE ROAD IF WE HAVE...I'VE TALKED TO A COUPLE OF STATE PATROLMEN, THEY VISITED WITH ME ABOUT THIS ISSUE AND THEY FEEL IT'S GOING TO BE DETRIMENTAL TO THE FORCE DOWN THE ROAD. BUT I THINK I WOULD MUCH RATHER, DOWN THE ROAD, ISSUE THE...OR TALK ABOUT THE ISSUE OF PAY. AND IF WE NEED TO RAISE THE PAY SCALE, LET'S DO THAT. BUT RIGHT NOW, I THINK THE NUMBER OF RECRUITS STILL COMING INTO CLASS IS ADEQUATE. BUT DOWN THE ROAD, I THINK RATHER THAN TRYING TO DO IT THROUGH RETIREMENT FUND WHERE NOT MAYBE ALL OF THE TROOPERS THAT ARE RETIRING GET TREATED EQUALLY, I THINK IT WOULD BE A LOT MORE PRUDENT OF US TO LOOK AT THE PAY SCALE THAT STARTS OUT A PATROLMEN WHEN THEY'RE IN THEIR BEGINNING YEARS. I THINK THIS IS A GOOD BILL THAT WE NEED TO SEND ON. THANK YOU, MR. PRESIDENT. [LB467]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB467]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I STAND IN SUPPORT OF LB467. I THANK THE RETIREMENT COMMITTEE FOR THEIR HARD WORK ON THIS ISSUE AND THANK THE STATE PATROL FOR THEIR NEGOTIATION AND WORK ON THIS ISSUE AS WELL. TO REINFORCE THE IMPORTANCE OF US AS A STATE TO RECOGNIZE OUR ROLE IN SUPPORTING RETIREMENT OF OUR FIRST RESPONDERS AND THOSE WHO ARE PROTECTING OUR PUBLIC SAFETY, IT'S A CRITICAL ROLE THAT WE HAVE. AND THOSE JOBS ARE JOBS THAT OFTEN REQUIRE EARLIER RETIREMENT THAN IN MANY OTHER KINDS OF JOBS. SO IT'S VERY IMPORTANT WE RECOGNIZE THAT THE PENSIONS FOR THESE JOBS ARE AN IMPORTANT PUBLIC RESPONSIBILITY FOR ALL OF US WHO BENEFIT FROM THEIR SACRIFICE AND THEIR WORK FOR US, THE PUBLIC, THROUGHOUT THEIR CAREER. ONE

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DISCUSSION THAT I'VE HAD ABOUT THIS ISSUE IN MY DISTRICT RECENTLY WAS ACTUALLY DISCUSSION THAT I JUST WANTED TO PUT ON THE RECORD FOR FUTURE CONVERSATIONS ON THIS ISSUE. I THINK ONE OF THE CHALLENGES WITH THE STATE PATROL PENSION IS THAT OUR POOL IS VERY SMALL. SO IT BECOMES TOUGH TO MAKE SURE THAT YOU CAN KEEP A SOUND RETIREMENT SYSTEM WHEN YOU HAVE A SMALL POOL. SO ANOTHER STATE CHALLENGE WE HAVE IS ACTUALLY PENSION RETIREMENT FOR OUR FIRST-CLASS CITY FIRST RESPONDERS. AND THAT WAS A CONVERSATION WITH SOME OF MY POLICE OFFICERS IN THE DISTRICT. AND WE TALKED ABOUT THE CHALLENGES OF THEIR RETIREMENT ISSUES. AND SOMEONE IN THAT ROOM RAISED THE QUESTION: WELL, MAYBE WE COULD HELP STATE PATROL OFFICERS AND HELP OUR FIRST-CLASS POLICE OFFICERS BY THINKING ABOUT WAYS IN WHICH, PERHAPS, CREATING A BIGGER POOL AND MOVING IN CREATIVE DIRECTIONS TO PROVIDE A SYSTEM THAT ALLOWED US TO ADDRESS BOTH, A MORE LARGER POOL, AND MORE SECURE AND SUSTAINABLE RETIREMENT FOR STATE PATROL, BUT ALSO A LARGER POOL AND MORE SUSTAINABLE RETIREMENT FOR OUR FIRST-CLASS POLICE OFFICERS. SO I SAID I WOULD BRING THAT ISSUE UP, LAY THAT ON THE RECORD, AND I LOOK FORWARD TO FUTURE DISCUSSIONS ON WHETHER OR NOT THAT IS A CREATIVE WAY TO GO TO HELP IMPROVE THE SUSTAINABILITY OF THESE IMPORTANT PENSION SYSTEMS. THANK YOU, MR. PRESIDENT. [LB467]

SENATOR COASH: THANK YOU, SENATOR CRAWFORD. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB467]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I ALSO STAND IN SUPPORT OF LB467. I WANT TO THANK SENATOR KOLTERMAN, AS WE DID YESTERDAY...MANY DID YESTERDAY, AND SENATOR DAVIS FOR THEIR WORK THAT HAS BROUGHT THIS VERY IMPORTANT PIECE FORWARD AT THIS POINT IN TIME. I HAVE A BACKGROUND THAT'S A LITTLE DIFFERENT THAN EVERYONE ELSE IN HERE, I WOULD IMAGINE. I DON'T KNOW WHO ELSE HAS A MEMBER OF THEIR IMMEDIATE FAMILY THAT WORKS IN THE STATE PATROL OR WORKED IN THE STATE PATROL. MY BROTHER WAS 20 YEARS IN THE ILLINOIS STATE TROOPER RANKS IN THE STATE OF ILLINOIS, AND I KNOW VERY WELL THE CULTURE OF THE STATE PATROL ITSELF AND THE PRIDE THEY TAKE IN THE JOB THEY DO. AND I WANT TO THANK OUR STATE PATROL MEMBERS HERE FOR THE JOB THEY DO ON A DAILY BASIS KEEPING OURSELVES ORGANIZED AND SAFE IN THIS PARTICULAR ENVIRONMENT. I HOPE EVERYONE WILL PUNCH A GREEN LIGHT ON THIS PARTICULAR BILL, LB467, AND WE'LL BE ABLE TO MOVE AHEAD WITH AN EXCELLENT PLAN FOR THEM IN THE FUTURE. THANK YOU VERY MUCH. [LB467]

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SENATOR COASH: THANK YOU, SENATOR KOLOWSKI. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB467]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I GOT AN OPPORTUNITY SUNDAY NIGHT ON MY WAY DOWN HERE TO MEET ONE OF OUR FINE, YOUNG HIGHWAY PATROLMEN. (LAUGHTER) AND IT WAS ENJOYABLE. I HAD MY LOW TIRE PRESSURE LIGHT COME ON, ON ONE OF MY LITTLE CUT-ACROSS GRAVEL ROADS, BUT I MANAGED TO GET ACROSS THAT TO A FLAT, HARD SURFACE WITH A LITTLE LIGHT BEFORE IT WENT CLEAR FLAT. AS I WAS CHANGING THE TIRE, THE HIGHWAY PATROLMAN PULLED UP BEHIND THE CAR, TURNED ON HIS BLUE LIGHTS, ALSO TURNED ON A SPOTLIGHT WHICH GAVE ME A LITTLE MORE LIGHT TO SEE. AND THEN HE PRODUCED A FOUR-WAY TIRE WRENCH WHICH HE OPERATED AND HELPED ME CHANGE THE TIRE. SO EVERY TIME YOU SEE THE BLUE LIGHTS, IT'S NOT A BAD THING. I'D LIKE TO THANK THE HIGHWAY PATROL AND THIS INDIVIDUAL IN PARTICULAR, WHOSE NAME I DID NOT GET, NOR DID HE GET MINE, UNLESS HE GOT IT OFF THE LICENSE PLATE. BUT AGAIN, A SHOUT OUT TO THE PATROL AND LET'S DO THIS LITTLE THING. THANK YOU. [LB467]

SENATOR COASH: THANK YOU, SENATOR BLOOMFIELD. SENATOR GROENE, YOU'RE RECOGNIZED. [LB467]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I, TOO, SIT ON THE RETIREMENT COMMITTEE AND GO BACK TO SENATOR NORDQUIST, SENATOR MELLO, SENATOR DAVIS, AND SENATOR KOLTERMAN WHO LED THIS COMMITTEE OR HAD A LOT...AND SENATOR LINDSTROM HAD A LOT OF INPUT, TOO, SINCE HE GAVE ME A SHOUT-OUT EARLIER. ANYWAY, THEY'VE DONE A GOOD JOB NEGOTIATING. YOU KNOW, THE TEACHERS UNIONS HAVE WORKED WITH THE LEGISLATURE. WE'RE NEBRASKA. WE'RE NOT SOME OF THE ILLINOIS AND SOME OF THEM STATES. PUBLIC EMPLOYEES UNDERSTAND THAT WE HAVE TO HAVE FISCAL RESPONSIBILITY. THE TEACHERS UNION WORKED WITH US. THE JUDGES HAVE DONE...WORKED WITH US. IN OMAHA, THE POLICE HAVE WORKED WITH THE CITY, FIREMEN HAVE ON THEIR RETIREMENTS. THE STATE PATROL HAS WORKED WITH US. BUT, FOLKS, WE HAVE TO GET THINGS IN LINE, THINGS WE CAN AFFORD. WE'VE BEEN ARCing, ADDING MONEY TO RETIREMENTS, ESPECIALLY THE STATE PATROL. IT'S EXPECTED WE'RE GOING TO...WE DID \$2.7 MILLION IN '15; \$2.7 MILLION IN '16; IT'S PROJECTED \$2.4...\$2.3...\$2.6...\$2.7, THOSE ARE THINGS WE'RE GOING TO HAVE TO FUND TO DO THE RETIREMENT OF THE EXISTING EMPLOYEES AT THE STATE PATROL. SOMETHING HAS TO CHANGE. A SPIKING PRACTICE, YOU KNOW, WHERE RETIREMENT, I MEAN, WHERE VACATION MONEY AND SICK LEAVE IS KEPT AND THEN CASHED IN THE LAST FEW YEARS IS

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A COMMON PRACTICE. THERE'S NOTHING ILLEGAL ABOUT IT. I WOULD DO IT, TOO, BUT WE CAN'T AFFORD IT INTO THE FUTURE. WE HAVE TO LEVEL THE THING OUT. WE HAVE TO MAKE IT CORRECT. INSTEAD OF \$2.7 MILLION BEING STUCK IN THE RETIREMENT, IN THE FUTURE THAT MONEY COULD BE USED TO INCREASE THEIR PAY OR TO HIRE NEW OFFICERS. BUT THIS IS A GOOD BILL, A VERY GOOD BILL. IT WAS WELL THOUGHT OUT. KATE ALLEN DID A WONDERFUL JOB EXPLAINING NUMBERS AGAIN TO US. I'M NOT A ACTUARY OR FIDUCIARY INDIVIDUAL, SO. I LIKE NUMBERS, BUT THEY USE DIFFERENT TERMS IN THAT AREA. IT'S A GOOD BILL. AND I APPRECIATE EVERYBODY VOTING GREEN ON LB467. THANK YOU. [LB467]

SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB467]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER; MORNING, COLLEAGUES. I'LL JOIN IN ON THE PARADE A LITTLE BIT IN SUPPORTING THIS. AGAIN, I WAS PART OF RETIREMENT PLANS THAT INCLUDED DEFINED BENEFIT PLAN AND WE HAD TO MAKE CHANGES. A COUPLE THINGS THAT WE MADE SURE WE DID, WE STRETCHED OUT THE AVERAGE SO THAT KIND OF PROTECTED THE SPIKING. WE WENT WITH FIVE, AN AVERAGE OF FIVE OF THE LAST TEN, WHICH SPREAD IT OUT A LITTLE BIT MORE. WHENEVER WE MADE A CHANGE, WE FROZE THE BENEFITS OF THOSE THAT HAD BEEN IN THE PLAN, AND THOSE WHO ARE STILL IN THE PLAN LIVED UNDER THE NEW RULES. IT CHANGED SOME OF THE FACTORS. THE 1.75 IN THAT CASE WENT DOWN TO 1.5 AND THEN IT WENT DOWN TO 1.25, BUT ALL NEW HIRES LIVED WITH THE NEW PLAN AS IT WAS ADJUSTED PERIODICALLY. WE HAVE TO MAKE CHANGES. WE HAVE A GREAT DEFICIT IN THE PRIVATE WORLD. WE HAVE IT HERE IN THE PUBLIC WORLD. AND I, TOO, SUPPORT LB467 AND ITS AMENDMENT. THANK YOU. [LB467]

SENATOR COASH: THANK YOU, SENATOR JOHNSON. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB467]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I ALSO SUPPORT THIS EFFORT BY THE RETIREMENT COMMITTEE IN ORDER TO BEGIN, BEGIN A JOURNEY OF ADDRESSING THIS MASSIVE PENSION PROBLEM. SENATOR KOLTERMAN, WOULD YOU YIELD TO A QUESTION? [LB467]

SENATOR COASH: SENATOR KOLTERMAN, WILL YOU YIELD? [LB467]

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SENATOR KOLTERMAN: YES, I WILL. [LB467]

SENATOR SCHUMACHER: SENATOR, I NOTICED ON THIS LITTLE HANDOUT YOU HANDED OUT, A NOTATION AT THE BOTTOM THAT THIS GRAPH ASSUMES THAT THERE'S AN 8 PERCENT ANNUAL RETURN ON INVESTMENT IN THESE FUNDS. IS THAT CORRECT? [LB467]

SENATOR KOLTERMAN: YES, THAT'S THE AMOUNT THAT THE ACTUARIES HAVE BEEN USING. [LB467]

SENATOR SCHUMACHER: OKAY. AND WHAT WOULD THIS GRAPH LOOK, AND WHAT WOULD OUR SITUATION BE IF THE REAL WORLD WAS 5 PERCENT? [LB467]

SENATOR KOLTERMAN: IT WOULD BE SUBSTANTIALLY DIFFERENT. WE'D HAVE TO PUT A LOT MORE MONEY INTO THE PLAN. [LB467]

SENATOR SCHUMACHER: AND WHAT IS CLOSER TO THE REAL WORLD, 5 PERCENT OR 8 PERCENT? [LB467]

SENATOR KOLTERMAN: I WOULD SAY THAT IT'S SOMEWHERE BETWEEN THERE. I'M NOT...I'M NOT TRYING TO DODGE THE QUESTION, BUT I THINK THE REALITY IS ALL THE PENSION PLANS WE'RE SEEING THROUGHOUT THE COUNTRY ARE NOW USING CLOSER TO 7, 7.5 PERCENT. [LB467]

SENATOR SCHUMACHER: THANK YOU, SENATOR. [LB467]

SENATOR KOLTERMAN: BECAUSE WE'RE LOOKING AT A 30-YEAR HISTORY HERE. [LB467]

SENATOR SCHUMACHER: THANK YOU, SENATOR KOLTERMAN. REALISTICALLY, IF YOU GET 7 PERCENT ON YOUR MONEY ANYWHERE, YOU'D BE MOVING YOUR MONEY THERE. IN THE REAL WORLD, FOR THE FORESEEABLE FUTURE, AND THEY'RE TALKING IN GERMAN BONDS, IN 30-YEAR TREASURIES, WE ARE NOT LOOKING AT A TRADITIONAL, BABY BOOMERS WORKING, AND ECONOMY GROWING IN THE UNITED STATES AS A LEAD ECONOMY ANYWHERE CLOSE TO 8 PERCENT. PEOPLE WOULD BE TURNING SOMERSAULTS OF JOY AT 5 PERCENT. AND SO THIS ISSUE THAT WE ARE BEGINNING TO GRAPPLE WITH HERE IS EXTREMELY VOLATILE WHEN WE UNDERSTAND THAT ON MANY OF THESE

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PENSION PLANS THE TAXPAYERS ARE OBLIGATED FOR THE CURRENT ENROLLEES TO MAKE UP THE DIFFERENCE BETWEEN A WONDER WORLD OF 8 PERCENT, 7 PERCENT, 8 PERCENT, AND A REAL WORLD OF AROUND 5 PERCENT, GIVE OR TAKE A PERCENT...PROBABLY TAKE. SO IF WE'RE TO BE HALFWAY MERCIFUL TO THE PEOPLE WHO SIT IN THESE CHAIRS A DECADE FROM NOW, INSTEAD OF WHITTLLING AWAY AT OUR RESERVES, INSTEAD OF PRETENDING WE CAN REDUCE OUR REVENUE SOURCES, WE NEED TO START BUILDING RESERVES OR THERE'S GOING TO BE SOME MISERABLE VOTES HAVING TO BE TAKEN IN THIS ROOM IN A DECADE OR SO. THIS IS MATHEMATICS THAT IS WORKING AGAINST US DRAMATICALLY, AND IT IS VERY DIFFICULT TO ACCEPT REALITY BECAUSE SO MANY PEOPLE BET THEIR RETIREMENT ON AN 8 PERCENT REALITY. IT ISN'T THERE. IT, IN 95 PERCENT OF CERTAINTY, WILL NOT BE THERE. AND LEGALLY, WHILE WE MAY ADJUST THINGS FOR FUTURE RETIREES, WE'RE GOING TO BE FORCED BY THE CONSTITUTION OF THIS STATE AND THE COURT DECISIONS TO PICK UP A DIFFERENCE AND, UNFORTUNATELY, PROBABLY PICK UP THE DIFFERENCE IN SOME CITY PENSION PLANS TOO. SO THIS IS NOT A HAPPY TOPIC. [LB467]

SENATOR COASH: ONE MINUTE. [LB467]

SENATOR SCHUMACHER: I DO NOT ENVY SENATOR KOLTERMAN AND THE RETIREMENT COMMITTEE AND THEIR DUTIES. BUT IN JUSTICE TO THE CITIZENS OF THE STATE, WE SHOULDN'T CLOUD OURSELVES WITH IMAGINATION, BUT WE SHOULD EMBRACE OURSELVES IN THE REALITY AND START FINANCING ACCORDINGLY. THANK YOU. [LB467]

SENATOR COASH: THANK YOU, SENATOR SCHUMACHER. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB467]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT; AND GOOD MORNING, COLLEAGUES. I STAND IN SUPPORT OF ALL THAT OUR STATE TROOPERS DO WITH THE HIGHEST ESTEEM AND HIGHEST RESPECT FOR THEIR WILLINGNESS, THEIR ABILITIES, THEIR BEING AT THE FRONT LINE FOR ALL OF NEBRASKA AT THE DROP OF A DIME. MY QUESTIONS AND CONCERNS, SIMILAR TO SENATOR SCHUMACHER'S, COME INTO PROMISING DOLLARS, STATE DOLLARS MOVING FORWARD FOR PENSIONS AND RETIREMENT PLANS. I UNDERSTAND THEY HAVE A VERY ROBUST PLAN TODAY. AND THE MANY THAT I KNOW, THEY ABSOLUTELY WORK HARD, THEY'RE AT HIGH RISK, BUT MOVING FORWARD, AND I UNDERSTAND THE CHANGES WILL ADDRESS THAT. WHEN THE QUESTION WAS

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ASKED EARLIER, AND THIS WAS MY QUESTION WAS YESTERDAY IS, YOU KNOW, I UNDERSTAND WE DO HAVE A GAP OF INCOMING STATE TROOPERS. AND I HEARD SENATOR CRAWFORD ON THE FLOOR EARLIER TALKING ABOUT THAT SAME GAP, NOT THE SAME, BUT A GAP EXISTS WITH OUR EMTs AND EMERGENCY RESPONDERS. THERE'S ALSO, I BELIEVE, A GAP WHEN WE LOOK AT PEOPLE WILLING TO SERVE. SEVERAL DID NOT COME IN AND FILE UNTIL THE VERY LAST MOMENT TO RUN FOR OUR SEATS. PEOPLE WILLING TO SERVE DESPITE MONETARY GAIN, I BELIEVE, YOU KNOW, ARE BECOMING FEWER AND FEWER SIMPLY BECAUSE THE ECONOMICS AND REALITY OF WHAT IT TAKES IN TODAY'S WORLD TO MAKE ENDS MEET. BUT WHEN IT COMES TO PENSIONS AND RETIREMENT, I DO THINK WE NEED TO BE EXTREMELY CAUTIOUS AND PRUDENT. AT ONE OF OUR HEARINGS IN THE REVENUE COMMITTEE, ONE OF THE PAST SENATORS HAD TESTIFIED THAT ORIGINALLY WHEN NEBRASKA BECAME A STATE, WE DESIGNED THE 93 COUNTIES IN OUR SYSTEM BECAUSE WE WOULD GROW TO OVER FOUR MILLION INDIVIDUALS. WE'VE STAYED AT UNDER TWO MILLION INDIVIDUALS, CONSTITUENTS, FOR THE LAST DECADE, TWO DECADES, MORE THAN THAT. AND SO RIGHT NOW WE NEED TO REALLY THINK ABOUT WHAT WE CAN AFFORD TO DO. TO DATE, WE HAVE NOT SEEN A BOOM OF POPULATION GROWTH. AND, HOPEFULLY, MORE OPPORTUNITIES WILL COME AND BRING MORE PEOPLE TO OUR STATE. SO I DO STAND IN SUPPORT OF THE NEED OF A PLAN, A FINANCIAL PLAN, RETIREMENT OR A PENSION; BUT WE DO NEED TO BE VERY, VERY CAUTIOUS ON--CAN WE TRULY AFFORD TO CONTINUE THIS PRACTICE. I WANT TO THANK SENATOR KOLTERMAN FOR INTRODUCING THIS AND THE COMMITTEE FOR THEIR AMENDMENT. THANK YOU, MR. PRESIDENT; AND THANK YOU, COLLEAGUES. [LB467]

SENATOR COASH: THANK YOU, SENATOR BRASCH. SEEING NO OTHER LIGHTS ON, SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB467]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. THE PATROL IS UNIQUE. THE COMMITTEE TRIES TO MAINTAIN SIMILAR BENEFITS FOR MEMBERS OF THREE STATE-ADMINISTERED DEFINED BENEFIT PLANS: PATROL, SCHOOL, AND JUDGES. HOWEVER, THE LENGTH OF SERVICE AND JOB DEMANDS OF MEMBERS IN EACH PLAN ARE UNIQUE. SO EACH PLAN HAS A SLIGHTLY DIFFERENT STRUCTURE AND BENEFIT. FOR EXAMPLE, BECAUSE OF THE DANGERS INHERENT IN THE WORK OF PUBLIC SAFETY OFFICERS, THE PATROL PLAN PROVIDES MUCH BETTER DEATH AND DISABILITY BENEFITS THAN THE SCHOOL AND JUDGE PLAN. PATROL OFFICERS, BECAUSE OF THE PHYSICAL DEMANDS AND STRESS OF THE WORK, MUST RETIRE AT AGE 60. BUT THEY'RE ELIGIBLE TO RECEIVE FULL

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BENEFITS AT AGE 55 WITH TEN YEARS OF SERVICE. THERE'S NO MANDATORY RETIREMENT AGE FOR JUDGES AND SCHOOL MEMBERS. JUDGES, BECAUSE THEY TEND TO COME TO THE BENCH LATER IN LIFE, REACH FULL RETIREMENT IN 20 YEARS. SCHOOL MEMBERS MAY RECEIVE FULL RETIREMENT BENEFITS IF THEY MEET THE RULE OF 85--YEARS PLUS SERVICE EQUALS 85. OTHERWISE, THEIR BENEFITS ARE REDUCED IF THEY RETIRE UNDER AGE 65. THE PATROL BENEFIT FORMULA USES A 3 PERCENT MULTIPLIER IN ORDER TO TRY TO HELP COMPENSATE FOR THE FACT THAT THEY DON'T PAY INTO SOCIAL SECURITY. SCHOOLS USE A 2 PERCENT MULTIPLIER AND JUDGES USE A 3.5 PERCENT BECAUSE THEY ENTER THE PLAN AT A MUCH OLDER AGE IN GENERAL. THE PATROL ARE THE ONLY MEMBERS WITH A DROP PLAN BENEFIT, AND IT'S A GREAT BENEFIT. EVEN THOUGH THE PLAN IS FUNDED AT 87 PERCENT THIS YEAR, ACCORDING TO A 30-YEAR PROJECTION BY THE ACTUARY, THE PLAN WILL ONLY BE SUSTAINED THROUGH ANNUAL MULTIMILLION ADDITIONAL STATE CONTRIBUTIONS. AND IF THE ASSUMED RATE IS NOT EARNED, WHICH IS NOW AT 8 PERCENT, THE AMOUNT THE STATE WILL NEED TO CONTRIBUTE WILL INCREASE AND CAUSE AN ARC. THIS SUMMER THE ACTUARIAL EXPERIENCE STUDY IS GOING TO BE COMPLETED. WE AS A COMMITTEE AND THE PERB EXPECT TO SEE A REDUCED ASSUMED RATE, WHICH WILL REQUIRE EVEN GREATER CONTRIBUTIONS BY THE STATE. SO I'D LIKE TO THANK ALL OF YOU FOR THE DIALOGUE ON THIS. I REALLY APPRECIATE THE QUESTIONS FROM THE FACT THAT IT SHOWS THAT WE HAVE SOME INTEREST. IT'S SOMETHING THAT'S VERY IMPORTANT TO NOT ONLY THE STATE PATROL, BUT THE REST OF THE RETIREMENT PLANS. SO I WOULD ENCOURAGE YOU TO VOTE YES ON THIS. AND IF YOU HAVE INDIVIDUAL QUESTIONS, I WOULD ENCOURAGE YOU TO REACH OUT TO MY STAFF. KATE ALLEN HAS DONE A TREMENDOUS JOB IN HELPING US WITH THIS, AND THE REST OF THE COMMITTEE, BECAUSE WE'RE PRETTY UNITED ON THE FACT THAT THESE TYPES OF THINGS NEED TO HAPPEN GOING FORWARD. AND WE'LL BE BRINGING BACK SOME ADDITIONAL BILLS NEXT YEAR THAT WE COULDN'T GET TO THIS YEAR. SO THANK YOU AND PLEASE VOTE GREEN. [LB467]

SENATOR COASH: THANK YOU, SENATOR KOLTERMAN. MEMBERS, YOU HEARD THE CLOSING ON THE COMMITTEE AMENDMENT TO LB467. THE QUESTION FOR THE BODY IS SHALL THE COMMITTEE AMENDMENT BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB467]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB467]

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SENATOR COASH: THE COMMITTEE AMENDMENT IS ADOPTED. WE RETURN TO DISCUSSION ON LB467. MR. CLERK. [LB467]

CLERK: MR. PRESIDENT, SENATOR KOLTERMAN...SENATOR, I HAVE AM1865 THAT WAS FILED EARLIER IN SESSION, BUT I HAVE A NOTE YOU WISH TO WITHDRAW. THAT'S ALL THAT I HAVE, MR. PRESIDENT, THANK YOU. [LB467]

SENATOR COASH: SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF LB467. SENATOR KOLTERMAN WAIVES CLOSING. THE QUESTION FOR THE BODY IS, SHALL LB467 ADVANCE? ALL THOSE IN FAVOR VOTE AYE, OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB467]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB467. [LB467]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: MR. CLERK, ITEMS FOR THE RECORD.

CLERK: THANK YOU, MR. PRESIDENT. ENROLLMENT AND REVIEW REPORTS LB683 AND LB746 AS CORRECTLY ENGROSSED, ALONG WITH LB746A. I HAVE THREE NEW RESOLUTIONS: SENATOR EBKE--LR471, LR472, AND LR473; THOSE THREE RESOLUTIONS WILL BE LAID OVER AT THIS TIME. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 918-920.) [LB683 LB746 LB746A LR471 LR472 LR473]

SPEAKER HADLEY: THANK YOU, MR. CLERK. (VISITORS INTRODUCED.) MR. CLERK, WE WILL PROCEED TO THE NEXT ITEM.

CLERK: MR. PRESIDENT, LB910 IS A BILL BY SENATOR BOLZ. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 12 OF THIS YEAR, AT THAT TIME REFERRED TO THE JUDICIARY COMMITTEE FOR PUBLIC HEARING. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM2328, LEGISLATIVE JOURNAL PAGE 782.) [LB910]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON LB910. [LB910]

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SENATOR BOLZ: THANK YOU, MR. PRESIDENT. LB910 CONTINUES OUR WORK TO IMPROVE AND DEVELOP BEST PRACTICES FOR REENTRY FOR INDIVIDUALS LEAVING OUR CORRECTIONAL SYSTEM. LB910 CONTINUES THE WORK OF LB598, WHICH WAS PASSED BY THIS BODY LAST LEGISLATIVE SESSION. ONE OF THE MOST IMPORTANT THINGS THAT LB598 DID WAS TO CREATE AN INDEPENDENT PAROLE BOARD. AND THE GOAL OF DEVELOPING AN INDEPENDENT PAROLE BOARD IS A PAROLE BOARD THAT HAS ITS OWN LEGAL COUNSEL; THAT CAN PROVIDE QUALITY OVERSIGHT OF SERVICES IMPLEMENTED AND PURCHASED BY THE BOARD OF PAROLE; AND ALLOWS FOR INDEPENDENCE AND AUTONOMY OF THE BOARD OF PAROLE IN MAKING THE BEST DECISIONS REGARDING PEOPLE REENTERING OUR COMMUNITIES AND PROTECTING THE PUBLIC SAFETY. SO WHEN WE IMPLEMENTED LB598 LAST YEAR, WE WORKED WITH THE BOARD OF PAROLE AND THE DEPARTMENT OF CORRECTIONS TO PUT TOGETHER LANGUAGE ABOUT THE DEPARTMENT OF CORRECTIONS AND THE BOARD OF PAROLE WORKING TOGETHER TO DEVELOP A TRANSITION PLAN THAT WOULD EFFECTIVELY MOVE US TO PAROLE BOARD INDEPENDENCE. THIS FALL, I MET WITH STAKEHOLDERS IN THIS INITIATIVE, AND WE RECOGNIZE THAT THERE WERE CHALLENGES IN THIS WORK. THAT MAKES SENSE. MOVING A WHOLE INSTITUTION TO AN INDEPENDENT FUNCTION IS AN EFFORT. SO AS A CONTINGENCY, WE PUT IN LB910 WITH THE IDEA THAT IT MAY BE NECESSARY TO EXTEND THE TIME FRAME FOR WHEN THE PAROLE BOARD WOULD BECOME INDEPENDENT. FORTUNATELY, EXCELLENT WORK HAS BEEN DONE TO MAKE SURE THAT ALL THE PIECES ARE PUT TOGETHER, AND ALL OF THE STAKEHOLDERS ARE PULLED IN TO ENSURE SUCCESSFUL TRANSITION TO INDEPENDENCE FOR THE BOARD OF PAROLE. IF ANYONE IS INTERESTED, I HAVE THE UPDATED TRANSITION PLAN HERE ON MY DESK, AND I'M PLEASED TO REPORT THAT A TRANSITION PLAN COORDINATOR HAS BEEN HIRED. SO LB910, THE UNDERLYING BILL, IS NOT AS NECESSARY AS WE ORIGINALLY THOUGHT IT MIGHT BE IN TERMS OF CHANGING TIME LINES AND DATES. HOWEVER, THERE ARE A FEW TECHNICAL PIECES THAT REMAIN IN THE BILL THAT NEED TO BE MOVED FORWARD IN ORDER TO ENSURE THAT THE PAROLE BOARD IS, IN FACT, EFFECTIVE AND TO ADDRESS SOME OTHER PIECES OF TRANSITION FROM CORRECTIONS TO THE COMMUNITY. I'LL WALK YOU THROUGH SOME OF THOSE PIECES WHEN WE DISCUSS THE AMENDMENT, BUT THEY HAVE TO DO WITH OVERSIGHT, REPORTING, AND THE DUTIES OF THE PEOPLE WHO WORK IN THE PAROLE ADMINISTRATION. SO WITH THAT, I WILL END MY OPENING ON LB910. AND SENATOR SEILER WILL DISCUSS SOME OF THE PROCEDURAL PIECES AND WILL DISCUSS THE AMENDMENT AS IT COMES UP ON THE FLOW. THANK YOU, MR. PRESIDENT. [LB910 LB598]

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SPEAKER HADLEY: THANK YOU, SENATOR BOLZ. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SEILER, AS CHAIR OF THE JUDICIARY COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB910]

SENATOR SEILER: MR. SPEAKER, MEMBERS OF THE LEGISLATURE, LB910 WITH AM2328 ADVANCED FROM JUDICIARY COMMITTEE WITH SEVEN VOTES, WITH ONE MEMBER PRESENT BUT NOT VOTING. LB910 IS A JUDICIARY COMMITTEE PRIORITY BILL. NOW, LISTEN UP, FOLKS. THIS IS GOING TO BE DIFFERENT THAN ANYTHING WE'VE VOTED ON SO FAR. THIS IS...WE'RE REQUESTING A "NO" VOTE ON AM2328 SO THAT WE CAN REASSEMBLE AFTER WE VOTE "NO," THEN WE CAN REASSEMBLE THIS WITH OTHER AMENDMENTS. THIS IS DIFFERENT, SO I'M ASKING FOR A RED VOTE ON THE AMENDMENT, AM2328. THE PROVISIONS THAT ARE IN AM2328 WILL BE BROUGHT BACK UNDER SENATOR BOLZ'S AMENDMENT, AM2477, AND UNDER AN AMENDMENT BY SENATOR MORFELD THAT HAS JUST BEEN FILED. AND THEN LB1080 WILL BE SENT TO CONSENT CALENDAR. SO I HOPE EVERYBODY'S CLEAR ON THIS, FOR AM2328, WE WANT A RED VOTE. ON THE...SENATOR BOLZ'S AM2477 WE WANT A GREEN. AND ON SENATOR MORFELD'S AM, WE WANT GREEN. AND THEN A TOTAL VOTE ON LB910 OF GREEN. IF ANYBODY HAS ANY QUESTIONS, I'LL BE MORE THAN HAPPY TO ANSWER THEM. OTHER THAN THAT, THAT'S ALL I HAVE, MR. SPEAKER. [LB910 LB1080]

SPEAKER HADLEY: THANK YOU, SENATOR SEILER. YOU'VE HEARD THE OPENING ON AM2328. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB910]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I DO NOT WORK WITH THE GADGET, AS YOU ALL KNOW; BUT I WANT TO LET YOU KNOW THAT I PAY ATTENTION TO THE GADGET LANGUAGE. SENATOR SEILER, THE CHAIRMAN OF THE JUDICIARY COMMITTEE, SAID HE WANTS YOU TO VOTE "NO" ON THIS AMENDMENT, THEN THERE WILL BE A REASSEMBLING OF WHAT'S TO BE DONE. I THINK HE SHOULD SAY WHAT HE'S GOING TO DO IS RECONFIGURE WHAT IS GOING TO BE DONE. THANK YOU VERY MUCH. [LB910]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB910]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I WAS GOING TO ASK THE QUESTION, BUT NOW HE WANTS A NO, A RED LIGHT, I'M PRETTY GOOD AT

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THAT. I THINK I CAN GET MY FINGER ON THE RED LIGHT, AND I'LL BE HAPPY TO DO THAT FOR YOU, SENATOR SEILER. AND...SO MY QUESTIONS HAVE BEEN ANSWERED, BUT I WILL YIELD ANY TIME I HAVE REMAINING TO SENATOR SEILER IF HE WOULD LIKE IT. [LB910]

SPEAKER HADLEY: SENATOR SEILER, YOU'RE YIELDED 4:36 IF YOU WISH. [LB910]

SENATOR SEILER: I'LL PASS, THANK YOU. [LB910]

SPEAKER HADLEY: IS THERE ANYONE ELSE WHO WISHES TO SPEAK ON AM2328? SEEING NONE, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE. SENATOR SEILER WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF AM2328. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB910]

CLERK: 0 AYES, 26 NAYS, MR. PRESIDENT, ON THE COMMITTEE AMENDMENT. [LB910]

SPEAKER HADLEY: THE JUDICIARY COMMITTEE AMENDMENT FAILS. MR. CLERK. [LB910]

CLERK: MR. PRESIDENT, SENATOR BOLZ WOULD MOVE TO AMEND THE BILL WITH AM2477. (LEGISLATIVE JOURNAL PAGES 920-923.) [LB910]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB910]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THIS AMENDMENT STRIKES AND REPLACES THE UNDERLYING BILL, AND IT ACHIEVES A NUMBER OF IMPORTANT CHANGES TO ENSURE THE SUCCESS OF PAROLE BOARD IMPLEMENTATION AND TO CONTINUE TO ACHIEVE OUR GOALS OF SUCCESSFUL REENTRY WHICH, OF COURSE, IN TURN HELPS ACHIEVE OUR GOALS OF ALLEVIATING PRESSURE ON THE CORRECTIONS SYSTEM AND ADDRESSING OVERCROWDING. THE PIECES OF THE AMENDMENT INCLUDE ADDITIONAL REPORTING FOR INDIVIDUALS WITH MENTAL AND BEHAVIORAL HEALTH NEEDS WHO ARE IN SOLITARY CONFINEMENT SO THAT WE CAN MONITOR THEIR PROGRESS AND MAKE SURE THE SYSTEM IS WORKING AS IT SHOULD; IT CLARIFIES THE ROLE OF THE PAROLE BOARD ADMINISTRATOR IN THIS NEW, INDEPENDENT SYSTEM; AND IT CONTINUES THE OVERSIGHT FUNCTION OF THE OFFICE OF THE INSPECTOR

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GENERAL. THIS IS THE CURRENT ROLE OF THE INSPECTOR GENERAL WHO PROVIDES OVERSIGHT AND HAS INVESTIGATIVE AUTHORITY OVER THE BOARD OF PAROLE NOW, AND THIS SIMPLY CONTINUES THAT AUTHORITY AS THE BOARD OF PAROLE BECOMES INDEPENDENT. AGAIN, I WOULD ARGUE THAT ALL OF THESE PIECES CONTINUE THIS BODY'S SHARED WORK TO REFINE AND IMPROVE OUR SYSTEM TO MAKE SURE THAT FOLKS WHO REENTER OUR COMMUNITIES DO SO SUCCESSFULLY. I THINK IT'S IMPORTANT TO NOTE THAT ONE OF THE PIECES OF THE AMENDMENT ARTICULATES THE ROLE OF THE PAROLE BOARD AND OF THE PAROLE ADMINISTRATOR. THE PAROLE ADMINISTRATOR SHALL BE A PERSON WITH APPROPRIATE EXPERIENCE AND TRAINING, INCLUDING BUT NOT LIMITED TO FAMILIARITY WITH THE IMPLEMENTATION OF EVIDENCE-BASED PROCESSES FOR UTILIZING RISK AND NEEDS ASSESSMENTS TO MEASURE CRIMINAL RISK FACTORS AND SPECIFIC INDIVIDUAL NEEDS. COLLEAGUES, PART OF THE ROLE OF THE PAROLE BOARD ADMINISTRATOR IS NOT JUST TO MAKE SURE THAT WE'RE ASSESSING RISK AND PROTECTING THE PUBLIC SAFETY. IT'S ALSO THIS PERSON'S ROLE TO HELP PEOPLE SUCCESSFULLY TRANSITION INTO THE COMMUNITY. ONE OF THE CURRENT STATUTORY RESPONSIBILITIES OF THE PAROLE ADMINISTRATOR IS TO COOPERATE WITH THE BOARD OF PAROLE, THE COURTS, THE COMMUNITY CORRECTIONS DIVISION OF THE NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE, AND ALL OTHER AGENCIES, PUBLIC AND PRIVATE, WHICH ARE CONCERNED WITH THE TREATMENT OR WELFARE OF PERSONS ON PAROLE. SO, COLLEAGUES, AS WE DISCUSS SENATOR MORFELD'S AMENDMENT, I WANT YOU TO KEEP THAT IN MIND, BECAUSE AS WE REFINE AND IMPROVE THE SYSTEM OF PAROLE IN OUR STATE TO ENSURE SUCCESSFUL REENTRY, WE MUST CONSIDER NOT ONLY RISK BUT ALSO STABILITY AND FAMILY SUCCESS AND WELL-BEING SO THAT WE DO NOT SEE INCREASED RECIDIVISM. SO, COLLEAGUES, I WOULD APPRECIATE YOUR VOTE, YOUR GREEN VOTE THIS TIME, LET'S BE CLEAR, WE'RE ON GREEN NOW--NONE OF SENATOR SEILER'S M.O. THIS MORNING FOR ME--GREEN VOTES FOR AM2477. THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: YOU HEARD THE OPENING ON AM2477. SEEING NO ONE IN THE QUEUE, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR BOLZ WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM2477. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. SENATOR BOLZ, FOR WHAT PURPOSE DO YOU RISE? MR. CLERK, RECORD. [LB910]

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CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR BOLZ'S AMENDMENT. [LB910]

SPEAKER HADLEY: AM2477 IS ADOPTED. MR. CLERK. [LB910]

CLERK: MR. PRESIDENT, SENATOR MORFELD WOULD MOVE TO AMEND WITH AM2469. (LEGISLATIVE JOURNAL PAGES 923-926.) [LB910]

SPEAKER HADLEY: SENATOR MORFELD, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB910]

SENATOR MORFELD: THANK YOU, MR. SPEAKER, MEMBERS OF THE LEGISLATURE. AM2469 INCORPORATES LANGUAGE FROM LB690, A BILL THAT ADVANCED FROM HEALTH AND HUMAN SERVICES COMMITTEE AND WAS ALSO UNANIMOUSLY SUPPORTED BY THE JUDICIARY COMMITTEE AS AMENDMENT TO LB910. AS SENATOR SEILER NOTED, WE'RE ACTUALLY RECONSTITUTING THIS ON THE FLOOR SO THAT'S THE PURPOSE OF THIS AMENDMENT. THE BILL ALSO ENJOYS A WIDE RANGE OF SUPPORT FROM THE NEBRASKA CATHOLIC CONFERENCE, FOOD BANKS, AND REENTRY ALLIANCE OF NEBRASKA, TO NAME A FEW. LB690 ELIMINATES THE BAN ON ELIGIBILITY FOR FOOD ASSISTANCE FOR THOSE WITH PAST DRUG FELONIES. THIS BILL REMOVES A BARRIER TO SUCCESSFUL REINTEGRATION, WHILE ALSO REDUCING HUNGER FOR THE INDIVIDUALS AND THEIR FAMILIES THAT ARE AFFECTED AND HAVE SERVED TIME. CURRENTLY, 43 STATES HAVE OPTED OUT OF OR MODIFIED SIMILAR BANS WITH 18 STATES OPTING OUT ENTIRELY, INCLUDING OUR SURROUNDING STATES OF IOWA, KANSAS, AND SOUTH DAKOTA. I INTRODUCE THIS LEGISLATION BECAUSE ACCESS TO FOOD IS FOUNDATIONAL TO MEETING A PERSON'S MOST BASIC NEEDS, AND DENYING A STABLE FOOD SOURCE FOR THOSE REENTERING OUR COMMUNITY AFTER BEING CONVICTED OF A DRUG FELONY IS COUNTERPRODUCTIVE AND INCREASES THE LIKELIHOOD OF RECIDIVISM. STUDIES ALSO SHOW THAT WOMEN AND CHILDREN ARE DISPROPORTIONATELY IMPACTED BY THIS BAN, AS ALMOST TWICE AS MANY WOMEN AS MEN ARE ON SNAP AND HIGHER NUMBERS OF WOMEN ARE BEING CONVICTED OF DRUG CHARGES THAN MEN. ALSO SNAP BENEFITS ARE SHORT TERM. THE AVERAGE INDIVIDUAL UTILIZES SNAP ON AVERAGE OF ABOUT NINE MONTHS. THE RULES ALSO REQUIRE THAT AN ABLE-BODIED PERSONS ARE WORKING IN ORDER TO RECEIVE BENEFITS FOR LONGER THAN THREE MONTHS. IN ADDITION, AS A CHILD THAT WAS RAISED BY A SINGLE-MOTHER HOUSEHOLD THAT UTILIZED SNAP AND WIC BENEFITS, THESE BENEFITS WERE CRITICAL TO MY BROTHER,

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SISTER, AND MY WELL-BEING AND DEVELOPMENT. WE SHOULD NOT PUNISH CHILDREN AND THEIR FAMILIES FOR THE MISTAKES AND TRIALS OF THEIR MOTHERS AND FATHERS. AND OUR CURRENT LAW DOES EXACTLY THAT AFTER THEY HAVE SERVED THEIR DEBT TO SOCIETY. THAT IS WHY I INTRODUCE LB690 AND THIS AMENDMENT TO LB910. SENATORS, THIS AMENDMENT WOULD ELIMINATE THE BAN ON ELIGIBILITY FOR DRUG FELONS IN NEBRASKA, REDUCE BARRIERS TO REENTRY, FURTHER STREAMLINE THE SNAP APPLICATION PROCESS, AND HELP FAMILIES MEET THEIR MOST BASIC NEEDS. I URGE YOUR FAVORABLE CONSIDERATION TO THIS AMENDMENT. THANK YOU. [LB910 LB690]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON AM2469. SENATOR KINTNER, FOR WHAT PURPOSE DO YOU RISE? [LB910]

SENATOR KINTNER: MR. CHAIRMAN, I WOULD LIKE TO CHALLENGE THE GERMANENESS OF THIS AMENDMENT. THIS AMENDMENT HAS NOTHING TO DO WITH PAROLE. [LB910]

SPEAKER HADLEY: OKAY, SENATOR KINTNER, PLEASE EXPLAIN WHY YOU THINK THE AMENDMENT IS NOT GERMANE. [LB910]

SENATOR KINTNER: WE'RE TALKING ABOUT A BILL THAT HAS TO DO WITH PAROLE. THAT'S AS SIMPLE AS THAT. SO IF WE'RE GOING TO DO ANY AMENDMENTS, IT HAS TO DEAL WITH THAT SUBJECT MATTER; AND WE'RE GOING OFF IN A TOTALLY DIFFERENT DIRECTION HERE. [LB910]

SPEAKER HADLEY: SENATOR MORFELD, PLEASE EXPLAIN WHY YOU THINK THE AMENDMENT IS GERMANE. [LB910]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. FIRST OFF, RULE 7, SECTION 3(d) STATES THAT GERMANE AMENDMENTS RELATE ONLY TO THE DETAILS OF THE SPECIFIC SUBJECT OF THE BILL AND MUST BE NATURAL AND LOGICAL SEQUENCE TO THE SUBJECT MATTER OF THE ORIGINAL PROPOSAL. THE UNDERLYING BILL, LB910, REQUIRES THAT THE PAROLE ADMINISTRATOR HAVE SPECIFIC DUTIES IN ORDER TO STREAMLINE REENTRY AND TO ENSURE SUCCESSFUL REENTRY. THE CURRENT STATUTE, 83-1,102(4) STATES THAT THE PAROLE ADMINISTRATOR SHALL "COOPERATE WITH THE BOARD OF PAROLE, THE COURTS, THE COMMUNITY CORRECTIONS DIVISION OF THE NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE, AND ALL OTHER AGENCIES, PUBLIC AND PRIVATE, WHICH ARE CONCERNED WITH THE

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TREATMENT OR WELFARE OF PERSONS ON PAROLE." ENSURING THAT WE HAVE THESE TYPES OF BENEFITS FOR PEOPLE REENTERING OUR SOCIETY IS CRITICAL TO PEOPLE BEING SUCCESSFULLY REENTERING AND THE PAROLE ADMINISTRATOR TO ENSURE THEIR DUTIES ARE MET. IN ADDITION, LB910, PAGE 3, LINE 24, STATES THAT THE PAROLE ADMINISTRATOR SHALL WORK WITH SPECIFIC INDIVIDUAL NEEDS AS WELL. THIS IS A CRITICAL NEED FOR PEOPLE REENTERING OUR SOCIETY. FOOD IS A CRITICAL NEED. THIS IS A PART OF THE PAROLE ADMINISTRATOR'S DUTY TO ENSURE THESE NEEDS ARE MET AND TO ENSURE SUCCESSFUL REENTRY INTO SOCIETY. AND THAT IS WHY IT IS GERMANE UNDER RULE 7, SECTION 3(d). THANK YOU. [LB910]

SPEAKER HADLEY: MEMBERS, I WOULD RULE THE AMENDMENT IS GERMANE TO THE BILL. SENATOR KINTNER, FOR WHAT PURPOSE DO YOU RISE? [LB910]

SENATOR KINTNER: I WOULD CHALLENGE THE RULING OF THE CHAIR. [LB910]

SPEAKER HADLEY: THE RULING OF THE CHAIR HAS BEEN CHALLENGED. EACH MEMBER IS ALLOWED TO SPEAK ONCE TO THE ISSUE. MEMBERS MAY NOT YIELD TIME TO ANOTHER. SENATOR KINTNER, YOU ARE NOW RECOGNIZED TO SPEAK. [LB910]

SENATOR KINTNER: WELL, MR. PRESIDENT, THANK YOU VERY MUCH. YOU KNOW, WE'RE LOOKING AT AN AMENDMENT HERE THAT'S THREE OR MORE FELONY CONVICTIONS FOR ANYTHING. WE'RE NOT TALKING ABOUT PAROLE HERE. WHAT HE DID WAS HE TOOK YOU DOWN, IN MY BELIEF, HE'S TAKING US DOWN A TRAIL, IF WE DO THIS, WE DO THIS, WE DO THIS, WE DO THIS, THEN IT COMES BACK HERE. THAT IS A PRETTY LONG TRAIL AND A PRETTY DEEP RABBIT HOLE TO GO INTO TO GET TO THIS. IF YOU'RE GOING TO DO SOMETHING THAT HAS TO DO WITH FELONY CONVICTIONS, THEN IT NEEDS TO BE A STAND-ALONE BILL LIKE IT WAS. IT WAS A STAND-ALONE BILL. AND TO TRY TO TIE IT IN TO SOMETHING TO DEAL WITH PAROLE, TO ME IS QUITE A BIT DIFFERENT. SO WE'RE TALKING ABOUT PERSONS SHALL BE ELIGIBLE FOR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS UNDER THIS SUBSECTION, AND THEY'VE TAKEN OUT, IF HE HAS THREE OR MORE. SO, IT WAS...LET ME TELL YOU WHAT THE LAW SAYS NOW: A PERSON SHALL BE INELIGIBLE FOR SUPPLEMENTAL NUTRITION ASSISTANCE BENEFITS UNDER THIS SUBSECTION IF HE HAS THREE OR MORE FELONY CONVICTIONS FOR THE POSSESSION OR USE OF CONTROLLED SUBSTANCE. THAT'S IT. TELL ME HOW THAT HAS TO DO WITH PAROLE. I'LL READ IT ONE MORE TIME. A PERSON SHALL BE INELIGIBLE FOR SUPPLEMENTAL

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NUTRITION ASSISTANCE BENEFITS UNDER THIS SUBSECTION IF HE HAS HAD THREE OR MORE FELONY CONVICTIONS. THEY'RE STRIKING THAT. THERE IS NOT A CONNECTION TO PAROLE. THEY ARE TWO ENTIRELY DIFFERENT THINGS. ONE WAS IN JUDICIARY COMMITTEE, AND ONE WAS IN HHS. THEY DIDN'T EVEN GO TO THE SAME COMMITTEE. SO, OBVIOUSLY, WHEN THE EXECUTIVE BOARD LOOKED AT THIS, THEY FIGURED, HOLD IT. THESE ARE TWO DIFFERENT THINGS AND THEY WENT TO TWO DIFFERENT COMMITTEES. THAT IS THE ESSENCE OF WHAT WE'RE TALKING ABOUT HERE. THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: THANK YOU FOR YOUR OPENING ON...TO OVERRULE THE CHAIR, SENATOR KINTNER. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB910]

SENATOR RIEPE: MR. PRESIDENT AND MEMBERS OF THIS BODY, THANK YOU VERY MUCH. I RISE AS A MEMBER OF THE HHS COMMITTEE. ON THAT COMMITTEE I VOTED THAT I WAS PRESENT, NOT VOTING. I WILL NOT SUPPORT GOING FORWARD OF LB690. PART OF THIS IN THE PROCESS OF THIS WAS THE WORD OF USE OF DISTRIBUTORS, WHICH MADE IT SOUND MORE LIKE A TUPPERWARE DEALER THAN IT HAPPENED TO BE, IN ACTUALITY, DRUG DEALERS. MY COMMENTS ARE BASED AND I WANT TO SHARE WITH YOU...I WANT TO QUOTE THOSE COMMENTS OF DOUG WEINBERG, THE DIRECTOR OF THE DIVISION OF CHILDREN AND FAMILY SERVICES, AND I QUOTE: CURRENTLY IN NEBRASKA, A PERSON CAN HAVE UP TO TWO FELONY CONVICTIONS FOR POSSESSION OR USE OF A CONTROLLED SUBSTANCE AND HAVE PARTICIPATED IN OR COMPLETED TREATMENT AND...BE ELIGIBLE FOR SNAP BENEFITS. THE DEPARTMENT IS SUPPORTIVE OF THOSE CITIZENS WHO STRIVE TO OVERCOME DRUG ADDICTION AND MEET ELIGIBILITY STANDARDS FOR ASSISTANCE...BY ALLOWING A PERSON TO HAVE UP TO TWO FELONY CONVICTIONS FOR POSSESSION OR USE OF A CONTROLLED SUBSTANCE AND REMAIN ELIGIBLE FOR SNAP BENEFITS. I CONTINUE: THE BILL ALSO ELIMINATES THE EXCLUSIVE CRITERION OF A FELONY CONVICTION FOR THE SALE OR DISTRIBUTION OF A CONTROLLED SUBSTANCE OR THE INTENT TO SELL OR DISTRIBUTE A CONTROLLED SUBSTANCE. LB690 PROPOSES TO REMOVE THIS LANGUAGE, MAKING ALL OFFENDERS ELIGIBLE, REGARDLESS OF FELONY DRUG USE OR FELONY DRUG DISTRIBUTION. THE POTENTIAL INABILITY TO PARTICIPATE IN THE SNAP PROGRAM WILL NO LONGER SERVE AS AN INCENTIVE TO PARTICIPATE IN OR COMPLETE TREATMENT AND A DISINCENTIVE TO DEALING ILLEGAL SUBSTANCES. AS A DIRECTOR OF HEALTH AND HUMAN SERVICES, I HAVE STEWARDSHIP OF TAX DOLLARS EARNED BY THE HARD WORK OF OUR NEIGHBORS. THE DEPARTMENT CANNOT SUPPORT A BILL WITH THE POTENTIAL CONSEQUENCE OF THE USE OF TAX DOLLARS TO SUPPORT THOSE WHO CHOOSE

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TO SELL AND DISTRIBUTE ADDICTIVE DRUGS TO THE CHILDREN AND FAMILIES OF OUR COMMUNITY. IN ADDITION, THE INCREASE IN RECIPIENTS WOULD REQUIRE ADDITIONAL DEPARTMENT RESOURCES TO DETERMINE THE PROCESS ELIGIBILITY. LB690 WOULD INCREASE THE NUMBER OF SNAP RECIPIENTS BY AN ESTIMATED NUMBER OF 777 INDIVIDUALS, RESULTING IN THE NEED FOR ADDITIONAL CASE MANAGERS. END OF QUOTE. THANK YOU, MR. PRESIDENT. [LB910 LB690]

SPEAKER HADLEY: THANK YOU, SENATOR RIEPE. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB910]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I RISE TO OPPOSE THE OVERRULE OF THE CHAIR MOTION. I DO BELIEVE THAT IT IS GERMANE TO THE DISCUSSION. I BELIEVE THAT IT WAS ORIGINALLY ASSIGNED TO THE HEALTH AND HUMAN SERVICES COMMITTEE BECAUSE OF THE WORD "SNAP" THAT WAS IN THE BILL. IT'S SORT OF LIKE IF THE WORD "MEDICAID" APPEARS, IT GOES TO THE HEALTH AND HUMAN SERVICES COMMITTEE, ALMOST NO MATTER WHAT. IT'S IMPORTANT FOR US TO LOOK AT THE HEARING THAT WE HAD ON LB690. AND IN THAT HEARING, THREE PEOPLE CAME TO TESTIFY WHO HAD BEEN INCARCERATED. AND IT WAS...I CAN PERSONALLY SAY, ONE OF THE MOST POIGNANT TESTIMONY I'VE HEARD IN EIGHT YEARS. PERSON STANDS UP AND SAYS, I PAID MY DEBT TO SOCIETY, I'M TRYING TO WORK AND GET A JOB, I HAVE NO MONEY TO EAT. HOW CAN WE EXPECT PEOPLE TO COME OUT OF THE SYSTEM AND GET A JOB AND REBUILD THEIR LIVES WITHOUT FOOD? TO MY KNOWLEDGE, THERE'S NO OTHER FELONY THAT WE DENY THIS TO, NO OTHER FELONY. WE SPENT HOURS LAST YEAR DEVOTED TO TRYING TO GET READY AN LB605 TO BRING PEOPLE OUT OF THE SYSTEM. THAT'S WHAT PAROLE DOES. IT LOOKS AT THE NEEDS OF THE PEOPLE WHO ARE COMING OUT. IT CANNOT BE A GREATER TIE OR MORE GERMANE TO THE TOPIC OF PAROLE. DENYING A STABLE FOOD SOURCE TO THOSE REENTERING THE COMMUNITY AFTER COMMITTING A DRUG FELONY IS COUNTERPRODUCTIVE. IT CREATES A SIGNIFICANT CHALLENGE FOR THOSE TRYING TO GET ON THEIR FEET AND BE PRODUCTIVE AND CREATES A BARRIER TO PREVENTING RECIDIVISM. THIS LEGISLATURE MADE A COMMITMENT LAST YEAR TO CHANGES IN THE CORRECTIONAL SYSTEM. WE NEED TO KEEP FOCUSED ON THAT GOAL AND OBJECTIVE. SENATOR MORFELD BROUGHT A BILL FORWARD THAT WOULD ENABLE THE PAROLE OFFICERS TO START HELPING PEOPLE PLAN FOR AND BE READY TO GO OUT IN THE SYSTEM. AS ALL THREE OF THE TESTIFIERS SAID TO US IN THAT HEARING, "I PAID MY DEBT, I'M READY TO RETURN AND WORK HARD IN SOCIETY." ONE OF THOSE PEOPLE HAD SERVED 11 YEARS IN PRISON. AND WHEN HE CAME OUT, HE

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WAS HAVING A DIFFICULT TIME MAINTAINING A JOB WITHOUT THE ASSISTANCE OF SNAP. COLLEAGUES, THINK VERY SERIOUSLY HERE. THIS IS A GOOD BILL. IT DIRECTLY, DIRECTLY WORKS WITH THE PAROLE SYSTEM AS WE ARE HOPING IT WILL WORK TO HELP PEOPLE NOT GO BACK TO PRISON. THANK YOU, MR. PRESIDENT. [LB910 LB690 LB605]

SPEAKER HADLEY: THANK YOU, SENATOR CAMPBELL. THOSE IN THE QUEUE ARE SENATORS KRIST, McCOY, BOLZ, MORFELD, PANSING BROOKS, AND OTHERS. SENATOR KRIST, YOU'RE RECOGNIZED. [LB910]

SENATOR KRIST: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. IT IS EVERY SENATOR'S RIGHT TO USE THE RULES AS THEY SEE FIT. WHAT WE'RE DEBATING ON HERE BASICALLY SHOULD BE FOCUSED, IN MY OPINION, ON ONE THING, THAT IS THE RULING OF THE CHAIR THAT THE SUBJECT MATTER IN WHAT WAS LB690, WHICH IS NOW AM2469, IS GERMANE TO THE PACKAGE THAT WE WILL DEBATE. WE HAVEN'T YET DEBATED, REALLY, ON SENATOR MORFELD'S AMENDMENT. WE HAVEN'T TALKED ABOUT THE NECESSITY FOR THIS TO HAPPEN. SO I'M GOING TO TALK, FIRST OF ALL, ABOUT WHAT WE SHOULD BE TALKING ABOUT, WHICH IS THE OVERRULING OF THE CHAIR, WHICH I OPPOSE. WHEN YOU OVERRULE THE CHAIR, IT IS ONE OF...ONE OF THE TOUGHEST THINGS THAT WE DO ON THIS FLOOR. THE SPEAKER OF THIS LEGISLATURE IS SITTING IN THE CHAIR, AND HE HAS RULED, BASED UPON THE ADVICE THAT'S BEEN GIVEN HIM, THAT THIS IS GERMANE TO THE CONVERSATION AND WE SHOULD DEAL WITH THIS SUBJECT MATTER. NOW, IF SENATOR KINTNER OR ANYONE ELSE DISAGREES WITH THE SUBJECT MATTER IN AM2469, THEN WE'LL HAVE THAT DEBATE, AND WE WILL VOTE IT UP OR DOWN. AND I'LL HAVE LOTS TO SAY ABOUT THAT THEN, BECAUSE IF YOU RECALL--AND JUST AS A PREVIEW OF COMMENTS THAT I WILL MAKE HERE IN THE FUTURE--LAST YEAR, WE PASSED A BILL THAT ALLOWED THE SUSPENSION OF MEDICAID ELIGIBILITY WHEN A PERSON IS INCARCERATED. WHY DID WE DO THAT? WHY DIDN'T WE JUST TAKE IT AWAY? BECAUSE IT TAKES MONTHS TO GET THAT CERTIFICATION BACK AND TO GET THE MEDICAID-ELIGIBLE PERSON--NOT NEW MEDICAID, NO MEDICAID EXPANSION, I'M NOT SAYING A BAD WORD--BUT WHEN A PERSON WAS ELIGIBLE FOR MEDICAID AND THEY WENT INTO THE SYSTEM, WE SUSPENDED IT. SO THAT THE DAY THEY WALK OUT, THEY COULD REINSTATE AND WE PUT A PROCESS IN PLACE TO TAKE CARE OF THAT PERSON. THAT IS TRYING TO GUARANTEE...THAT IS TRYING TO GUARANTEE THE BEST OPPORTUNITY FOR SOMEONE TO SUCCEED WHEN THEY LEAVE THE SYSTEM AND THEY REENTER SOCIETY, MAKING SURE THAT THEY HAVE THE DRUGS THAT THEY NEED TO SURVIVE. AGAIN, I'LL HAVE A LOT MORE

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TO SAY ABOUT THAT WHEN WE ACTUALLY GET TO SENATOR MORFELD'S AMENDMENT. THIS IS A VERY SERIOUS MATTER. THIS IS AN OVERRULE. THE CHAIR HAS MADE A DECISION THAT IS GERMANE. I'M NOT SAYING THAT I WOULD NEVER VOTE TO OVERRULE THE CHAIR, I'M NOT SAYING THAT. I'M JUST SAYING THAT IN THIS PARTICULAR CASE I HAVE TO AGREE, AND I WOULD HOPE YOU WOULD TAKE THIS VOTE VERY SERIOUSLY AND VOTE NOT TO OVERRULE THE CHAIR. THANK YOU, MR. PRESIDENT. [LB910 LB690]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR McCOY, YOU'RE RECOGNIZED. [LB910]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. WITH ALL DUE RESPECT TO THE CHAIR ON THIS ISSUE, I THINK THAT--AT LEAST IT'S MY BELIEF, AND I COULD BE WRONG--BUT IN MY CURSORY EXAMINATION OF THIS, I JUST DON'T THINK THAT THIS IS GERMANE. I THINK THAT GETS...THAT'S AN ENTIRELY DIFFERENT SUBJECT ON THE MERITS OF LB690 AND THE AMENDMENT BEING OFFERED TO US. BUT I VERY MUCH STRUGGLE TO SEE HOW IN ANY WAY IT'S GERMANE TO LB910. I'D ENCOURAGE YOU, COLLEAGUES, IF YOU HAVEN'T ALREADY, TO TAKE A LOOK AT NOT JUST THE STATEMENT OF INTENT ON SENATOR MORFELD'S LB690, BUT ALSO THE COMMITTEE STATEMENT. AND IN NOWHERE IN THAT, IN EITHER OF THOSE DOCUMENTS, DO YOU SEE A LINK TO THE UNDERLYING BILL THAT WE'RE TALKING ABOUT HERE, WHICH IS LB910. AND, OBVIOUSLY, AS ALL OF US KNOW, JUST BECAUSE SOMEONE HAS BEEN INCARCERATED DOESN'T MEAN THAT THEY WERE EVER ON PAROLE. SO TAKING ASIDE THE...PUTTING ASIDE THE MERITS OF LB690, WHICH IS BEING PROPOSED HERE AS AN AMENDMENT, I DON'T SEE THE GERMANENESS LINK BETWEEN THESE TWO BILLS. I THINK WE RISK ENTERING INTO AN AREA THAT TWO TOTALLY DIFFERENT CHAPTERS OF STATUTE, TWO COMPLETELY DIFFERENT COMMITTEES THAT THESE BILLS WERE REFERENCED TO. YOU WOULD THINK THAT IF THIS WERE TO BE GERMANE, THEN WHY WAS LB690 NOT REFERENCED TO THE JUDICIARY COMMITTEE? I DON'T SIT ON THE EXEC BOARD. I HAVEN'T HAD THE CHANCE TO ASK ANY OF THOSE MEMBERS WHETHER THERE WAS EVER A DISCUSSION OF THAT WHEN THIS BILL WAS REFERENCED AT THE BEGINNING OF THE SESSION, BUT IT'S VERY RARE. I STRUGGLE TO FIND A TIME THAT I CAN RECALL THAT WE WERE ATTEMPTING TO AMEND IN BILLS, AND THAT WAS REALLY THE CASE WITH THE COMMITTEE AMENDMENT THAT WAS VOTED DOWN A FEW MINUTES AGO, THAT WE'RE ATTEMPTING TO AMEND IN BILLS TO AN UNDERLYING BILL THAT ORIGINALLY CAME FROM DIFFERENT COMMITTEES. I DON'T RECALL THAT EVER HAPPENING AND MAYBE IT HAS IN MY TIME HERE AND I'M JUST NOT REMEMBERING. BUT IF IT HAS, IT'S BEEN EXCEEDINGLY RARE.

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SO I THINK IT WOULD BEHOOVE ALL OF US TO TAKE A FEW MOMENTS TO THINK ABOUT AND TO REALLY THOUGHTFULLY CONSIDER WHETHER OR NOT WE BELIEVE THIS TO BE GERMANE. THAT HAS, AGAIN, THAT'S PUTTING ASIDE THE MERITS OF SENATOR MORFELD'S LB690, REGARDLESS OF WHERE ANYONE STANDS ON THAT BILL. TO ME, WE HAVE TO THINK VERY CAREFULLY OF WHETHER OR NOT THIS IS GERMANE. BECAUSE IF THIS RULING IS UPHELD, I THINK WE ENTER INTO A SITUATION WHERE IT GETS VERY...THERE'S A VERY GRAY AREA. THERE WOULD BE A VERY LARGE GRAY AREA FROM HERE FORWARD AS TO WHAT IS CONSIDERED GERMANE AND WHAT ISN'T. AND THERE'S A WHOLE HOST OF BILLS OUT THERE, SOME OF WHICH HAVE BEEN VOTED OUT, SOME OF WHICH ARE STILL IN COMMITTEE THAT YOU COULD THEN CONSIDER TO BE GERMANE JUST BECAUSE WE THINK IT IS. THANK YOU, MR. PRESIDENT. [LB910 LB690]

SPEAKER HADLEY: THANK YOU, SENATOR McCOY. THOSE IN THE QUEUE ARE SENATOR BOLZ, SENATOR MORFELD, PANSING BROOKS, CHAMBERS, KOLTERMAN, AND OTHERS. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB910]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT, AND I WANT TO PICK UP WHERE SENATOR KRIST LEFT OFF, AND I WANT TO WALK YOU THROUGH NOT ONLY OUR PROCESS BUT THE LOGIC TRAIL FOR WHY THIS BILL IS, IN FACT, GERMANE. FIRST, IN TERMS OF PROCESS, I HAVE COME IN MY FOUR YEARS IN THE LEGISLATIVE BODY TO RESPECT DEEPLY THE EXPERTISE OF THE STAFF IN THIS BUILDING. AND WE HAVE WORKED HARD WITH THE STAFF TO UNDERSTAND HOW WE USE THE GERMANENESS RULE, HOW THE RULES WORK, AND TO LOOK AT THE UNDERLYING STATUTES AND RELATED PROVISIONS THAT DO, IN FACT, ARTICULATE THAT THIS RULE IS GERMANE. SO WITH RESPECT, I THINK A CURSORY REVIEW ON THE FLOOR MAY INDICATE ONE THING, BUT UTILIZING RESEARCH AND EXPERTISE AND FOLLOWING THE PROCESS OF CHECKING IN WITH THOSE WHO PROTECT OUR INSTITUTION IS ANOTHER. AND WE HAVE, IN FACT, DONE THE LATTER. IN TERMS OF THE GERMANENESS ISSUE AND, AGAIN, TO MAKE THE POINT AGAIN, THAT IS THE MOTION ON THE FLOOR HERE. IF YOU HAVE A DIFFERENT PERSPECTIVE THAN MYSELF ON THIS BILL, THAT IS YOUR PREROGATIVE. BUT THE RULING, THE ISSUE ON THE FLOOR IS GERMANENESS. SO LET ME WALK YOU THROUGH THE LOGIC TRAIL OF GERMANENESS. THE BILL, LB910, REFERENCES THE DUTIES AND RESPONSIBILITIES OF THE PAROLE ADMINISTRATOR. THE DUTIES AND RESPONSIBILITIES OF THE PAROLE ADMINISTRATOR INCLUDES MEETING THE SPECIAL NEEDS OF EACH INDIVIDUAL PAROLEE. AND, COLLEAGUES, HAVE NO DOUBT THAT INDIVIDUALS WHO ARE DRUG FELONS PARTICIPATE IN PAROLE. THAT OCCURS, WITHOUT QUESTION. SO

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THE UNDERLYING BILL REFERENCES THOSE DUTIES OF MEETING SPECIAL NEEDS. THE STATUTE...IN OUR STATUTE IN PROVIDING POWERS AND DUTIES OF INDIVIDUALS, OF THE PERSON WHO PROVIDES PAROLE ADMINISTRATION, SPECIFICALLY REFERENCES COOPERATION WITH PUBLIC AND PRIVATE ENTITIES, OTHER STATE INSTITUTIONS, IN MEETING THE NEEDS OF INDIVIDUALS WHO ARE ON PAROLE, THE WIDE VARIETY OF NEEDS, RANGING FROM RISK ASSESSMENTS TO MENTAL HEALTH TO HOUSING TO, OF COURSE, COLLEAGUES, FOOD. THE NEXT STEP IN THE TRAIL IS OUR ADMINISTRATIVE REGULATIONS. SO THE ADMINISTRATIVE REGULATIONS FROM THE ADULT PAROLE ADMINISTRATION REFERENCE THE DUTIES OF FIELD SUPERVISION. THE DUTIES OF FIELD SUPERVISION INCLUDE UTILIZING THE SKILLS OF PAROLE SOCIAL WORKERS TO ENHANCE SERVICES FOR PAROLEES AND RELATING TO THEIR SPECIFIC NEEDS AND/OR CO-OCCURRING DISORDERS. FURTHER, THE ADMINISTRATIVE REGULATION REFERENCES THAT THE ENHANCEMENT OF SUPERVISION OF SERVICES THROUGH COMMUNITY RESOURCES SHOULD OCCUR. SPECIFICALLY, AND IN THE REGULATION, THERE'S A REFERENCE TO ENHANCING SUPERVISION SERVICES THROUGH COMMUNITY RESOURCES INCLUDING COMMUNITY RESOURCES THAT PROVIDE FINANCIAL ASSISTANCE TO PAROLEES LISTED WHERE AVAILABLE. IN THE ABSENCE OF SUCH RESOURCES, ALTERNATE RESOURCES PROVIDING FOOD, CLOTHING, AND SHELTER SHALL BE LISTED. WHEN RESOURCES ARE NOT AVAILABLE, THEY SHALL BE SOUGHT. COLLEAGUES, THIS IS A PART AND PARCEL OF THE RESPONSIBILITIES OF THE PAROLE ADMINISTRATOR. ONE CANNOT SUCCESSFULLY REENTER SOCIETY IF ONE DOES NOT HAVE THEIR BASIC NEEDS MET. THIS IS MASLOW'S HIERARCHY OF NEEDS THAT WE ALL LISTENED TO IN OUR INTRO TO PSYCH CLASSES. SO, COLLEAGUES, THAT IS MY LOGIC TRAIL AND THAT IS THE ISSUE RELATED TO THIS GERMANENESS MOTION HERE. AND I LOOK FORWARD TO A DISCUSSION ON THE MERITS OF THE BILL, BUT AT THIS POINT, I SEE... [LB910]

SPEAKER HADLEY: ONE MINUTE. [LB910]

SENATOR BOLZ: ...ONLY A CLEAR LOGIC TRAIL THAT ILLUSTRATES THIS AMENDMENT IS, IN FACT, GERMANE. THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: THANK YOU, SENATOR BOLZ. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB910]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, YOU ALL ARE GOING TO GET TIRED OF HEARING ME SAY THIS,

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ESPECIALLY THE LAWYERS, I AM NOT A LAWYER BECAUSE I HAVEN'T TAKEN THE BAR AND I WON'T JOIN THE BAR ASSOCIATION. BUT I AM TRAINED IN THE LAW, AND I READ CASES HANDED DOWN BY SUPREME COURTS OF THE STATE AND OF THE UNITED STATES. SOMETIMES AN ISSUE IS BROUGHT BEFORE THE SUPREME COURT, AND IT IS A MATTER WHICH IS APPEALABLE. IT IS. BUT THE COURT WILL LOOK AT THE FACTS OF THAT CASE AND SAY, IT IS NOT YET RIPE FOR DECISION BY THIS COURT. THERE ARE OTHER MATTERS THAT MUST BE RESOLVED FIRST, SO WE REMAND IT TO THE LOWER COURT WITH DIRECTIONS TO RESOLVE THESE, AND THEN IT LAYS OUT THE ISSUES. ALL THAT WE HAVE BEFORE US RIGHT NOW, AS HAS BEEN POINTED OUT BY THE PERCEPTIVE MEMBERS OF THIS BODY, IS THE RULING OF THE CHAIR. THE CHAIR DID NOT MAKE HIS RULING, IN MY OPINION, ON THE BASE OF IDEOLOGICAL GROUNDS. THE CHAIR BEHAVED IN A WAY THAT A JUDGE IS SUPPOSED TO BEHAVE, REGARDLESS OF ANY PERSONAL PREDILECTIONS OR LEANINGS, BIASES, OR PREJUDICES WHICH A JUDGE MAY HAVE IN PRIVATE LIFE. WHEN HE OR SHE ASCENDS THE BENCH, PUTS ON THE ROBE, ALONG WITH THAT ROBE, THAT JUDGE IS TO BE CLOAKED WITH IMPARTIALITY, FAIRNESS, AND A DETERMINATION TO DECIDE EVERY ISSUE ON THE BASIS OF THE LAW. SENATOR McCOY MADE IT VERY CLEAR THAT HE IS STRUGGLING WITH THIS MATTER, AND THAT HAPPENS EVEN WITH LEGAL ISSUES. BUT THE FACT THAT ONE MEMBER IS STRUGGLING WITH IT AND CANNOT SEE THE FOREST FOR THE TREES DOES NOT MEAN THAT EVERYBODY IS SO AFFLICTED. THOSE OF US WHO ARE CLEAR OF VISION, WHO ARE CAPABLE OF SEEING THE ANSWER TO A PROBLEM WHICH IS AS SIMPLE AS TWO PLUS TWO EQUALS FOUR, WILL READILY REALIZE THAT THE RULING OF THE CHAIR WAS CORRECT. SENATOR McCOY POINTS OUT THAT HE'S BEEN HERE BEFORE, BUT HE OBVIOUSLY DIDN'T PAY ATTENTION TOWARD THE END OF THE SESSION WHEN WE WERE CREATING CHRISTMAS TREES WITH BILLS FROM COMMITTEES OTHER THAN THE BILL THAT WAS SERVING AS THE CHRISTMAS TREE ON WHICH THE ORNAMENTS OF OTHER BILLS WOULD BE HUNG. I AM GOING TO UPHOLD THE CHAIR AND VOTE AGAINST SENATOR KINTNER'S MOTION. EVEN WHEN HE MADE THE MOTION, AND THE TRANSCRIPT WILL BEAR IT OUT, IT WAS THE MOST BUNGLESOME, GARBLED BIT OF VERBIAGE THAT I'VE BEEN EXPOSED TO, INCOMPLETE SENTENCES, SUBJECTS, AND PREDICATES THAT DON'T AGREE, MIXED NOTIONS THAT DO NOT HANG TOGETHER, BUT WE DO THE BEST WE CAN IN EXPRESSING OURSELVES. SOME PEOPLE MIGHT BE ABLE TO DO A MUCH CLEARER JOB IF THEY'RE GOING TO LIFT THE THOUGHTS OF SOMEBODY ELSE ABOUT MONKEYS AND APPLY THAT TO THE LEGISLATURE. THEY CAN LIFT WHAT SOMEBODY ELSE SAID AND MAKE AN APPLICATION. BUT WHEN IT COMES TO INDEPENDENT THOUGHT, THEY RUN INTO DIFFICULTY. [LB910]

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SPEAKER HADLEY: ONE MINUTE. [LB910]

SENATOR CHAMBERS: NOBODY HAS EVER SAID THAT EVERY MEMBER OF THE LEGISLATURE WILL BE LEARNED. THERE IS NOT EVEN A REQUIREMENT THAT A MEMBER OF THE LEGISLATURE BE LEARNED. THERE IS NO REQUIREMENT THAT A MEMBER BE ABLE TO READ. THERE IS NOT EVEN A REQUIREMENT THAT A PERSON BE ABLE TO SPEAK ENGLISH. SO WITH THOSE REQUIREMENTS NOT MANDATED TO BE A MEMBER OF THIS BODY, MAYBE ABOUT THE ONLY THING THAT HAS TO BE SAID IS, YOU'RE THE RIGHT AGE, YOU ARE LIVING LONG ENOUGH IN THE DISTRICT, AND YOU'RE OUTSIDE THE PENITENTIARY. AND YOU'RE HERE, AND YOU'RE WELCOME. AND IF YOU'VE BEEN TO THE PENITENTIARY, YOU MIGHT HAVE SOME GOOD, SOUND ADVICE FOR THE REST OF US. BUT AT ANY RATE, MY INTENT IS TO VOTE AGAINST THE MOTION TO OVERRULE AND THEREBY UPHOLD THE PROPER RULING OF THE CHAIR. THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB910]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I'M OPPOSED TO OVERRIDING THE CHAIR ON THIS PARTICULAR BILL. AND I'M GOING TO SPEAK ON WHY I THINK IT'S GERMANE. LAST SESSION A HANDFUL OF US SENATORS, MY COLLEAGUES AND I, WENT TO A PLACE CALLED HANNAH HOUSE IN SOUTH LINCOLN. AND WE VISITED WITH MANY OF THESE PEOPLE THAT ARE JUST GETTING OUT ON PAROLE OR HAVE BEEN PARDONED OR JUST JAMMED OUT OF THE SYSTEM. AND WE DISCOVERED THAT WHEN THEY GET OUT OF PRISON, THEY'RE GIVEN A HUNDRED DOLLARS, AND SAID, YOU'RE ON YOUR OWN, GO MAKE YOUR WAY. WELL, HANNAH HOUSE IS FUNDED BY THE STATE, AND IT'S SET UP SO THAT THESE PEOPLE THAT HAVE JAMMED OUT OR BEEN PAROLED HAVE A PLACE THAT THEY CAN GO. AND THEY HELP THEM FIND EMPLOYMENT AND THEY HELP THEM LEARN ABOUT BUDGETING. AND IT REALLY GIVES THEM A SECOND CHANCE IN THE SYSTEM, WHICH WE ALL WOULD HOPE TO HAVE IF WE'VE PAID OUR DUES TO SOCIETY, ESPECIALLY THESE PEOPLE WHO HAVE SPENT TIME IN PRISON, THEY'VE PAID THEIR DUES. SO MY OPINION IS...AND I VOTED TO SUPPORT THIS COMING OUT OF COMMITTEE IN HHS, MY OPINION WOULD BE THAT WE NEED TO DO EVERYTHING WE CAN TO HELP THESE PEOPLE THAT ARE TRYING TO REESTABLISH THEMSELV IN SOCIETY. TO BE ABLE TO DEPRIVE THEM OF THE MOST FUNDAMENTAL THING, FOOD, IS VERY IMPORTANT. SO FROM MY PERSPECTIVE, I THINK IT'S GERMANE. IT DEALS WITH...MOST OF THE TIME IT'S DEALING WITH PEOPLE THAT ARE FELONS THAT ARE PRISONERS

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THAT HAVE BEEN RELEASED. IF WE EXPECT THEM TO BECOME ACTIVE PARTICIPANTS IN SOCIETY, WE CAN'T JUST GIVE THEM A HUNDRED DOLLARS AND SAY, HERE YOU GO, MAKE YOUR WAY. THIS IS A SMALL PRICE TO PAY TO STOP RECIDIVISM. SO I WOULD ENCOURAGE ALL OF YOU TO NOT...TO ENCOURAGE YOU TO VOTE THAT THIS IS GERMANE AND NOT OVERRULE THE CHAIR. THANK YOU. [LB910]

SPEAKER HADLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB910]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. WE ALL KNOW THAT WHEN PEOPLE COMMIT CRIMES, THERE'S CONSEQUENCES. IT'S GOING TO BE ARGUED WHETHER THEY PAID THEIR DEBT TO SOCIETY BY SERVING THEIR TIME OR PAROLE OR WHATEVER THESE CONSEQUENCES MAY BE. BUT CONSEQUENCES CAN LAST A LONG TIME, WHETHER IT BE UNDER THE LAW OR OTHERWISE. THERE ARE CONSEQUENCES TO ALL OF OUR ACTIONS. SO WHETHER THIS GERMANENESS DEBATE IS OVERRULED OR NOT, I WILL BE VOTING AGAINST THE AMENDMENT. AS FAR AS THE GERMANENESS SUBJECT, IN LOOKING THROUGH THE AMENDMENT AS WELL AS THE BILL...AND I WILL SAY, OBVIOUSLY, I AM NOT AN ATTORNEY. BUT LOOKING PURELY AT THE...AT THE AMENDMENT TALKING ABOUT THE SNAP PROGRAM, I CAN SEE NOWHERE IN THE BILL ITSELF, I CAN SEE NO RELATION TO IT. THERE'S NO REFERENCE ANYWHERE TO THE SNAP PROGRAM. SO, WITH ALL DUE RESPECT, MR. PRESIDENT, I AM GOING TO VOTE IN FAVOR OF THE OVERRULE; AND THEN IF THAT DOES NOT PASS, I WILL BE VOTING AGAINST THIS AMENDMENT. THERE'S A FEDERAL LAW IN PLACE ALREADY. IT HAS ACTIONS THAT NEED TO BE TAKEN FOR THESE INDIVIDUALS TO BE ELIGIBLE. LET'S CONTINUE WITH THAT, THOSE ACTIONS THAT ARE THERE. THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: THANK YOU, SENATOR SCHNOOR. SEEING NO ONE ELSE IN THE QUEUE, SENATOR KINTNER, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION TO OVERRULE THE CHAIR. [LB910]

SENATOR KINTNER: UM, YOU KNOW...THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS, WHEN YOU CAN'T ADDRESS THE ISSUE, YOU ATTACK ME. AND YOU SAY I DON'T SAY IT CLEARLY ENOUGH OR I DON'T SAY IT WELL ENOUGH. YOU KNOW WHAT, THOUGH? I DON'T ATTACK PEOPLE. I'VE NEVER ATTACKED YOU. I'VE NEVER ATTACKED YOU ON THIS FLOOR. I'VE NEVER SAID A MEAN WORD IN FOUR YEARS TO A SINGLE PERSON ON THIS FLOOR. I INTEND TO STICK TO THE

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ISSUE, AND THAT'S ALL I'LL SAY, BUT I THINK YOU OUGHT TO JUST TALK ABOUT THIS. IF YOU DON'T WANT TO OVERRULE THE CHAIR, SENATOR CHAMBERS, SAY YOU DON'T WANT TO OVERRULE THE CHAIR. THAT'S FINE. GIVE ME YOUR REASONS. BUT TO SIT THERE AND JUST RIP ON ME BECAUSE I DIDN'T SAY THINGS THE WAY YOU WANT TO SAY IT, I THINK YOU'RE OVER THE TOP AND I THINK YOU'RE WRONG. THAT'S ALL I'LL SAY ABOUT THAT. BACK TO THIS BILL, OR THIS AMENDMENT. WHAT WE'RE LOOKING AT HERE HAS BEEN CLEARLY EXPLAINED WHY IT HAS NO RELATIONSHIP AT ALL, ZERO, TO THE BILL AT HAND. I DON'T THINK THERE IS ANY DOUBT THAT THE PEOPLE WHO ARE SUPPORTING THIS SUPPORT IT BECAUSE THEY THINK IT'S GOOD PUBLIC POLICY. AND IF NOT ENFORCING A CONSISTENT STANDARD AS TO WHAT'S GERMANE, NOT GERMANE, FURTHERS THAT GOAL, IT SEEMS TO ME THAT THAT'S THE STRONGEST CASE THEY'RE MAKING. PAROLE AND FELONS, THREE-TIME FELONS, DRUG FELONIES, GETTING FOOD STAMPS ARE TWO ENTIRELY DIFFERENT THINGS, AND THAT'S WHY IT WAS PUT INTO THESE TWO BILLS BETWEEN THE DIFFERENT COMMITTEES. I WOULD ENCOURAGE EVERYONE TO OVERRULE THE CHAIR ON THIS AND THEN VOTE WHERE YOU THINK YOU ARE ON THIS BILL. THANK YOU, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: MR. CLERK, HOW MANY MEMBERS ARE PRESENT? [LB910]

CLERK: 44, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: THAT MEANS IT WILL TAKE 23 MEMBERS VOTING YES TO OVERRULE THE CHAIR. THE QUESTION IS THE ADOPTION OF THE MOTION TO OVERRULE THE CHAIR. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB910]

CLERK: 7 AYES, 26 NAYS TO OVERRULE THE CHAIR, MR. PRESIDENT. [LB910]

SPEAKER HADLEY: THE MOTION TO OVERRULE THE CHAIR IS DEFEATED. WE NOW RETURN TO AM2469. SENATOR KRIST, YOU'RE RECOGNIZED. [LB910]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND I THINK IT'S IMPORTANT TO PUT ON THE RECORD THAT THIS ISSUE AS A PACKAGE HAS BEEN DISCUSSED AT LENGTH FOR THE LAST TWO DAYS. THE CHAIR OF JUDICIARY, SENATOR SEILER, AND MANY OF THE COMMITTEE MEMBERS WERE ALSO CONSULTED. THE SPEAKER WAS INTIMATELY INVOLVED WITH THESE DISCUSSIONS. AND BECAUSE OF THE POLITICAL CIRCUMSTANCES POTENTIALLY OF THIS PARTICULAR

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AMENDMENT, YOU VOTED NO. SO THE COMMITTEE AMENDMENT WENT AWAY AND NOW WE'LL ADDRESS EACH PART OF THAT COMING BACK WITH THE EXCEPTION OF ONE BILL THAT'S GOING TO GO TO CONSENT CALENDAR, WHICH IS SENATOR SEILER'S PERSONAL BILL. SO TO BE CLEAR, THIS AMENDMENT CAME OUT OF JUDICIARY WITH...EVERBODY VOTED IN FAVOR OF IT COMING OUT. THERE WAS NO ONE OPPOSED. I ALSO HAVE TO SAY THAT ALTHOUGH I AGREE WITH THE CIRCUMSTANCES THIS YEAR, I CAN REMEMBER THREE TIMES IN THE EIGHT YEARS THAT I'VE BEEN HERE THAT WE HAVE ATTACHED A BILL FROM A DIFFERENT COMMITTEE ON TO A CHRISTMAS TREE ON A DIFFERENT COMMITTEE, AND IT CAME OUT TO THE FLOOR IN THAT WAY, AND NO CHALLENGE WAS THERE. THIS IS A POLITICAL HOT POTATO. I'LL GIVE YOU THAT. IT'S A PROGRAM THAT PUTS THE SERVICES IN THE HANDS OF THE FOLKS WHO NEED IT, AND IT COMES AT THE EXPENSE OF THE TAXPAYERS. BUT AGAIN, I WANT YOU TO REMEMBER THAT WHAT WE DID LAST YEAR WITH LB605 WAS ENABLE OUR OWN PAROLE AND CORRECTIONS IN COMBINATION TO ESSENTIALLY NEVER ALLOW SOMEONE TO JAM OUT. AND I DON'T THINK VERY MANY OF YOU NEED AN EDUCATION OR DEFINITION ON WHAT JAMMING OUT IS. IT'S BASICALLY LEAVING AN INCARCERATED STATE WITHOUT HAVING SOME KIND OF SUPERVISION ON THE OUTSIDE. SO IT'S VERY IMPORTANT DURING THAT RELEASE FROM CORRECTIONS TO HAVE SOME VITALS. WE PASSED A BILL, AS I SAID EARLIER ON THE MIKE, LAST YEAR, THAT ALLOWED FOR MEDICAID SERVICES TO BE SUSPENDED WHEN THE PERSON GOES INTO THE FACILITY. AND, THEREFORE, IF THEY WERE ELIGIBLE WHEN THEY WENT IN AND ELIGIBLE WHEN THEY CAME OUT, THOSE SERVICES WOULD BE PUT BACK INTO PLACE ALMOST IMMEDIATELY UPON RELEASE. THAT PUTS INSULIN BACK IN THE HANDS OF THE DIABETIC. IT PUTS DRUGS BACK INTO THE AVAILABILITY OF A PERSON WHO WOULDN'T BE ABLE TO AFFORD PSYCHOTROPIC DRUGS FOR MENTAL INSTABILITY. WE DID THAT LAST YEAR BECAUSE WE SAW HOW IMPORTANT IT WAS TO MAKE SURE WHEN THE PERSON WALKS OUT OF THAT INCARCERATED STATE, THEY HAVE THE BEST OPPORTUNITY TO BE INTEGRATED BACK INTO SOCIETY, THE REENTRY PROGRAM IS THE BEST THAT IT CAN BE. THIS IS NOTHING DIFFERENT. ACTUALLY, IT IS DIFFERENT. IT'S FOOD. IT'S FOOD. SO NOT HAVING THE STAPLES OF LIFE ONCE YOU LEAVE AN INCARCERATED STATE AND NOT HAVING ANY ALTERNATIVES, AS SENATOR CAMPBELL DESCRIBED THE TESTIMONY IN HER COMMITTEE, NOT HAVING ANY ALTERNATIVES TO GET FOOD, A PLACE TO LIVE, THE DRUGS THAT MAKE ME HEALTHY, WHAT'S GOING TO HAPPEN? I WOULD THINK ONE OF THE OBVIOUS IS THAT THEY WILL RETURN TO A WAY OF LIFE... [LB910 LB605]

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PRESIDENT FOLEY: ONE MINUTE. [LB910]

SENATOR KRIST: ...THAT PUT THEM THERE. WE'VE HANDLED THE SITUATION OF GERMANENESS AND THAT IS BEHIND US. NOW WE NEED TO WEIGH THE BENEFITS OF AM2469, WHICH WAS LB690, AND THAT IS THE MATTER AT HAND. AND I WOULD ASK YOU TO VOTE YES ON AM2469 AND THE NEXT AMENDMENT THAT COMES UP AND ULTIMATELY YES, GREEN, ON LB910. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB910 LB690]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. (VISITORS INTRODUCED.) CONTINUING NOW WITH DEBATE ON LB910. SENATOR CHAMBERS. [LB910]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS THE LEGISLATURE, SENATOR KINTNER IS SO AMUSING TO ME. I'LL TELL YOU WHY. HE HAS STUFF HE PUTS OUT ON THIS GADGET FOR EVERYBODY TO READ. HE'S PUT INSULTING THINGS ABOUT WOMEN, DIFFERENT GROUPS, AND HE CAN DO THAT. HE'S EVEN APPLIED THE TERM "RETARDS" TO PEOPLE, AND OTHER THINGS. SO FOR HIM TO STAND ON THIS FLOOR AND WHINE AS A GROWN MAN WHEN WE ARE IN POLITICS, AND WHO DOES MORE TALKING ABOUT MY FRIENDS ON THE LEFT, THESE LIBERALS, THIS, THAT, AND THE OTHER, BUT HE FORGETS. HE FORGETS. SOME OF US ARE NOT LUCKY ENOUGH TO HAVE BUILT IN AIR CONDITIONING FOR OUR BRAIN, WHICH MEANS THAT THERE'S A CHANNEL THAT PASSES THROUGH OUR BRAIN AND IT GOES THROUGH THE LEFT EAR, THROUGH THE BRAIN, AND OUT THE RIGHT EAR, AND THE WIND JUST PASSES RIGHT THROUGH OUR BRAIN AND COOLS IT. SOME PEOPLE HAVE THAT BUILT-IN BRAIN AIR-CONDITIONING SYSTEM, BUT IT LACKS THE ABILITY TO CATCH ANYTHING THAT WOULD LODGE IN THE BRAINS OF OTHER PEOPLE, AND THAT'S KNOWN AS FORGETFULNESS. BUT I AM PREPARED TO DEAL WITH WHATEVER IS ON THIS FLOOR SAID ABOUT ME. WHO HAS BEEN MORE HARSHLY CRITICIZED BY MEMBERS OF THE LEGISLATURE LIKE A MOB ATTACKING POOR LITTLE OLD ME? AND I MEAN OLD. GANGING UP ON ME. AND DID I STAND UP AND WHINE? NO, I LAUGHED. I QUOTED SANTA CLAUS: HO, HO, HO, HO. WE TAKE OUR MEDICINE HERE. WE ARE ADULTS. AND IF YOU DON'T WANT TO BE IN THE FRAY, STAY OUT OF IT. I WOULD GIVE SENATOR KINTNER THE ADVICE THAT I GIVE TO RELIGIOUS PEOPLE WHEN THEY TRY TO BRING THEIR NOTIONS INTO THIS ARENA. WHEN YOU GET INTO WHAT IS KNOWN AS THE SQUARED CIRCLE, TO PARTICIPATE IN WHAT IS KNOWN EUPHEMISTICALLY AS THE SWEET SCIENCE OR PRIZE FIGHTING, THE REFEREE BRINGS THE TWO PRINCIPALS TO THE CENTER OF THE RING. AND THEY STAND AND EITHER GLARE AT EACH OTHER, WHICH IS A PART OF THE ROUTINE, LIKE SOME ANIMALS SEE WHO CAN ROAR THE LOUDEST,

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WHICH HAS THE LARGEST RACK OF HORNS, WHICH CAN PUFF UP HIS FEATHERS AND LOOK BIGGER, THAT'S ALL A PART OF THE RITUAL. THEY MAY JUST LOOK DOWN, BUT WHAT THE REFEREE DOES IS TO MAKE SURE THAT THEY UNDERSTAND HOW THIS ACTIVITY IS CARRIED ON. THE REFEREE ALWAYS SAYS, PROTECT YOURSELF AT ALL TIMES. NOW IF YOU'RE ONE OF THOSE PEOPLE WHO FEEL THAT THE BEST PROTECTIVE DEVICE YOU HAVE IS TO WHINE AND SAY, POOR, POOR, PITIFUL ME, TRY TO MAKE PEOPLE FEEL SORRY FOR YOU, THAT'S WHAT YOU DO. IF YOU'RE A TURTLE, YOU JUST PULL YOUR LEGS AND YOUR HEAD INTO YOUR SHELL, OR A TORTOISE, THAT'S WHAT YOU DO. IF YOU'RE OTHER KIND OF ANIMALS, YOU TRY TO LIE AS STILL AS YOU CAN AND BLEND IN WITH THE BACKGROUND. IF YOU ARE A GAZELLE, IN ORDER NOT TO BECOME FAST FOOD FOR THE LION, YOU RUN AS FAST AS YOU CAN TO ESCAPE. [LB910]

PRESIDENT FOLEY: ONE MINUTE. [LB910]

SENATOR CHAMBERS: SO NATURE EQUIPS HER CHILDREN TO SURVIVE IN A HOSTILE ENVIRONMENT. SENATOR KINTNER IS ONE OF NATURE'S CHILDREN. SO AM I. MAYBE NATURE MADE ME AGGRESSIVE. MAYBE NATURE MADE SENATOR KINTNER SUBMISSIVE IF IN THE PRESENCE OF ONE WHO CAN STAND UP FOR HIMSELF, BUT AGGRESSIVE WHEN DEALING WITH THOSE WHO ARE AT A DISADVANTAGE. AND I'M GOING TO HAVE MORE TO SAY AND TIE ALL THAT I'VE SAID HERE INTO WHAT WE'RE DISCUSSING WITH THIS BILL. THANK YOU, MR. PRESIDENT. [LB910]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR RIEPE, YOU'RE RECOGNIZED. I DO NOT SEE SENATOR RIEPE AT THE MOMENT. WE'LL PASS OVER TO SENATOR FRIESEN, YOU'RE RECOGNIZED. SENATOR SEILER, YOU'RE RECOGNIZED. [LB910]

SENATOR SEILER: MR. LIEUTENANT GOVERNOR, MEMBERS OF THE LEGISLATURE, I HAVE A LITTLE BIT OF A PROBLEM WITH THE FEDERAL BAN, AND THAT'S WHAT WE'RE TALKING ABOUT. WE'RE TALKING ABOUT EXITING OUT FROM UNDER THE BAN BY THE FEDERAL GOVERNMENT, WHICH WE HAVE A PERFECT RIGHT TO DO. HERE'S MY PROBLEM. IF I SELL DRUGS IN WHAT CONSTITUTES A FELONY AND GO TO PRISON FOR IT, I'M BANNED FOR LIFE FROM GETTING SNAP OR THE FOOD. BUT IF I HOLD UP THE BANK SO I CAN GET DRUG MONEY TO SUPPORT MY HABIT, AND I SERVE A TERM FOR BANK ROBBERY, I GET THE FOOD PROGRAM AS SOON AS I GET OUT. THAT MAKES NO SENSE. IF I KILL SOMEBODY, MURDER SOMEBODY, I SERVE, SAY, A MINIMUM OF 30 YEARS, I GET

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THE FOOD. IT'S NOT A LIFETIME BAN. IT'S ONLY ON A FELONY FOR DRUG VIOLATIONS. THAT PART OF IT DOESN'T MAKE ANY SENSE TO ME. AND TO ME, IT'S NOT CONSISTENT WITH A PLAN WE'VE BEEN WORKING ON FOR THREE YEARS AND THAT'S TWOFOLD. ONE IS TO TAKE THE PEOPLE THAT ARE NOT DOING VIOLENT CRIMES, GETTING THEM TRAINING, PROGRAMS, GETTING THEM OUT ON THE STREET, GETTING THEM JOBS, MAKING THEM EARN MONEY, AND PAYING BACK TO SOCIETY THROUGH TAXES VERSUS PUTTING THEM IN PRISON AND HOLDING THEM THERE AND WE'RE PICKING UP THE COSTS FOR A LONG PERIOD OF TIME. IT SEEMS TO ME THAT WHEN OUR SUPERVISED RELEASE PROGRAM KICKS IN, WHICH IS NOW IN EFFECT IN THE HANDS OF THE JUDGES, THAT THIS IS ONE METHOD OF GETTING FOOD TO THEM. AND, THEREFORE, I'M ASKING YOU TO SUPPORT THIS AMENDMENT AND SUPPORT LB910. THANK YOU. [LB910]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB910]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. CONGRESS PUT THIS BAN IN PLACE. WE'RE TRYING TO OVERRIDE CONGRESS. ONLY 18 STATES, NONE OF THEM ANYWHERE OR ANYTHING LIKE NEBRASKA, HAS DECIDED TO ELIMINATE THE FEDERAL BAN ENTIRELY. THIS IS DUE TO THE HIGH RECIDIVISM RATE OF DRUG OFFENDERS. THIS IS ENABLING LEGISLATION. THIS IS UNJUST. THIS IS UNJUST FOR FELONS WITH ONE OR TWO CONVICTIONS WHO HAVE TURNED THEIR LIFE AROUND AND DONE THE RIGHT THING SO THEY CAN CONTINUE TO RECEIVE THESE BENEFITS AND MAYBE EVEN SAYING THAT, OH, IT WILL OFFEND SOME TAXPAYERS OUT THERE, BUT THAT'S WHAT WE'RE TALKING ABOUT. THESE ARE SERIOUS FELONY CONVICTIONS. SNAP PROVIDES INCENTIVE FOR OVERCOMING DRUG ADDICTION BECAUSE THE BAN DOESN'T TAKE EFFECT UNTIL THE THIRD CONVICTION. IT CAN BE USED AS AN INCENTIVE TO PARTICIPATE OR COMPLETE A DRUG TREATMENT PROGRAM. IF WE REMOVE THESE EXCLUSIONS AND MAKE EVERYONE ELIGIBLE, THESE INCENTIVES TO COMPLETE THESE DRUG REHAB PROGRAMS WILL COMPLETELY GO AWAY. CURRENTLY, THE ELIGIBILITY REQUIRES PARTICIPANTS TO HAVE A LITTLE SKIN IN THE GAME AS THE PRESIDENT LIKES TO SAY. NEBRASKA SHOULD NOT USE TAX DOLLARS TO SUPPORT THOSE WHO CHOOSE TO REPEATEDLY SELL AND DISTRIBUTE DRUGS. LB690, WHICH IS THE BILL WE'RE TALKING ABOUT HERE, WHICH IS NOW AN AMENDMENT, IS SPECIFIC TO INDIVIDUALS WHO HAVE SOLD, ENTICED, AND SUPPLY ADDICTIVE SUBSTANCES TO FELLOW NEBRASKANS, ESPECIALLY THOSE WHO ARE MINORS. REMOVING THIS ELIGIBILITY EXCLUSION FROM TANF WILL SUPPORT INDIVIDUALS WHO MAY CONTINUE TO SELL, ENTICE,

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AND SUPPLY ADDICTIVE SUBSTANCES TO OUR NEIGHBORS. OUR TAX DOLLARS WILL PAY DEALERS TO DESTROY INDIVIDUALS, FAMILIES WITH ADDICTIVE SUBJECTS. THIS IS MORE SPECIFIC THAN PEOPLE WHO HAVE COMMITTED CRIMES, THIS AMENDMENT. THESE PEOPLE ARE SERIOUS REPEAT OFFENDERS. THEY'VE BEEN GIVEN ONE CHANCE, TWO CHANCES, AND THEY CONTINUE TO SELL DRUGS, CONTINUE TO USE DRUGS, CONTINUE TO DESTROY OUR COMMUNITIES, AND NOW I'M TOLD WE NEED TO SUBSIDIZE THAT BEHAVIOR. I WOULD ENCOURAGE MY FELLOW SENATORS WHO THINK DRUGS ARE A PROBLEM TO REJECT THIS AMENDMENT. THANK YOU, MR. PRESIDENT. [LB910 LB690]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB910]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND I WOULD ENCOURAGE THOSE SENATORS THAT THINK DRUGS ARE A PROBLEM TO SUPPORT THIS AMENDMENT FOR THE EXACT SAME REASONS THAT SENATOR KINTNER JUST CITED. THE POLICY THAT WE ARE TALKING ABOUT HERE TODAY WAS PUT TOGETHER YEARS AGO DURING THE TOUGH-ON-DRUGS PERIOD IN OUR COUNTRY. EIGHTEEN OTHER STATES HAVE ALREADY LOOKED AT THIS AND SAID, THIS DOESN'T MAKE SENSE. WE'VE GOT TO LOOK DIFFERENTLY TODAY. ONE OF THE THINGS THAT I HAVE STRUGGLED WITH IN THIS LEGISLATURE, THE MINUTE I WALKED IN, IS THE ATTEMPT BY CERTAIN PEOPLE TO PUT LABELS ON YOU, THAT YOU BELIEVE A CERTAIN WAY ALL THE TIME, THAT YOU'RE SOFT ON CRIME, THAT YOU...WHATEVER THOSE LABELS ARE. AND, FOLKS, THEY DON'T WORK BECAUSE THEY AREN'T CONSISTENT. I HAVE BEEN PASSIONATE THIS SESSION WORKING ON EXPANSION OF PROBLEM SOLVING COURTS. THAT TAKES, FOR INSTANCE, THESE PEOPLE THAT ARE DRUG OFFENDERS AND HELPS THEM HAVE JOBS, HAVE A PLACE TO LIVE, BE TO MEETINGS ON TIME. IT BUILDS THEIR CONFIDENCE AND IT BUILDS THEIR SELF-ESTEEM. AND AT THE END OF THE DAY, WE HAVE A HIGHER LEVEL OF PRODUCTIVE PEOPLE BECAUSE WE DIDN'T JUST SEND THEM TO PRISON. WE'VE ALSO WORKED ON A K2 BILL AND THAT IS CERTAINLY NOT BEING SOFT ON CRIME OR SOFT ON DRUGS. BUT THE MOST IMPORTANT THING THAT WE DID LAST YEAR WHEN WE LOOKED AT CORRECTIONS WAS PASS LB605, WHICH NOW HAS THE COMPONENT OF PROBATION AND POST-RELEASE SUPERVISION. AND AS PART OF THAT AND AS PART OF OUR RESPONSIBILITY IS TO BE SURE THAT THE PEOPLE THAT WE ARE TRYING TO REHABILITATE, THAT THEY HAVE THOSE COMMON NEEDS SUCH AS FOOD. AND THAT'S WHAT SENATOR MORFELD'S AM2469 DOES. IT'S THE ONLY FELONIES THAT WE EXEMPT FROM THE SNAP PROGRAM, DRUG FELONIES. AS

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SENATOR SEILER RECOGNIZED IN THE EXAMPLE THAT HE GAVE, THE OTHER FELONIES, EVEN MURDER, ARE NOT EXEMPTED FROM RECEIVING HELP THROUGH THE SNAP PROGRAM. I BELIEVE WE HAVE A COMMITMENT TO PEOPLE TO MAKE THEM BETTER, TO DO THINGS THAT HELP THEM SURVIVE AND HELP THEM STAY REHABILITATED. AND IF THEY HAVE \$100 AND NOTHING ELSE WHEN WE KICK THEM OUT OF PRISON, WE SHOULD NOT BE SURPRISED AT THE HIGH LEVEL OF RECIDIVISM THAT WE HAVE IN OUR COUNTRY. THEREFORE, I SUPPORT AM2469 AND STRONGLY SUPPORT LB910 UNDERNEATH. THANK YOU, MR. PRESIDENT. [LB910 LB605]

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB910]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I SAID I WOULD TIE ALL THAT I HAD SAID BEFORE TO WHAT I'M GOING TO SAY NOW ON THIS BILL. NOW I'M GOING TO SPEAK THE LANGUAGE OF MY COLLEAGUES. I'M NOT RELIGIOUS AT ALL. ENGLISH IS MY NATIVE TONGUE BY VIRTUE OF MY HAVING BEEN BORN IN AMERICA. HAD MY ANCESTORS NOT BEEN BROUGHT HERE FROM AFRICA AGAINST THEIR WILL, SOME AFRICAN LANGUAGE WOULD BE MINE. BUT SINCE ALL I KNOW IS ENGLISH, PLUS WHAT I LEARNED IN SCHOOL, ENGLISH IS THE LANGUAGE THAT I SPEAK. IF I WANT TO BE UNDERSTOOD, I SPEAK THE LANGUAGE SPOKEN BY THE PEOPLE I WANT TO UNDERSTAND ME. RELIGION SEEMS TO BE THE LANGUAGE OF THE DAY OF POLITICIANS FROM DONALD TRUMP TO GOVERNOR RICKETTS AND PEOPLE IN BETWEEN AND AROUND. SO LET ME TALK ABOUT THOSE PRAYERS THAT COME THROUGH THAT CLOSED-CIRCUIT SYSTEM INTO MY OFFICE WHILE I'VE GOT IT ON TO LEARN WHEN YOU ALL ARE GOING TO CHECK IN. PRAYERS ARE MADE TO AN INDIVIDUAL BY THE NAME OF JESUS. THE SENATORS ARE ASKED BY VARIOUS OF THESE REPRESENTATIVES, I GUESS THAT'S WHAT THEY CONSIDER THEMSELVES TO BE OF THIS PERSON NAMED JESUS, WHO WILL TALK ABOUT REMEMBERING THE POOR; REMEMBERING THE DISPOSSESSED; HELP THOSE WHO ARE ILL AND INFIRM; PROVIDE SHELTER FOR THE HOMELESS; FEED THE HUNGRY; REMEMBER THOSE WHO ARE IMPRISONED AS IMPRISONED WITH THEM. NOW THAT'S WHAT THEY SAY IN THEIR PRAYERS AND WHAT PEOPLE ON THIS FLOOR SAY THEY BELIEVE. WHEN I WENT TO A JESUIT UNIVERSITY, THEY SPENT A LOT OF TIME TALKING ABOUT SOCIAL JUSTICE, TRYING TO INCULCATE IN THE CATHOLIC STUDENTS WHO THEY EXPECTED TO BE THERE CERTAIN BASIC, FUNDAMENTAL PRINCIPLES, THAT THERE'S SUCH A THING AS HUMAN DIGNITY. THAT IN ORDER FOR EACH INDIVIDUAL TO VINDICATE THAT DIGNITY, SOCIETY HAS A DUTY UNDER THE NOTION THAT THE STRONG SHOULD TAKE

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CARE OF THE WEAK, TO MAKE SURE THAT A FLOOR IS SET BELOW WITH WHICH NO MEMBER WILL BE ALLOWED TO FALL. THE HUNGRY ARE TO BE FED. EVERY PERSON IS ENTITLED TO SHELTER. EVERY PERSON IS ENTITLED TO SECURITY. THEN A LITANY OF OTHER BASIC THINGS. BUT THERE'S NOTHING OTHER THAN SLEEP MORE BASIC THAN FOOD. SLEEP IS MORE BASIC BECAUSE YOU WILL DIE QUICKER FROM LACK OF SLEEP THAN YOU WILL FROM LACK OF FOOD. WE ARE TALKING ABOUT FEEDING PEOPLE WHO HAVE PAID THE DEBT THAT SOCIETY SAID THEY WOULD HAVE TO PAY, EVEN WHEN THAT WHICH WAS DEFINED AS A CRIME IS NOT NEARLY AS HEINOUS AND HURTFUL AS THE OTHER KIND OF CRIMES WHICH ARE COMMITTED DIRECTLY AGAINST INDIVIDUALS. AND THOSE WHO COMMIT THESE VERY HURTFUL CRIMES ARE NOT EXEMPTED FROM THE RIGHT TO BE FED. BUT HERE WE HAVE CHRISTIANS, THOSE WHO PROFESS TO BE CHRISTIANS... [LB910]

PRESIDENT FOLEY: ONE MINUTE. [LB910]

SENATOR CHAMBERS: ...WHO ARE OFFENDED BECAUSE I SAID "BIBBLE" INSTEAD OF BIBLE. YOU SAID TIME? THANK YOU. [LB910]

PRESIDENT FOLEY: THAT WAS ONE MINUTE, SENATOR. YOU'VE GOT ONE MINUTE. [LB910]

SENATOR CHAMBERS: OH. THEY'RE THE ONES WHO WILL STAND ON THIS FLOOR AND SAY, I DON'T WANT THIS BECAUSE SOMEBODY FROM HHS SAID IT AND THAT PERSON FROM HHS CAME BEFORE THE JUDICIARY COMMITTEE AND SAID THEIR AGENCY IS RECEIVING STATE MONEY WHO HAVE THE RIGHT TO DISCRIMINATE AGAINST PEOPLE. THEY HAVE THE RIGHT. THAT'S WEINBERG. AND THAT'S SENATOR RIEPE'S LEADER, HIS AUTHORITY, BUT HE HASN'T SEEN MR. WEINBERG IN THE LIGHT THAT I'VE SEEN HIM. SO I WANT TO DISABUSE HIM OF THE NOTION THAT THIS IS A MAN OF STELLAR, MORAL CHARACTER WHO IS INTERESTED IN UPLIFTING SOCIETY, UPLIFTING CERTAIN PEOPLE, AND ESPECIALLY THOSE WHO DISCRIMINATE AGAINST OTHERS. THANK YOU, MR. PRESIDENT. [LB910]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB910]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. RECENTLY, I HAD AN INDIVIDUAL FROM MY DISTRICT COME INTO THE OFFICE AND HE WAS LOOKING FOR HELP. YOU COULD TELL THAT HE DIDN'T WANT TO BE THERE, HE DIDN'T

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WANT TO BE ASKING, BUT HE HAD RECENTLY TAKEN CUSTODY, I THINK OF HIS NINE-YEAR-OLD SON, AND HE WAS STRUGGLING TO MAKE ENDS MEET. AND SO WE WERE TALKING A LITTLE BIT ABOUT DIFFERENT ISSUES AND SUDDENLY HE SAID, WELL, I CAN'T TAKE ADVANTAGE OF ANY OF THESE BENEFITS BECAUSE I'M A FELON, I'M A...IT WAS A FEDERAL OFFENSE THE WAY IT SOUNDED AND SO HE COULDN'T TAKE ADVANTAGE OF THE FOOD STAMP PROGRAM OR ANY OF THE OTHER BENEFITS THAT ARE OUT THERE. AND HE WAS WORKING, HE HAD A JOB, BUT BEING A FELON, IT IS A LITTLE TOUGH TO COME UP WITH A GOOD JOB, SO IT WASN'T A WELL-PAYING JOB AND THERE WEREN'T VERY MANY BENEFITS. AND SO ALL HE WAS LOOKING FOR IS PROGRAMS WHERE HE COULD PROBABLY MAKE IT GO, KEEPING HIS CURRENT JOB, BUT HE NEEDED A LITTLE ASSISTANCE TO TAKE CARE OF HIS KID. AND SO I SAID I WOULD CHECK INTO IT. I'D LOOK INTO IT. I'M, YOU KNOW, I'VE BEEN ACCUSED IN THE PAST OF LACKING EMPATHY, BUT HERE THERE WAS AN INDIVIDUAL WHO REALLY, I THOUGHT, HAD TURNED HIS LIFE AROUND. HE WAS SINCERE. MAYBE HE WAS JUST A GOOD CON MAN, BUT I TRY TO BE A GOOD JUDGE OF CHARACTER. SO I'D LIKE TO ASK SENATOR MORFELD A QUESTION REGARDING THIS ISSUE. [LB910]

PRESIDENT FOLEY: SENATOR MORFELD, WOULD YOU YIELD, PLEASE? [LB910]

SENATOR MORFELD: YES. [LB910]

SENATOR FRIESEN: SO IF A PERSON HAS BEEN CONVICTED UNDER A FEDERAL DRUG CRIME, IS IT ANY DIFFERENT THAN...HANDLED THAN IF IT WAS UNDER STATE STATUTES OR ANYTHING? IS THERE ANY DIFFERENTIATION ON THAT? [LB910]

SENATOR MORFELD: NO, IT'S ANY DRUG FELONY, WHETHER STATE OR FEDERAL. [LB910]

SENATOR FRIESEN: SO THIS WAS JUST...THIS WAS A PROGRAM THAT WAS IMPLEMENTED DUE TO THE TOUGH-ON-DRUGS CAMPAIGN THAT WAS IMPLEMENTED YEARS AGO? [LB910]

SENATOR MORFELD: CONGRESS ALLOWED INDIVIDUAL STATES TO DECIDE WHETHER THEY WANTED TO DO THIS, BUT THEY GAVE THEM THE AUTHORIZATION TO DO SO. [LB910]

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SENATOR FRIESEN: SO IF WE WOULD...IF WE OPT OUT OF OUR PROGRAM, IT DOESN'T MATTER WHETHER IT'S A STATE CONVICTION OR FEDERAL CONVICTION THAT IT WOULD ALLOW HIM TO PARTICIPATE IN THIS PROGRAM? [LB910]

SENATOR MORFELD: CORRECT, SENATOR. [LB910]

SENATOR FRIESEN: THANK YOU, SENATOR MORFELD. I LOOK AT THIS...AN INDIVIDUAL LIKE THIS, AND YES, THERE ARE PROBABLY SOME THERE TAKING ADVANTAGE OF THE SYSTEM, SO TO SPEAK, AND MAYBE DEALING DRUGS AGAIN. LET'S TALK ABOUT DRUG TESTING THEN FOR BENEFITS. DO THAT, BUT THERE ARE SOME INDIVIDUALS WHO, I THINK, HAVE TURNED THEIR LIFE AROUND, ARE TRYING THEIR BEST. AND WHEN YOU'RE A FELON, IT'S TOUGH TO FIND A JOB. IT'S NOT THE EASIEST THING IN THE WORLD TO GO OUT WHEN AN EMPLOYER ASKS, YOU KNOW, WHAT YOUR HISTORY IS, AND YOU HAVE TO TELL THEM YOU'RE A FEDERAL, YOU KNOW, BEEN CONVICTED, YOU'RE A FELON, YOU SERVED YOUR TIME, BUT IT MAKES IT A LITTLE TOUGH TO GET A JOB. AND I THINK, YOU KNOW, WHEN WE HAVE PROGRAMS LIKE THIS, THERE ARE DEFINITELY PEOPLE WHO ARE TRYING TO TURN THEIR LIVES AROUND. AND IF WE DON'T PROVIDE THEM THIS INITIAL BENEFIT TO GET THEM STARTED, TO GIVE THEM SOME HISTORY TO WHERE THEY HAVE A WORK HISTORY, AND THEY CAN KEEP THEMSELVES FROM DOING CRIMINAL THINGS AGAIN, I THINK IT'S A GOOD PROGRAM. AND SO I STRONGLY SUPPORT AM2469. THANK YOU, MR. PRESIDENT. [LB910]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB910]

SENATOR RIEPE: MR. PRESIDENT, THANK YOU. FIRST OF ALL, I WANT TO APOLOGIZE TO THE ROLE OF PRESIDENT AND ALSO FOR THIS BODY. EARLIER, I GOT IN THE MIDDLE OF A DISCUSSION ABOUT GENERAL COMMENTS WHEN IT WAS ACTUALLY A DISCUSSION ABOUT WHETHER AN ITEM WAS GERMANE, AND THAT WAS...I WRITE THAT OFF TO MY NAIVETY, AND ALSO A FAUX PAS AS BEING A FRESHMAN. I'M STILL CLAIMING STATUS AS FRESHMAN. SO WITH THAT, I APOLOGIZE. NOW THE OTHER ONE THAT I WANTED TO COMMENT IS TO MY GOOD FRIEND, SENATOR CHAMBERS, AND THAT, YES, JESUS DID SAY FEED THE POOR AND TAKE CARE OF THOSE. HOWEVER, HE NEVER TOLD CAESAR TO DO THAT, HE TOLD BASICALLY THE PEOPLE. AND I AGREE THAT THE PEOPLE SHOULD DO THAT, BUT HE DIDN'T TELL THE GOVERNMENT TO DO THAT. AND I'M NOT DONE, SO I'M NOT GOING TO ASK YOU A QUESTION BECAUSE YOU MIGHT

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COME BACK AND GIVE ME A LECTURE ON THE "BIBBLE." (LAUGHTER) I ALSO...AND AS FAR AS MR. WEINBERG, I LOOK AT HIM AND HE IS THE DIRECTOR OF THE DEPARTMENT, SO I LOOK TO HIM FOR COUNSEL. I ADMIT TO THAT. SOME OF THE POINTS THAT HE HAS TALKED ABOUT, HE SAID THAT A PERSON MAY HAVE TWO FELONY CONVICTIONS AND STILL BE ELIGIBLE. SO IT'S NOT LIKE THIS IS A FIRST STRIKE AND THAT YOU'RE OUT. SECOND, THIS SNAP AS HE SAYS WILL NO LONGER SERVE AS AN INCENTIVE TO PARTICIPATE IN TREATMENT. SO THE IMPLICATION AS I READ IN HIS COMMENTS IS THAT THEY WOULD STILL HAVE THAT AS AN INCENTIVE IF THEY GO THROUGH TREATMENT THAT THEY MIGHT BE ELIGIBLE. AND SO I'M GOING TO FOLLOW UP WITH SOME CLARIFICATION ON THAT PARTICULAR ISSUE. ADDITIONALLY, HE TALKS ABOUT THAT THE DEPARTMENT WOULD REQUIRE ADDITIONAL RESOURCES. THAT'S NOT IN THE FISCAL NOTE, BUT HE SAID THAT ADDITIONAL CASE MANAGERS WILL BE NEEDED. AND I WILL YIELD ANY TIME I HAVE TO SENATOR CHAMBERS. [LB910]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE. SENATOR CHAMBERS, 2:45. [LB910]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, SENATOR RIEPE JUST DEMONSTRATED ONE OF THE TRAITS THAT I THINK IS A VALUE AMONG CERTAIN RELIGIOUS PEOPLE AND THAT'S CALLED ECUMENISM--DIFFERING VIEWS, SOMETIMES RADICALLY DIFFERING, BUT NEVERTHELESS, WHERE THEY CAN COOPERATE THEY DO AS HE AND I DID ON THE CHILDREN. THEY BROUGHT US TOGETHER. BUT I TOLD PEOPLE, DON'T SAY THAT MEANS I'VE GOT A HEART. DON'T SAY IT'S ALTRUISTIC, DON'T SAY IT'S NOBLE. IT'S JUST WHAT I DO SO THAT I CAN FEEL GOOD WITHIN MYSELF WHEN THERE'S SOMETHING THAT CAN BE DONE TO HELP THOSE WHO CAN'T HELP THEMSELVES. IT'S AS SIMPLE AS THAT. I DON'T NEED RELIGION, WHICH I DON'T HAVE. I DON'T NEED ANY OF THESE THINGS TO MOTIVATE ME. BUT THE POINT I STARTED OUT WITH IS THE PRAYERS THAT I HEAR HERE, UTTERED AND AGREED TO BY PEOPLE IN HERE, AND THE ONES IN HERE ARE THE ONES WHO ARE VOTING ON THIS BILL. AND I SAID I WANT TO SPEAK THE LANGUAGE OF THOSE IN HERE. AND I HAVE NOT HEARD ONE PERSON STAND ON THIS FLOOR AND SAY WHAT THE PREACHER SAID IS WHAT CHRISTIANS OUGHT TO DO, BUT NOT THE GOVERNMENT. THEY PRAY FOR US AS MEMBERS OF THIS LEGISLATURE TO DO THE RIGHT THING IN THE BILLS WE PASS IN TAKING CARE OF THE PEOPLE WHO NEED THAT. THAT'S FROM THOSE WHO AGREE WITH YOU, SENATOR RIEPE. SENATOR RIEPE, EXCUSE ME, SOMETIMES I MISPRONOUNCE NAMES. HERE'S WHAT I WILL SAY FOR MYSELF. EVERYBODY IS ENTITLED TO ANOTHER CHANCE.

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WHO AM I TO JUDGE ANOTHER MAN OR WOMAN SERVING AND SAY YOU ARE UNWORTHY AND UNFIT TO BE GIVEN CONSIDERATION? [LB910]

PRESIDENT FOLEY: ONE MINUTE. [LB910]

SENATOR CHAMBERS: SENATOR RIEPE, I DON'T HAVE TO SEPARATE THE WHEAT FROM THE TARES. I DON'T HAVE TO SEPARATE THE GOATS FROM THE SHEEP. THERE'S ONE WHO DOES THAT AND THAT ONE IS NOT ME. BUT THAT OTHER ONE, HE SAID UP TO ANOTHER ON ANOTHER OCCASION TO HIS DISCIPLES WHEN THEY THOUGHT CERTAIN PEOPLE WEREN'T GOOD ENOUGH, HE SAID OTHER SHEEP I HAVE THAT ARE NOT OF THIS FOLD. YOU KNOW NOT WHAT SPIRIT YOU ARE OF. YOU'VE BEEN WITH ME ALL THIS TIME AND YOU MISSED THE MAIN POINT. SO ALL I'M TRYING TO DO IS STIR YOUR PURE MINDS TO APPEAL TO THAT WHICH THESE PREACHERS ARE TRYING TO APPEAL TO AND TO SAY WHEN WE'RE IN A POSITION BY OUR VOTE TO HELP THOSE WHO NEED IT, EVEN THOSE WHO HAVE STUMBLERD AND FALLEN, THEN WE SHOULD HELP BEAR THEM UP INSTEAD OF KICKING THEM, STEPPING ON THEM, AND MAKING THEM A RUG. AS A MATTER OF FACT, POPE FRANCIS KISSED THE FEET OF SOME OF THESE FALLEN PEOPLE IN A PRISON. THANK YOU, MR. PRESIDENT. [LB910]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR CHAMBERS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB910]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I WAS SITTING IN MY CHAIR, LISTENING TO THE DISCUSSION, TRYING TO THINK ABOUT THE BIG PICTURE HERE. AND BEING IN A PARTICULARLY ORNERY MOOD THIS MORNING AFTER OUR BUDGET OR APPROPRIATIONS COMMITTEE REPORT, IT OCCURRED TO ME THAT OUR SOCIETY HAS AN INSATIABLE DEMAND. AND WE'VE FOUGHT THAT DEMAND NOW FOR 40-SOME YEARS WITH EVERY STATE, LOCAL, AND NATIONAL RESOURCE WE CAN, AND WE HAVEN'T MADE A BIT OF A DENT IN IT. AND THE FREE MARKET IS WHAT THE FREE MARKET IS. THE FREE MARKET DEVELOPS SOURCES OF SUPPLY AND DISTRIBUTION TO MEET DEMAND. IT WORKS EVERY TIME NO MATTER WHAT HAPPENS UNTIL YOU DEAL WITH THE DEMAND SIDE OF THE ISSUE. AND ENTREPRENEURIAL YOUNG SPIRITS, OR MAYBE NOT SO YOUNG SPIRITS, RISE TO THE OCCASION TO MEET THE DEMAND, AND THEY GET A BUSINESS GOING. THEN WE STEP IN AND WE DISRUPT THEIR BUSINESS, HAUL THEM OFF TO THE PENITENTIARY, MAKE THEM SIT SOME TIME OUT IN JAIL, AND THEY COME OUT WITH THEIR SPIRIT BROKEN, NOT A WHOLE LOT OF MOTIVATION MAYBE TO GET BACK INTO BUSINESS. SO WE

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DEVELOP AN ECONOMIC INCENTIVE PROGRAM. AND OUR ECONOMIC INCENTIVE PROGRAM IS, WELL, LET'S REPLACE THEIR FIRE IN THEIR BELLY WITH A LITTLE HUNGER IN THE TUMMY AND MAYBE THEY'LL HAVE SOME INCENTIVE TO GET BACK INTO BUSINESS AND LIVE AROUND AND HANG OUT AROUND THE FOLKS THAT HELPED THEM DEVELOP THEIR BUSINESS IN THE FIRST PLACE AND MEET THE GREAT PUBLIC DEMAND THAT WE CAN'T SEEM TO PUT AN END TO. SO WHAT WE HAVE NOW IS AN ECONOMIC INCENTIVE PROGRAM AND SENATOR MORFELD WANTS TO RUIN IT. SENATOR MORFELD, WOULD YOU RESPOND TO A QUESTION? [LB910]

PRESIDENT FOLEY: SENATOR MORFELD, WOULD YOU YIELD, PLEASE? [LB910]

SENATOR MORFELD: YES. [LB910]

SENATOR SCHUMACHER: SENATOR MORFELD, WHY WOULD YOU WANT TO RUIN OUR ECONOMIC INCENTIVE PROGRAMS? [LB910]

SENATOR MORFELD: BECAUSE IT'S COSTING US A LOT MORE MONEY TO PUT THEM IN PRISON. [LB910]

SENATOR SCHUMACHER: BUT, SENATOR MORFELD, IT COSTS US MONEY TO PUT THEM IN PRISON? BUT OUR PRISON SYSTEM EMPLOYS PEOPLE. WHY WOULD YOU WANT TO RUIN A JOBS CREATION PROGRAM? [LB910]

SENATOR MORFELD: YOU BRING UP A GOOD POINT, SENATOR. [LB910]

SENATOR SCHUMACHER: WELL, I THOUGHT SO TOO. AS I SAID, I'M IN A RATHER ORNERY MOOD. FOLKS, WE'RE TALKING ABOUT \$50,000 HERE. WE'RE TALKING ABOUT A SITUATION WHERE WE USE THIS ONE CLASS OF FELONY OR TREAT IT DIFFERENT THAN FAR, FAR, FAR HIGHER CLASS FELONIES. AND I'M WONDERING IF WHETHER OR NOT WITH ALL OF THE BILLS WE HAVE TO BE HEARD, THAT WE SHOULDN'T JUST LET A LITTLE COMMON SENSE SETTLE IN HERE TODAY. THANK YOU. [LB910]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR BAKER, YOU'RE RECOGNIZED. [LB910]

SENATOR BAKER: QUESTION. [LB910]

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PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. MEMBERS, THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING DEBATE VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB910]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB910]

PRESIDENT FOLEY: THE MOTION TO CEASE DEBATE PASSES. SENATOR MORFELD, YOU'RE RECOGNIZED TO CLOSE ON AM2469. [LB910]

SENATOR MORFELD: THANK YOU, MR. LIEUTENANT GOVERNOR. AND THANK YOU, EVERYBODY, FOR THE DISCUSSION AND THE DEBATE TODAY. I JUST WANT TO CLARIFY A FEW DIFFERENT THINGS. FIRST, WE'RE NOT OVERRULING AN ACT OF CONGRESS. WE WOULDN'T BE ABLE TO DO THAT UNDER THE SUPREMACY CLAUSE. WHAT WE'RE DOING IS WE ARE EXERCISING THE POWER THAT CONGRESS HAS GIVEN US WHETHER OR NOT TO INSTITUTE THIS BAN OR NOT. THIS WOULD REPEAL THE BAN THAT WE INSTITUTED UNDER THAT ACT OF CONGRESS IN THE 1990s DURING THE WAR ON DRUGS. I ALSO WANT TO MAKE IT CLEAR THAT THIS WILL HELP PEOPLE WHO HAVE SERVED THEIR TIME, THEIR DEBT TO OUR SOCIETY TO BE ABLE TO SUCCESSFULLY REENTER BACK INTO SOCIETY. THAT IS IMPORTANT. THAT IS THE WHOLE PURPOSE, NOT THE WHOLE PURPOSE, BUT A VAST MAJORITY OF THE PURPOSE OF WHY WE INSTITUTED LB605 AND MADE SURE THAT WE WERE SMARTER ON CRIME, NOT JUST TOUGH. WE CAN STILL BE TOUGH, BUT WE NEED TO BE SMART ON CRIME AND WE NEED TO ENSURE THAT PEOPLE HAVE ALL OF THE RESOURCES NECESSARY TO BE SUCCESSFUL ONCE THEY REENTER SOCIETY BECAUSE WE DON'T WANT PEOPLE GOING BACK INTO A PRISON SYSTEM THAT IS INCREDIBLY OVERCROWDED FOR NONVIOLENT OFFENSES. IN ADDITION, SENATOR KINTNER ASKED US TO THINK ABOUT THE CHILDREN. I AM THINKING ABOUT THE CHILDREN. THIS WILL ALLOW PEOPLE WHO ARE BEING REUNITED WITH THEIR FAMILY AFTER THEY PAID THEIR DEBT TO SOCIETY TO ENSURE THAT THEY HAVE ENOUGH FOOD TO BE SUCCESSFUL, TO GO TO THE PROGRAMS, TO DO THE OTHER THINGS THAT ARE NEEDED TO BE GOOD CITIZENS IN OUR SOCIETY AND SUCCESSFUL CITIZENS IN OUR SOCIETY. I ASK YOUR GREEN VOTE ON AM2469 AND TO SUPPORT ALL THE WORK THAT WE'VE DONE OVER THE LAST FEW YEARS TO BE SMART ON CRIME AND TO ENSURE THAT WE HAVE PEOPLE THAT ARE SUCCESSFULLY REENTERING SOCIETY, NOT BREAKING LAWS ANYMORE, AND ENSURING SAFE COMMUNITIES. THANK YOU. [LB910 LB605]

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PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. MEMBERS, YOU'VE HEARD THE DEBATE AND CLOSING ON AM2469. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE. SENATOR MORFELD. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB910]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB910]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR MURANTE, THE HOUSE IS UNDER CALL. SENATOR MORFELD. [LB910]

SENATOR MORFELD: ONCE WE'RE READY, I WOULD REQUEST A ROLL CALL VOTE IN REVERSE ORDER, PLEASE. [LB910]

PRESIDENT FOLEY: THANK YOU, SENATOR. ALL MEMBERS ARE NOW PRESENT. THE QUESTION BEFORE US IS THE ADOPTION OF AM2469. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK, PLEASE PROCEED. [LB910]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 926-927.) 35 AYES, 5 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB910]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. AM2469 IS ADOPTED. I RAISE THE CALL. RETURNING NOW TO DEBATE ON LB910, AS AMENDED. SENATOR KINTNER. [LB910]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, I WANTED TO REALLY SPEAK ON THAT HORRIBLE AMENDMENT WE JUST PASSED. AND WE WERE TALKING ABOUT, YOU KNOW, IF YOU'RE CHRISTIANS, YOU'VE GOT TO TAKE MONEY FROM SOMEONE ELSE AND GIVE IT TO THE PERSON WHO NEEDS IT MORE. YOU KNOW, THESE BIG GOVERNMENT PROGRAMS, THESE SOCIALISTIC PROGRAMS, THEY'RE FALSE IDOLS. THEY THRIVE ON TAKING OUR INDIVIDUAL

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CHRISTIAN OBLIGATION OF HELPING OUR NEIGHBORS AND REPLACING IT WITH GOVERNMENTS. NOTHING CHRISTIAN ABOUT THAT. THERE'S NOTHING CHRISTIAN ABOUT FORCIBLY TAKING SOMEONE'S MONEY AND GIVING IT TO SOMEONE ELSE. AND I THINK THAT WHEN WE TRY TO CONFUSE OUR CHRISTIAN OBLIGATIONS WITH THE ROLE OF GOVERNMENT, IT DOESN'T WORK OUT SO WELL FOR THE TAXPAYER USUALLY. AND THE HURRY HERE TO GIVE MONEY AWAY, FEDERAL MONEY, IT'S FREE, IT'S FEDERAL, WE HAVE A \$19 TRILLION DEFICIT, TURN AROUND AND FINANCE CONVICTED DRUG DEALERS IS NOTHING SHORT OF SHAMEFUL. AND I THINK WE'RE GOING TO HAVE SOME FUN WITH THIS, THIS YEAR. IT IS AN ELECTION YEAR. THANK YOU, MR. PRESIDENT. [LB910]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR SCHNOOR, YOU'RE RECOGNIZED. HE WAIVES THE OPPORTUNITY. SENATOR GROENE. [LB910]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I DIDN'T HAVE A CHANCE BEFORE THE CALL TO SPEAK ON THE AMENDMENT, AND I'M AGAINST IT. I VOTED AGAINST IT. BUT I HAVE A PROBLEM WHY YOU WOULD TAKE OUT PART OF THE BILL THAT SAYS A PERSON WITH ONE OR TWO FELONY CONVICTIONS FOR THE POSSESSION OR USE OF A CONTROLLED SUBSTANCE SHALL ONLY BE ELIGIBLE TO RECEIVE SUPPLEMENT NUTRITIONAL ASSISTANCE PROGRAMS BENEFITS UNDER THE SUBSECTION IF HE OR SHE IS PARTICIPATING IN OR HAS COMPLETED A STATE LICENSE OR NATIONALLY ACCREDITED SUBSTANCE ABUSE TREATMENT PROGRAM. THERE'S NO MOTIVATION TO TAKE THE TREATMENT NOW. YOU'VE TAKEN IT OUT. MY AIDES ARE GETTING AHOLD OF HHS TO SEE WHAT THEY CONSIDER A NATIONAL ACCREDITED SUBSTANCE ABUSE TREATMENT AND HOW MANY OF THEM ARE AVAILABLE. I'M ALSO TRYING TO FIND OUT WHAT PROBATION, THESE FOLKS WOULD BE ON PROBATION, MOST OF THEM, WITH NOW AT LB605. SO I'M SURE A PROBATION OFFICER SAYS YOU'VE GOT TO ATTEND AA MEETINGS, YOU GOT TO ATTEND WHATEVER THE ACRONYMS ARE FOR SOME OF THOSE OTHER TREATMENTS. BUT WHY WOULD YOU TAKE THAT OUT? IT MAKES NO SENSE. WE PREACH, WE PREACH, WE PREACH TREATMENT, AND THEN WE CHANGE A BILL TO TAKE IT OUT, A MANDATORY PURPOSE TO TAKE IT OUT. IT MAKES NO SENSE. I HAVE A QUESTION FOR SENATOR CAMPBELL, IF SHE WOULD TAKE IT. [LB910 LB605]

PRESIDENT FOLEY: SENATOR CAMPBELL, WOULD YOU YIELD, PLEASE? [LB910]

SENATOR CAMPBELL: CERTAINLY. [LB910]

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SENATOR GROENE: SENATOR CAMPBELL, THIS WAS AN HHS BILL. WHY DID YOU NOT AMEND IT INTO YOUR...ONE OF YOUR EXISTING BILLS OR YOUR CLEANUP BILL LIKE MOST COMMITTEES HAVE? [LB910]

SENATOR CAMPBELL: BECAUSE AT THIS POINT, SENATOR GROENE, WE DID NOT HAVE, WHAT WOULD I SAY, WE HAD SOME OTHER BILLS THAT MIGHT HAVE DEALT WITH BENEFITS BUT, QUITE HONESTLY, NOT A BILL THAT CAME OUT HAVING TO DO WITH SNAP BENEFITS, PROBABLY FITS BETTER WITH... [LB910]

SENATOR GROENE: YOU DON'T THINK THIS BILL COMING OUT OF HHS WOULD HAVE FIT BETTER INTO ANOTHER HHS BILL THAN A JUDICIARY BILL? [LB910]

SENATOR CAMPBELL: I THINK THAT ISSUE WE SETTLED EARLIER, SENATOR GROENE, AND I THINK IT DOES FIT IN THERE. [LB910]

SENATOR GROENE: I DON'T THINK IT WAS. THANK YOU. SENATOR MORFELD, YOU'RE VERY PASSIONATE ABOUT THIS BILL. WHY DID YOU NOT PRIORITIZE THIS BILL? [LB910]

PRESIDENT FOLEY: SENATOR MORFELD, WILL YOU YIELD, PLEASE? [LB910]

SENATOR MORFELD: BECAUSE I HAD TALKED TO THE JUDICIARY COMMITTEE. WE THOUGHT IT WAS...FIT WITHIN LB910 AND THERE WAS NO NEED TO PRIORITIZE IT BECAUSE WE HAD ALREADY DECIDED TO PRIORITIZE LB910 WITH OUR COMMITTEE PRIORITY. BUT I THINK IT'S AN IMPORTANT BILL. [LB910]

SENATOR GROENE: BUT YOUR PERSONAL PRIORITY BILL. [LB910]

SENATOR MORFELD: BECAUSE I KNEW THAT THIS BILL WOULD BE TAKEN CARE OF UNDER THIS PRIORITY. [LB910]

SENATOR GROENE: THANK YOU. YOU KNOW, WE HAVE RULES, WE HAVE PROCESSES, I THOUGHT WE FOLLOWED; BUT I GUESS THERE'S WAYS, I'M LEARNING, TO GET MORE THAN ONE PRIORITY BILL BY JUST TUCKING IT INTO ANOTHER PRIORITY BILL. I GUESS MY MORAL VALUES FROM THE GOOD BOOK SAYS DON'T DO THAT. IF YOU BELIEVE IN SOMETHING, PRIORITIZE IT. AND BY THE WAY, I'M GOING TO FINALLY STAND UP IN DEFENSE OF MY GOOD FRIEND, BILL KINTNER. HE'S A GOOD MAN. I DON'T THINK ANYBODY SHOULD MAKE FUN

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OF ANYBODY'S DICTION, THE CULTURAL USE OF WORDS. HE'S UNDERSTANDABLE, HE SPEAKS WELL, AND HE'S PASSIONATE AND SUPPORTIVE OF HIS CONSTITUENTS. THESE CONTINUED ATTACKS ON HIS WAY OF GETTING THINGS DONE HAVE TO STOP. I GO HEAD TO HEAD WITH HIM. HE'S A STRONG-WILLED INDIVIDUAL AND I'M STRONG-WILLED, BUT THAT'S BETWEEN ME AND HIM. I DON'T GO ON THE FLOOR AND CRITICIZE HIM. [LB910]

PRESIDENT FOLEY: ONE MINUTE. [LB910]

SENATOR GROENE: HE'S A VERY GOOD INDIVIDUAL. HE CAN LIVE NEXT TO ME AND I'LL KEEP MY DOORS UNLOCKED AND HE DOES FOLLOW THE GOOD BOOK. I'M SURE HE GIVES TO THE POOR. HE DOESN'T EXPECT HIS NEIGHBOR, THE GOVERNMENT TO CONFISCATE HIS NEIGHBOR'S PROPERTY AND TAKE CARE OF THE POOR AND THEN PAT THEMSELVES ON THE BACK. I CAN QUOTE FROM SCRIPTURE TOO. THERE'S A VERY WELL-QUOTED QUOTE THAT SAYS, SIR, GOD, JESUS, LOOK AT WHAT I DID IN YOUR NAME. I TOOK YOUR NEIGHBOR'S MONEY AND I USED IT TO DO GOOD WORKS. AND HE LOOKS AT HIM AND SAYS, I NEVER KNEW YOU. SO WE CAN DEBATE THAT ALL DAY, SENATOR CHAMBERS. EITHER YOU BELIEVE IN THE RELIGION OR YOU DON'T. (INAUDIBLE) DARWIN IS YOUR KING AND HE SAYS THE STRONGEST SURVIVES. SO EITHER BELIEVE IN THE GOOD BOOK AND THE GOOD LORD AND HIS RULES OR YOU BELIEVE IN DARWIN. YOU CAN'T HAVE IT BOTH WAYS. THANK YOU, MR. PRESIDENT. [LB910]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR BAKER, YOU'RE RECOGNIZED. [LB910]

SENATOR BAKER: QUESTION. [LB910]

PRESIDENT FOLEY: THAT'S NOT NECESSARY, SENATOR, THERE'S NO ONE ELSE IN THE QUEUE. SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE ON LB910. SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB910 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB910]

CLERK: 31 AYES, 5 NAYS, MR. PRESIDENT, TO ADVANCE LB910. [LB910]

PRESIDENT FOLEY: LB910 ADVANCES. MR. CLERK, NEXT BILL. [LB910]

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CLERK: LB910A, A BILL BY SENATOR BOLZ. (READ TITLE.) [LB910A]

PRESIDENT FOLEY: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON LB910A. [LB910A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THANK YOU FOR YOUR VOTE ON LB910. I THINK IT'S APROPOS THAT WE MOVE FORWARD A BILL THAT HELPS TO ADDRESS HUNGER IN THE STATE, JUST BEFORE LUNCH, SO COLLEAGUES, DON'T LEAVE JUST YET. PLEASE VOTE FOR THE TRAILING A BILL TO MAKE SURE WE CAN FUND THE CHANGES IN LB910. THANK YOU, MR. PRESIDENT. [LB910A]

PRESIDENT FOLEY: THANK YOU, SENATOR BOLZ. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB910A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB910A]

CLERK: 27 AYES, 5 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB910A. [LB910A]

PRESIDENT FOLEY: LB910A ADVANCES. NEXT BILL, MR CLERK. [LB910A]

CLERK: MR. PRESIDENT, LB1093 IS A BILL BY SENATOR MELLO. (READ TITLE.) INTRODUCED ON JANUARY 20, REFERRED TO APPROPRIATIONS, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2391, LEGISLATIVE JOURNAL PAGE 832.) [LB1093]

PRESIDENT FOLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB1093. [LB1093]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB1093 WAS INTRODUCED AS A TECHNICAL BILL. THERE ARE TWO FUNDS, THE TOBACCO PREVENTION AND CONTROL CASH FUND AND THE STEM CELL RESEARCH CASH FUND, THAT ARE NO LONGER NEEDED AND ARE BEING REPEALED. THE LANGUAGE IN THE ORIGINAL BILL DESCRIBED THE USE OF THE CASH AS BEING CHANGED TO DESCRIBE THE PROGRAMS. THE UNOBLIGATED BALANCES, ROUGHLY \$1.3 MILLION, ARE BEING TRANSFERRED BACK TO THE NEBRASKA HEALTHCARE CASH FUND ON JULY 1, 2016. THE ORIGINAL LANGUAGE

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AS IN LB1093 IS ACTUALLY INCORPORATED IN THE BUDGET BILL AND I HAVE COMMITTEE AMENDMENTS THAT INCORPORATE PROCESS BILLS IN THE APPROPRIATIONS COMMITTEE. THANK YOU, MR. PRESIDENT. [LB1093]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE APPROPRIATIONS COMMITTEE. SENATOR MELLO, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON AM2391. [LB1093]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AS I MENTIONED, THE ORIGINAL GREEN COPY, LB1093, IS INCORPORATED INTO THE MAINLINE BUDGET BILLS AND SO LB1093 IS REPLACED WITH THE FOLLOWING THREE BILLS IN COMPONENTS. THE COMMITTEE AMENDMENT, AM2391, STRIKES THE ORIGINAL SECTIONS AND INCORPORATES CONCEPTS OF LB1017 BROUGHT BY SENATOR LINDSTROM; LB1028 BROUGHT BY SENATOR MORFELD, AND IT ESTABLISHES BENCHMARKS FOR NEBRASKA'S INNOVATION CAMPUS THROUGH THE WORK OF THE APPROPRIATIONS COMMITTEE, LR200, OVER THE INTERIM. LB1093, AS AMENDED, WOULD REVISE THE INTERN NEBRASKA ACT BY ELIMINATING THE CURRENT LAWS RESIDENCE REQUIREMENTS FOR STUDENT INTERNS UNDER THE INTERN NEBRASKA PROGRAM. THIS CHANGE WAS ORIGINALLY BROUGHT TO THE COMMITTEE BY SENATOR LINDSTROM IN LB1017. AM2391 ALSO INCLUDES TECHNICAL CHANGES THAT WERE PART OF LB1028 BROUGHT BY SENATOR MORFELD. AM2391 WOULD MODIFY THE MICROENTERPRISE SECTION OF THE BUSINESS INNOVATION ACT TO REQUIRE THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT TO CONTRACT WITH A STATEWIDE MICROENTERPRISE ASSISTANT ORGANIZATION. IT ALSO CHANGES THE RANGES IN WHICH THE EXISTING APPROPRIATION FOR EXISTING PROGRAMS UNDER THE BUSINESS INNOVATION ACT CAN BE UTILIZED. FINALLY, AM2391 INCLUDES PROVISIONS FROM AM1995 TO SENATOR WILLIAMS' LB560 WHICH I BROUGHT BEFORE THE APPROPRIATIONS COMMITTEE AT A PUBLIC HEARING ON FEBRUARY 9, AND IT ESTABLISHES QUANTIFIABLE MEASUREMENTS AND BENCHMARKS FOR NEBRASKA INNOVATION CAMPUS AT THE UNIVERSITY OF NEBRASKA. THE REQUIREMENTS SET FORTH IN AM1995 WILL HELP FUTURE MEMBERS OF THE LEGISLATURE MAKE INFORMED DECISIONS ABOUT ANY POTENTIAL APPROPRIATION IN THE FUTURE AS IT RELATES TO REQUESTS OF THE NEBRASKA INNOVATION CAMPUS. THANK YOU, MR. PRESIDENT. I'D BE HAPPY TO ANSWER ANY QUESTIONS MEMBERS MAY HAVE. [LB1093 LB1017 LB1028 LR200 LB560]

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PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE OPENING ON AM2391. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR MELLO...AND HE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT, AM2391. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB1093]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB1093]

PRESIDENT FOLEY: COMMITTEE AMENDMENTS ARE ADOPTED. DEBATE IS NOW OPEN ON LB1093. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR MELLO WAIVES CLOSE. THE QUESTION IS THE ADVANCE OF LB1093 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB1093]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, TO ADVANCE LB1093. [LB1093]

PRESIDENT FOLEY: LB1093 ADVANCES. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR458. ITEMS FOR THE RECORD, MR. CLERK. [LB1093 LR458]

CLERK: THANK YOU, MR. PRESIDENT. COMMUNICATION FROM THE GOVERNOR TO THE CLERK. (READ RE: LB676, LB700, LB703, LB718, LB729, LB734, LB735, LB753, LB758, LB776, LB778, LB786, LB798, LB807, LB811, LB840, LB859, LB864, LB898, LB921, LB929, AND LB1035.) SENATOR EBKE OFFERS LR474. THAT WILL BE LAID OVER. NEW A BILL, LB886A BY SENATOR DAVIS. (READ LB886A BY TITLE FOR THE FIRST TIME.) A SERIES OF NAME ADDS: SENATORS SCHEER, BAKER, KRIST, WILLIAMS, STINNER, SCHILZ, MELLO, SEILER, SULLIVAN, BRASCH, SMITH, FRIESEN, GROENE, HOWARD, HUGHES, BURKE HARR, LARSON, HANSEN, KOLOWSKI, TO LB886. AND SENATOR GLOOR, ADD HIS NAME TO LB768. (LEGISLATIVE JOURNAL PAGES 927-929.) [LB676 LB700 LB703 LB718 LB729 LB734 LB735 LB753 LB758 LB776 LB778 LB786 LB798 LB807 LB811 LB840 LB859 LB864 LB898 LB921 LB929 LB1035 LR474 LB886A LB886 LB768]

MR. PRESIDENT, SENATOR SCHILZ WOULD MOVE TO RECESS THE BODY UNTIL 1:30.

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

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

RECESS

SPEAKER HADLEY PRESIDING

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

ASSISTANT CLERK: THERE'S A QUORUM PRESENT, MR. PRESIDENT.

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

ASSISTANT CLERK: ONE ITEM, MR. PRESIDENT. YOUR COMMITTEE ON JUDICIARY REPORTS LB1103 TO GENERAL FILE WITH AMENDMENTS. (LEGISLATIVE JOURNAL PAGE 929.) [LB1103]

SPEAKER HADLEY: THANK YOU, MR. CLERK. WE'LL PROCEED TO THE FIRST ITEM ON THIS AFTERNOON'S AGENDA. [LB977]

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST BILL THIS AFTERNOON, LB977, INTRODUCED BY SENATOR SMITH. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 14; REFERRED TO THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2318, LEGISLATIVE JOURNAL PAGE 797.) [LB977]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB977]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND I WILL OPEN ON THE COMMITTEE AMENDMENT WHICH WILL BECOME THE BILL. [LB977]

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SPEAKER HADLEY: THAT IS FINE. PROCEED, MR. SMITH. [LB977]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. LB977 IS THE TRANSPORTATION AND TELECOMMUNICATIONS OMNIBUS BILL FOR THIS SESSION. WITH THE COMMITTEE AMENDMENT AM2318, IT INCLUDES THE PROVISIONS OF SEVEN DIFFERENT BILLS, ALONG WITH THE ORIGINAL LANGUAGE OF LB977. MOST OF THE MEASURES ARE IMPORTANT TRANSPORTATION HOUSEKEEPING BILLS THAT NEED TO BE PASSED THIS SESSION. AND GIVEN IT IS A SHORT SESSION, PROVIDING YOU WITH A PACKAGE IS THE ONLY WAY THAT THESE ISSUES CAN BE ADDRESSED ADEQUATELY THIS YEAR. I AM GOING TO USE MY OPENING TO BRIEFLY GO THROUGH ALL THE COMPONENTS OF THE COMMITTEE AMENDMENT. I WILL THEN GIVE YOU MORE DETAIL WITH RESPECT TO THE UNDERLYING BILL, LB977. AND THEN IT IS MY INTENTION THAT THOSE INTRODUCERS OF THE OTHER MEASURES WILL FOLLOW ME AND PROVIDE MORE INFORMATION ON THEIR INDIVIDUAL BILLS. FIRST, LB799 WAS INTRODUCED BY SENATOR BOLZ, AND IT IS AMENDED TO LB977. LB799 EXPANDS THE CURRENT PUBLIC TRANSPORTATION ASSISTANCE PROGRAM. CURRENTLY, WE APPROPRIATE FUNDS TO PROVIDE GRANTS TO TRANSIT OPERATORS EQUAL TO 50 PERCENT OF OPERATING COST. THIS BILL WOULD ALLOW FOR THE INCLUSION OF ELIGIBLE CAPITAL COSTS INVOLVING THE PURCHASE, REPLACEMENT, OR REBUILDING OF VEHICLES USED FOR PUBLIC TRANSIT. SECOND, WE HAVE LB872 FROM SENATOR MURANTE. CURRENTLY, THE DEPARTMENT OF ROADS AND LOCAL AUTHORITIES ARE PERMITTED TO USE BLUE AND AMBER FLASHING LIGHTS FOR SNOW REMOVAL. LB872 SIMPLY EXPANDS THAT AUTHORITY TO INCLUDE CONSTRUCTION, INSPECTION, REPAIR, OR MAINTENANCE OF HIGHWAYS UNDER THEIR JURISDICTION. THIRD, LB989, ALSO INTRODUCED BY SENATOR MURANTE, THIS IS BASICALLY THE DEPARTMENT OF MOTOR VEHICLES' ANNUAL CLEANUP BILL. AND THE COMMITTEE AMENDMENT INCORPORATES THE FOLLOWING PORTIONS FROM THE INTRODUCED BILL: THE NUMBER OF APPLICANTS NEEDED FOR AN ORGANIZATION SPECIALTY LICENSE PLATE IS LOWERED FROM 500 TO 250; OBSOLETE LANGUAGE RELATING TO COMMERCIAL DRIVER'S LICENSE APPLICATIONS IS ELIMINATED; AND THE DEPARTMENT IS AUTHORIZED TO PROVIDE FOR ELECTRONIC ISSUANCE, RENEWAL, AND REPLACEMENT OF COMMERCIAL DRIVER'S LICENSE. THE FOURTH BILL IS ALSO SENATOR MURANTE'S AND IT IS LB918. LB918 TAKES 1 PERCENT OF THE PROCEEDS COLLECTED FROM THE MOTOR VEHICLE TAX AND PUTS IT IN THE VEHICLE TITLE AND REGISTRATION SYSTEM REPLACEMENT AND MAINTENANCE CASH FUND. THE DMV IS IN THE PROCESS OF BUILDING A MORE EFFICIENT TITLE AND REGISTRATION SYSTEM. THE CURRENT SYSTEM IS NEARLY 26 YEARS OLD AND

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THE COST TO UPDATE AND MAINTAIN IT HAS BECOME UNECONOMICAL. I INTRODUCED THE FIFTH BILL, LB946, AND IT IS IN RESPONSE TO A RECENT UNITED STATES SUPREME COURT DECISION. THE U.S. SUPREME COURT RULED IN NORTH CAROLINA BOARD OF DENTAL EXAMINERS v. THE FTC THAT ANTITRUST IMMUNITY DOES NOT ALWAYS APPLY TO A REGULATORY BODY CONTROLLED BY ACTIVE MEMBERS OF A PROFESSION OR TRADE. IN THE NORTH CAROLINA RULING, IT WAS DETERMINED THE ANTITRUST IMMUNITY TRADITIONALLY EXTENDED TO STATES, DOES NOT APPLY UNLESS THE REGULATORY BODY IS SUBJECT TO STATE SUPERVISION, AND THAT ANY REGULATION IS A CLEAR EXPRESSION OF STATE POLICY. THE BOARD WHICH OVERSEES MOTOR VEHICLE AND TRAILER DEALERS IS COMPOSED OF ACTIVE MEMBERS OF THE PROFESSION, INCLUDING VEHICLE DEALERS AND MANUFACTURERS. THE DIRECTOR OF THE DMV SERVES AS AN EX-OFFICIO MEMBER AND THE CHAIRPERSON. UNDER LB946, THE STATE WOULD HAVE MORE SUPERVISION BY REQUIRING THE DIRECTOR TO REVIEW, MODIFY, ALTER, APPROVE, OR REJECT ANY ACTION OF THE BOARD. THIS IS NECESSARY TO ENSURE THE MOTOR VEHICLE INDUSTRY LICENSING BOARD IS NOT VULNERABLE TO ANTITRUST LITIGATION. SENATOR FRIESEN IS THE SPONSOR OF THE SIXTH COMPONENT, LB996. THIS BILL WOULD PROVIDE AN EXCEPTION TO THE PROHIBITION IN A MOTOR VEHICLE INDUSTRY LICENSE ACT THAT PREVENTS A VEHICLE MANUFACTURER FROM OWNING OR OPERATING A CONSUMER CARE FACILITY. AN EXCEPTION WOULD BE MADE FOR A MANUFACTURER WHO OWNS OR OPERATES NOT MORE THAN TWO DEALERSHIPS, HAS OPERATED A WARRANTY REPAIR OR SERVICE FACILITY AS OF JANUARY 1 OF THIS YEAR, AND WHO MANUFACTURES ENGINES FOR VEHICLES WEIGHING MORE THAN 16,000 POUNDS. I WILL LET SENATOR FRIESEN EXPLAIN THE BACKGROUND FOR THIS MEASURE WHEN HE SPEAKS. AND FINALLY, LB884 WAS INTRODUCED BY SENATOR PANSING BROOKS. AND IT WILL ALLOW FOR THE ADOPTION OF A BREAST CANCER AWARENESS SPECIALTY LICENSE PLATE. COLLEAGUES, THIS IS A VERY IMPORTANT STEP IN BRINGING AWARENESS OF THIS ISSUE. AND I CERTAINLY APPRECIATE SENATOR PANSING BROOKS'S INTRODUCTION OF THIS BILL. NOW WITH RESPECT TO LB977, THE UNDERLYING BILL, IT WOULD EXEMPT CERTAIN IMPLEMENTS OF HUSBANDRY FROM WEIGHT AND LOAD LIMITATIONS WHEN OPERATED ON ANY HIGHWAY OF THIS STATE EXCEPT FOR THE INTERSTATE SYSTEM. I WORKED CLOSELY WITH THE GOVERNOR'S OFFICE, THE FARM EQUIPMENT DEALERS, THE NEBRASKA CATTLEMEN, AND LAVON HEIDEMANN AND JESSICA KOLTERMAN IN DRAFTING THIS BILL, AND WORKED WITH THE DEPARTMENT OF ROADS AS WELL IN THE DEVELOPMENT OF THIS BILL. IMPLEMENTS OF HUSBANDRY INCLUDE: FARM TRACTOR, WITH OR WITHOUT TOWED FARM IMPLEMENT; A SELF-PROPELLED FARM IMPLEMENT; SELF-

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PROPELLED EQUIPMENT DESIGNED AND USED EXCLUSIVELY TO CARRY AND APPLY FERTILIZER, CHEMICALS, OR RELATED PRODUCTS TO AGRICULTURAL SOIL OR CROPS; AN AGRICULTURAL FLOATER-SPREADER IMPLEMENT; A FERTILIZER SPREADER, NURSE TANK, OR TRUCK PERMANENTLY MOUNTED WITH A SPREADER USED FOR SPREADING OR INJECTING WATER, DUST, OR LIQUID FERTILIZERS OR AGRICULTURAL CHEMICALS; A TRUCK MOUNTED WITH A SPREADER USED OR MANUFACTURED TO SPREAD OR INJECT ANIMAL MANURE; AND A MIXER-FEED TRUCK OWNED AND USED BY A LIVESTOCK-RAISING OPERATION DESIGNED FOR AND USED FOR THE FEEDING OF LIVESTOCK. SO WHY IS LB977 NECESSARY? SIMPLY PUT, TODAY'S FARM EQUIPMENT IS BIGGER AND HEAVIER. THE OCCASIONAL USE OF OUR ROADWAYS IS INCIDENTAL TO THE AGRICULTURE INDUSTRY, AND OUR FARMERS AND RANCHERS SHOULD NOT BE VULNERABLE TO HEFTY FINES FOR SIMPLY DOING THEIR JOB. THIS BILL DOES NOT EXPAND OR INCREASE THE SIZES OF EQUIPMENT ON OUR ROADS. IT SPECIFICALLY ADDRESSES THE WEIGHT LIMITS AND SEEKS TO PROTECT THE BALANCE BETWEEN PROTECTING OUR ROADS FROM DAMAGES AND ALLOWING OUR AGRICULTURAL INDUSTRY TO OPERATE AND OPERATE EFFICIENTLY. THE CURRENT AXLE WEIGHT BRIDGE FORMULA LIMITS IN GROSS WEIGHT REQUIREMENTS WITH RESPECT TO BRIDGES AND CULVERTS ARE MAINTAINED. THEY ARE NOT AFFECTED BY THIS BILL OR THIS AMENDMENT. THANK YOU, MR. PRESIDENT, AND THAT CONCLUDES THE AMENDMENT TO LB977. [LB977 LB799 LB872 LB989 LB918 LB946 LB996 LB884]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB977 AND THE COMMITTEE AMENDMENT, AM2318. MR. CLERK. [LB977]

ASSISTANT CLERK: MR. PRESIDENT, THERE ARE AMENDMENTS TO THE COMMITTEE AMENDMENTS. FIRST, SENATOR SMITH WOULD OFFER AM2478. (LEGISLATIVE JOURNAL PAGE 908.) [LB977]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE COMMITTEE AMENDMENT. [LB977]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND I WANTED TO, AGAIN, JUST SAY HOW MUCH I APPRECIATE THE CATTLEMEN AND THE ASSOCIATION OF COUNTY OFFICIALS WORKING TO TRY TO STRIKE A COMPROMISE. MANY OF YOU HAVE RECEIVED E-MAILS AND YOU HAVE BEEN CONTACTED BY PERHAPS SOME PEOPLE IN YOUR DISTRICT OR MAYBE SOME FOLKS IN THE ROTUNDA. AND YOU UNDERSTAND THAT THERE'S A LITTLE BIT OF A CONFLICT WHEN IT COMES TO

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MANURE SPREADERS AND THE WEIGHT RELATED TO MANURE SPREADERS. AND SENATOR HUGHES IS TURNING AROUND LOOKING AT ME. HE WANTED TO MAKE CERTAIN I PRONOUNCED THAT PROPERLY. THAT IT'S NOT MANURE, IT'S MANURE. WELL, WE DO HAVE A CONTINUING WORK ON THIS. AND I HAVE A STRONG COMMITMENT FROM LARRY DIX FROM NACO THAT BETWEEN GENERAL FILE AND SELECT FILE WE WILL CONTINUE TO WORK THROUGH A COMPROMISE TO ADDRESS THE CONCERNS THAT NACO HAS AND SEE IF WE CAN CONTINUE TO LEAVE SOME LANGUAGE IN HERE TO PROVIDE SOME FLEXIBILITY FOR THE FEED OPERATORS AND THE CATTLE OPERATORS. WHAT WE WANT TO DO IS, AGAIN, MAKE CERTAIN THAT WE PROTECT OUR INFRASTRUCTURE. BUT IF THERE'S ANY WAY IN WHICH WE CAN PROVIDE A LITTLE BIT OF FLEXIBILITY TO THE FEED OPERATORS AND THE CATTLE OPERATORS, WE CERTAINLY WANT TO DO THAT AS WELL. SO I HAVE, AGAIN, I HAVE A VERY STRONG COMMITMENT FROM NACO THAT WE WILL BE WORKING ON THIS BETWEEN GENERAL FILE AND SELECT FILE. AND SO, MR. PRESIDENT, WITH THAT I WOULD LIKE TO PASS OVER AM2478 AND RETURN TO THAT ON SELECT FILE. [LB977]

SPEAKER HADLEY: WITHOUT OBJECTION, SO ORDERED. [LB977]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT AMENDMENT TO THE COMMITTEE AMENDMENTS, SENATOR PANSING BROOKS OFFERS AM2489. (LEGISLATIVE JOURNAL PAGE 930.) [LB977]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB977]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. COLLEAGUES, LET ME BEGIN WITH THANKING CHAIRMAN SMITH AND THE TRANSPORTATION COMMITTEE FOR THEIR WILLINGNESS TO ADD MY BILL, LB844, TO THE COMMITTEE'S PRIORITY BILL, LB977. LB844, NOW PART OF THE COMMITTEE AMENDMENT, AM2318, DIRECTS THE DEPARTMENT OF MOTOR VEHICLES TO DESIGN A BREAST CANCER AWARENESS LICENSE PLATE. THE DESIGN SHALL INCLUDE THE PINK RIBBON AND THE WORDS, "EARLY DETECTION SAVES LIVES" ALONG THE BOTTOM OF THE PLATE. IT IS HARD TO IMAGINE ANYONE IN THIS ROOM NOT BEING AFFECTED AT SOME POINT IN THEIR LIFE BY BREAST CANCER. EACH YEAR IN NEBRASKA, 1,500 WOMEN, ON AVERAGE, ARE DIAGNOSED WITH BREAST CANCER; AND OF THOSE, 70 PERCENT WERE DIAGNOSED AT AN EARLY STAGE WHICH INCREASES THEIR SURVIVAL RATES SIGNIFICANTLY. THE SURVIVAL RATE FOR THOSE DIAGNOSED AT AN EARLY STAGE IS NEARLY 100

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PERCENT, BUT IT IS ONLY 25 PERCENT FOR THOSE WHO ARE DIAGNOSED AT STAGE FOUR. THE IMPORTANCE OF EARLY DETECTION COULD NOT BE MORE CLEAR AND ANNUAL MAMMOGRAMS ARE ESSENTIAL TO THAT EARLY DETECTION. THE AMENDMENT BEFORE YOU, AM2489, IS A SMALL TECHNICAL CHANGE TO LIMIT THE NUMBER OF CHARACTERS ON THE PLATE TO FIVE CHARACTERS. AND WITH THAT, I HAVE NOTHING FURTHER. [LB977 LB844]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. YOU'VE HEARD THE OPENING ON AM2489. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB977]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD AFTERNOON. I'D LIKE TO THANK SENATOR SMITH FOR HIS HARD WORK ON THIS BILL. AS HE CORRECTLY STATED, THE COMMITTEE AMENDMENT BEFORE YOU CONTAINS SEVERAL BILLS WHICH I INTRODUCED AND WOULD LIKE TO EXPLAIN A LITTLE BIT MORE DETAIL ABOUT WHAT THEY DO. ONE OF THE PROVISIONS IN AM2318 IS FROM THE SUBJECT MATTER OF LB872. LB872 WAS BROUGHT TO ME BY THE DEPARTMENT OF ROADS AND RECEIVED A PUBLIC HEARING ON FEBRUARY 8. WHAT IT WOULD DO IS PERMIT THE USE OF ROTATING OR FLASHING BLUE LIGHTS WHILE PERFORMING MAINTENANCE BY A DEPARTMENT, COUNTY, AND MUNICIPAL HIGHWAY, ROAD, AND STREET VEHICLES. CURRENTLY, THOSE ENTITIES MAY ONLY USE ROTATING OR FLASHING BLUE LIGHTS DURING SNOW REMOVAL. THE BILL IS PERMISSIVE. THERE'S NO FISCAL IMPACT TO THE DEPARTMENT OR THE COUNTIES OR TO MUNICIPALITIES. THE DEPARTMENT OF ROADS HAS TOLD ME THAT THE ONLY NEW VEHICLES WILL BE UPGRADED AND THE BLUE LIGHTS, AS THEY ARE NOW, ADDED TO THE FLEET. IN 2015, THE COMMITTEE HEARD AND ADVANCED LB181, WHICH GRANTED SIMILAR AUTHORITY TO VEHICLES OWNED BY UTILITY COMPANIES. THAT BILL PASSED THE LEGISLATURE 47-0 AND WAS SIGNED INTO LAW BY THE GOVERNOR. THE NEXT PROVISION COMES FROM LB918, WHICH DEALS WITH VEHICLE TITLE REGISTRATION. LB918 WAS BROUGHT TO ME BY THE DEPARTMENT OF MOTOR VEHICLES AND WAS HEARD ON JANUARY 26. LB918 AMENDS CURRENT LAW TO PROVIDE THAT 1 PERCENT OF THE TOTAL AMOUNT OF MOTOR VEHICLE TAX COLLECTED WOULD BE DEPOSITED INTO THE VTR REGISTRATION REPLACEMENT AND MAINTENANCE FUND. CURRENTLY, LAW PROVIDES THAT 1 PERCENT OF THE MOTOR VEHICLE TAX COLLECTED BE RETAINED BY THE RESPECTIVE COUNTY AS THEIR FEE FOR COLLECTING IT. LB918 ALSO PROVIDES THAT NEW MONEY THE DMV MAY RECEIVE FROM PARTICIPATION IN DATA SECURITY PROGRAMS BE DEPOSITED INTO THE VTR FUND. FINALLY, LB989 WAS AN OMNIBUS BILL FROM THE DEPARTMENT OF MOTOR VEHICLES AND CONTAINS MOSTLY TECHNICAL CLEANUP LANGUAGE FOR OUTDATED PROVISIONS

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RELATED TO MOTOR VEHICLES. IT COMPRISES THE FOLLOWING CHANGES: REDUCES FROM 500 TO 250 THE MINIMUM NUMBER OF PREPAID APPLICATIONS REQUIRED FOR NONPROFIT, SPECIALTY, ORGANIZATIONAL PLATES. IT CHANGES RECODIFICATION OVERSIGHT FROM 2005 WHERE THE WORD "APPORTION" WAS PUT IN PLACE OF THE WORD "VEHICLE." AND SEVERAL SECTIONS ALLOWS FOR REPLACEMENT AND ISSUANCE OF CERTAIN COMMERCIAL DRIVER'S LICENSES AND COMMERCIAL LEARNER'S PERMITS ON-LINE. AGAIN, THESE COMPONENTS OF LB977 ARE INTENDED TO BE CLEANUP, TECHNICAL IN NATURE, AND I WOULD ASK FOR YOUR SUPPORT OF LB977 AND THE COMMITTEE AMENDMENTS AND THE AMENDMENT BY SENATOR PANSING BROOKS. THANK YOU, MR. PRESIDENT. [LB977 LB872 LB181 LB918 LB989]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB977]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I'LL BE BRIEF. BUT I DO WANT TO THANK THE TRANSPORTATION COMMITTEE FOR INCLUDING LB799. THIS IS A RECOMMENDATION OF THE AGING NEBRASKANS TASK FORCE. IT ALLOWS SOME ADDITIONAL FLEXIBILITY FOR STATE MATCHING DOLLARS FOR PUBLIC TRANSPORTATION TO ALLOW CERTAIN CAPITAL EXPENSES, INCLUDING THE PURCHASE OF NEW SHUTTLE VANS AND OTHER TRANSPORTATION VEHICLES TO HELP OUR ELDERLY, DISABLED, AND OTHERS BETTER MAKE THEIR MEDICAL APPOINTMENTS AND MOVE AROUND THEIR COMMUNITIES; AND AS A RESULT, BETTER ABLE TO STAY IN THEIR OWN HOMES. I THANK YOU FOR YOUR SUPPORT FOR LB977 AND MY UNDERLYING BILL, INCORPORATED BILL, LB799. THANK YOU, MR. PRESIDENT. [LB977 LB799]

SPEAKER HADLEY: THANK YOU, SENATOR BOLZ. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB977]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND I ALSO WANT TO RISE AND SUPPORT THE UNDERLYING BILL IN PARTICULAR, LB977, AS IT RELATES TO THE WEIGHT LIMITS ON IMPLEMENTS OF ANIMAL HUSBANDRY AND THANK SENATOR SMITH, NOT ONLY FOR WORKING SO HARD ON THIS, BUT GOING AROUND THE STATE AND HAVING HEARINGS SO THAT PEOPLE...AND NUMBERS OF PEOPLE FROM MY DISTRICT HAD THE OPPORTUNITY TO WEIGH IN ON THIS. AND RECOGNIZING THAT, AS WE ALL KNOW, WITH AGRICULTURE BEING THE NUMBER ONE INDUSTRY IN OUR STATE, THE INDUSTRY HAS CHANGED OVER TIME AND THE EQUIPMENT THAT IS CURRENTLY BEING USED JUST DOESN'T

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ALWAYS FIT UNDER SOME OF THE OLDER WEIGHT AND LOAD LIMITS THAT WE ARE LOOKING AT. SO STRIKING THAT BALANCE, WHICH LB977 DOES, OF NOT DAMAGING OUR ROADS, YET ALLOWING OUR STATE'S NUMBER ONE INDUSTRY TO CONTINUE TO MOVE FORWARD AND GROW IS BEING ACCOMPLISHED BY THIS. I APPRECIATE SENATOR SMITH'S COMMITMENT TO WORK WITH THE COUNTY OFFICIALS. AND BETWEEN NOW AND SELECT FILE, AND THEN ALSO THE LONGER TERM COMMITMENT OF THIS BODY TO RECOGNIZE THAT WE NEED TO CONTINUE CREATING AN ENVIRONMENT THAT WILL ALLOW GROWTH OF OUR STATE'S NUMBER ONE INDUSTRY. WE'VE HAD A PROBLEM, IN PARTICULAR, IN THE COUNTIES THAT I REPRESENT BECAUSE OF THE VOLUME OF CATTLE FEEDING THAT GOES ON THERE. I WOULD TELL YOU TODAY THE FEED WAGONS THAT MOST OF THESE ORGANIZATIONS ARE USING ARE WITHIN ABOUT 4,000 POUNDS OF BEING OVERWEIGHT WHEN THEY ARE EMPTY. SO IT BECOMES VIRTUALLY IMPOSSIBLE FOR THEM TO DO THAT. AND YET, AS YOU KNOW, WE HAVE MORE CATTLE ON FEED IN NEBRASKA THAN ANY OTHER STATE IN THE UNION. AT THE SAME TIME, WHEN YOU HAVE THAT CONGREGATION OF CATTLE AND YOU HAVE THAT ACTIVITY, THERE HAVE BEEN MANY REPORTS OF FINES THAT HAVE BEEN LEVIED AND OFFICERS FROM THE DEPARTMENT OF TRANSPORTATION USING THE OPPORTUNITY TO PENALIZE THESE PEOPLE. I KIND OF EQUATE IT TO WHERE DO YOU GO FISHING? YOU GO FISHING WHERE THE FISH ARE. AND THAT'S WHAT THE DEPARTMENT OF TRANSPORTATION HAS DONE, CERTAINLY IN DAWSON COUNTY AT LEAST. SO I APPRECIATE THIS WORK. I THINK IT DOES SUPPORT OUR STATE'S NUMBER ONE INDUSTRY AND CERTAINLY SUPPORTS THOSE PEOPLE THAT HAVE BEEN CALLING ME. I HAVE RECEIVED CONTACT DIRECTLY AND HAVE A LETTER IN MY OFFICE FROM THE COMMISSIONERS OF DAWSON COUNTY WHO COMPLETELY SUPPORT THIS CHANGE OF THE LOAD LIMITS. THANK YOU, MR. PRESIDENT. [LB977]

SPEAKER HADLEY: THANK YOU, SENATOR WILLIAMS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB977]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO THANK SENATOR SMITH AND MIKE HYBL FOR PUTTING TOGETHER THIS COMPREHENSIVE PACKAGE. MY PORTION OF IT WAS LB996, AND THAT DEALS WITH AN EXEMPTION, BASICALLY, FOR AN ENGINE MANUFACTURER THAT IS ALLOWED TO OPERATE TWO REPAIR FACILITIES IN THIS STATE. WHEN THOSE CURRENT REGULATIONS WERE PASSED IN THE 1990s, I BELIEVE, 2009, THESE COMPANIES WERE ALREADY OPERATING HERE AND THEY UNKNOWINGLY WERE OPERATING, BASICALLY, NOT LEGALLY. SO WHEN THEY WERE DOING SOME RESEARCH UNDER NORTH CAROLINA LAW, WHERE THEY'RE LOCATED, THEY

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REALIZED THAT THEY WERE OUT OF COMPLIANCE THERE ALSO, SO THEY DID A CHECK ACROSS ALL OF THEIR LOCATIONS. AND IN NEBRASKA THEY NOTICED, TOO, THAT THEY SHOULD HAVE UPDATED THE REGULATIONS THEY OPERATE UNDER HERE. SO THIS BILL, BASICALLY, GRANDFATHERS THOSE TWO CUMMINS ENGINE REPAIR FACILITIES TO OPERATE IN THIS STATE, CONTINUE TO OPERATE WHERE THEY'RE AT AND PROVIDE THE SERVICES THEY PROVIDE HERE FOR EVERYONE ELSE. AND THE TRUCK DEALERS, EVERYONE ELSE HAS BEEN DISCUSSED, THEY'RE ALL IN FAVOR OF THIS, SO THERE'S BEEN NO OPPOSITION TO IT. AND IT JUST BRINGS THEM BACK INTO COMPLIANCE WITH SOMETHING THAT THEY HAD NO CONTROL OF BACK IN 2009. THANK YOU, MR. PRESIDENT. [LB977 LB996]

SPEAKER HADLEY: THANK YOU, SENATOR FRIESEN. SENATOR GROENE, YOU'RE RECOGNIZED. [LB977]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. MANY OF YOU DON'T KNOW, I'LL TELL YOU AGAIN, LINCOLN COUNTY IS THE FOURTH LARGEST AG PRODUCTION COUNTY IN THE STATE. AND IF YOU TALK TO THE CATTLEMEN, YOU TALK TO THE FARM BUREAU, AN AWFUL LOT OF THE COMPLAINTS COMING ABOUT DOT AND ANIMAL HUSBANDRY AND AGRICULTURE VEHICLES CAME FROM FARMERS AND RANCHERS IN MY AREA, IN MY COUNTY, AND THEY'VE BEEN WANTING SOME CHANGES TO BE TREATED. AND ALSO AS YOU KNOW, I TRAVEL IN MY OCCUPATION: KANSAS, WESTERN KANSAS...HIGH PLAINS OF THE UNITED STATES, WESTERN KANSAS, COLORADO. BELIEVE IT OR NOT, THE DEPARTMENT OF TRANSPORTATION TREATS AGRICULTURE BETTER THERE THAN THEY DO IN THE STATE OF NEBRASKA. AND THIS IS A VERY NEEDED CHANGE ON THE WEIGHT LIMITS AND THE USE OF OUR ROADS BY ESPECIALLY AGRICULTURE, WHO PAYS A HUGE AMOUNT OF PROPERTY TAXES TO THE CARE OF THE ROADS AND OUR COUNTY ROADS. SO THIS IS DEARLY NEEDED. AND AS FAR AS MANURE, I'LL GIVE YOU A DEFINITION OF WHY THERE'S PROBABLY A CONCERN. THERE'S A THING CALLED COMPOST NOW. AND A LOT OF MANURE IS COMPOSTED AND IT'S A LOT...IT DOESN'T WEIGH NEAR AS MUCH. IT'S DRIED AND TURNED AND TURNED INTO, SOMETIMES, BAGGED AND YOU BUY IT AT YOUR WALMART FOR YOUR GARDEN FERTILIZER, THOSE OF YOU WHO BELIEVE IN NATURAL STUFF. THE FARMERS USE IT TO PUT ON THEIR FIELDS. IT'S A BIG INDUSTRY ACTUALLY. PEOPLE WHO...CUSTOM APPLICATORS ARE DOING IT BECAUSE FERTILIZER PRICES HAVE GONE SO FAR UP. SO THERE'S A LOT MORE COMMERCE GOING ON, A LOT MORE VEHICLES OUT THERE SPREADING COMPOST VERSUS JUST THE OLD-FASHION COW MANURE. THEY MIX IT WITH STRAW SO IT'S LIGHTER. SO WHAT IS THE DEFINITION OF MANURE, I GUESS IS

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WHAT THEY'RE TRYING TO DEFINE AND THERE IS A DIFFERENCE, BULK DENSITY OF COMPOST VERSUS WET MANURE. ANYWAY THIS IS NEEDED. IT'S BEEN NEEDED FOR A LONG TIME. FARMERS ARE GETTING BIGGER, EQUIPMENT IS GETTING BIGGER. ITS GOT TO GET FROM POINT A TO POINT B, AND THIS SHOWS SOME CONCERNS AND APPRECIATION FOR THOSE INDIVIDUALS THAT FEED THE WORLD. THANK YOU. [LB977]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. (VISITORS INTRODUCED.) SEEING NO ONE ELSE IN THE QUEUE, SENATOR PANSING BROOKS, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT, AM2489. SENATOR PANSING BROOKS WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM2489. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB977]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT TO COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB977]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. WE'LL NOW RETURN TO THE COMMITTEE AMENDMENTS, AM2318. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB977]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. THIS CONTAINS A SPECIALTY PLATE. I THINK WE'VE SEEN ONE OTHER SPECIALTY PLATE THAT WE ADOPTED EARLIER THIS YEAR. PRIOR TO THAT, I THINK THERE WERE SPECIALTY PLATES FOR DISABLED VETERANS AND MAYBE A FEW OF THOSE OTHER TYPE OF MILITARY-RELATED SITUATIONS. AS WE HEAD DOWN THE ROAD OF SPECIALTY PLATES, IT STRIKES ME THAT WE ARE MAKING OUR LICENSE PLATE A PUBLIC FORUM. AND AS A PUBLIC FORUM, WE ARE ALLOWING CERTAIN MESSAGES AND CERTAIN SPEECH TO BE USED IN THAT FORUM. AND THE QUESTION COMES TO MIND, IS--WHAT IS THE REACH OF OUR CONSTITUTIONAL AUTHORITY TO RESTRICT MESSAGING ONCE WE START OPENING THE DOOR? DO WE HAVE TO APPROVE EACH AND EVERY MESSAGE? IF WE DO, IS THAT A VIOLATION OF FREEDOM OF SPEECH? DO WE HAVE TO OPEN THE DOOR TO ALL MESSAGES THAT MAYBE GET ENOUGH PEOPLE INTERESTED TO PURCHASE A PLATE, TO SIGN UP SO THEY CAN AFFORD TO MANUFACTURE THE PLATE? WOULD SENATOR SMITH YIELD TO A QUESTION? [LB977]

SPEAKER HADLEY: SENATOR SMITH, WILL YOU YIELD? [LB977]

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SENATOR SMITH: YES, I WILL. [LB977]

SENATOR SCHUMACHER: THANK YOU, SENATOR SMITH. HAS THE TRANSPORTATION COMMITTEE, IN DISCUSSING THESE VARIOUS PLATE ISSUES, LOOKED INTO THAT AS TO WHAT POINT THE LICENSE PLATE BECOMES A PUBLIC FORUM AND WE HAVE TO GRANT EQUAL ACCESS? [LB977]

SENATOR SMITH: YOU KNOW, SENATOR SCHUMACHER, I HAVE HEARD PASSING COMMENTS MADE SIMILAR TO WHAT YOU EXPRESSED. I WOULDN'T SAY THEY CAME FROM MEMBERS OF THE TRANSPORTATION COMMITTEE, BUT I HAVE HEARD THOSE COMMENTS MADE IN THE PAST. WE HAVE NOT HAD A FORMAL DISCUSSION IN COMMITTEE ON THAT, NO. [LB977]

SENATOR SCHUMACHER: THANK YOU, SENATOR SMITH. I WOULD JUST SUGGEST THAT WHAT WE ARE...YOU CAN UNDERSTAND VETERANS BECAUSE THAT IS NOT A POLITICALLY CHARGED ISSUE AND WE OWE A CERTAIN LEVEL OF RESPECT AND HONOR TO THOSE WHO HAVE SERVED OUR COUNTRY. BUT AS WE MARCH DOWN THE ROAD OF SPECIALTY PLATES WITH MESSAGES WITH A PARTICULAR MAYBE IDEOLOGICAL OR POLITICAL TWIST TO THEM, AND IT LOOKS LIKE WE'RE HEADED DOWN THAT ROAD HERE...AN ADVOCACY TWIST TO THEM, I THINK A REAL GOOD ARGUMENT HAS GOT TO BE MADE OR CAN BE MADE THAT IF YOU HAVE ENOUGH PEOPLE TO SIGN UP TO JUSTIFY THE RUNNING OF THE PLATE, WE HAVE CREATED AND ARE CREATING A PUBLIC FORUM ON WHICH EVERYONE SHOULD BE ABLE TO SPEAK. IS IT OUR PLACE TO START SAYING THIS MESSAGE IS OKAY AND THAT MESSAGE IS NOT OKAY? AND IF IT IS A PUBLIC FORUM, THEN WE NEED TO, AND THIS BILL ISN'T MAYBE THE PLACE TO DO IT, BUT WE NEED CERTAINLY SOME FAIR AND EQUITABLE WAY TO RENT THAT PUBLIC FORUM AVAILABLE TO ALL MESSAGES OF ALL TYPES. THIS IS KIND OF AN IMPORTANT ISSUE AND WE HAVEN'T BEEN GOING DOWN THIS ROAD UNTIL RECENTLY. AND IT'S ONE THAT I WOULD EXPECT, IF WE PROCEED MUCH FARTHER DOWN THIS ROAD, WE WILL SEE SOME COURT CHALLENGES ON. THANK YOU. [LB977]

SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB977]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN I CAME DOWN HERE, I FOUGHT AGAINST PUTTING ANYTHING ON THE LICENSE PLATES, OTHER THAN THE NUMBERS AND MAYBE THE COUNTY NUMBER BECAUSE IT WAS TO SERVE THE ONLY PURPOSE THAT I

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THOUGHT WAS VALID, WHICH IS TO INDICATE THAT THIS VEHICLE IS LICENSED TO LEGALLY BE ON THE ROADS AND HIGHWAYS. SO I FOUGHT AGAINST "BEEF THIS," "BEEF THAT," AND ALL THE REST OF THEM. THEN WHEN I WAS OUT OF HERE, A NUMBER OF THINGS WOUND UP ON THE LICENSE PLATES. I STATED THAT I LOST THE BATTLE OF KEEPING THINGS OFF THOSE LICENSE PLATES. SO IF I DID NOT FIND SOMETHING TO BE PERSONALLY OBJECTIONABLE, THEN I WOULDN'T PUT UP THE BATTLE THAT I HAD IN THE PAST, BECAUSE I FOUGHT AGAINST PURPLE HEARTS, VETERAN...ALL OF THEM. BECAUSE WHEN YOU VOLUNTARILY GO TO THE MILITARY, YOU'RE NOT A HERO. IF YOU HIRE ON AS A COP, YOU ARE NOT A HERO. YOU ARE AN EMPLOYEE LOOKING FOR A JOB AND YOU WANT TO BE PAID FOR WHAT YOU DO. YOU'RE NOT A VOLUNTEER. AND IF YOU CAN GET THE SAME JOB SOMEPLACE ELSE MAKING MORE MONEY, YOU'LL JUMP TO IT IN A NEW YORK SECOND, IF YOU DON'T HAVE FAMILY TIES TO WHERE YOU ARE. AND IF YOU'RE IN A CITY LIKE OMAHA, IT'S DIFFICULT TO EVEN GET A CONTRACT BETWEEN THE CITY AND WHAT THEY CALL THOSE IN BLUE. SO WHEN YOU BRING IT NOW TO THE LICENSE PLATES, THERE WERE SOME GROUPS IN THE SOUTH THAT WANTED TO USE SOME OBVIOUSLY, TO ME ANYWAY, RACIST SYMBOLS AND SLOGANS. AND THE MOTOR VEHICLES DEPARTMENT SAID YOU CANNOT DO THAT. AND THESE RACISTS RAISED THE ISSUE OF FREE SPEECH. AND THE COURT SAID, AND I'M PARAPHRASING IT, THAT LICENSE PLATE BELONGS TO THE GOVERNMENT. IT'S THE GOVERNMENT'S PROPERTY AND THE GOVERNMENT IS NOT REQUIRED TO LET ANY AND EVERYBODY PUT ANY AND EVERYTHING ON IT THEY CHOOSE, AND IT DOES NOT IMPLICATE FREEDOM OF SPEECH AS SOME OTHER FORUMS MIGHT. BUT THERE'S AN INTERESTING POINT RAISED BY SENATOR--AND IN THIS CASE, I'M GOING TO CALL HIM "PROFESSOR"--HE'S RAISING SOME VERY CRITICAL CONSTITUTIONAL CONCERNS--"PROFESSOR" SCHUMACHER, CAN THE GOVERNMENT IN THE SAME WAY THAT IT CAN WAIVE ITS SOVEREIGN IMMUNITY AND AGREE TO ALLOW ITSELF TO BE SUED IN CERTAIN SITUATIONS? I DON'T KNOW THE ANSWER TO THIS. CAN THE GOVERNMENT, BY ACQUIESCING IN AND TO CERTAIN TYPES OF SPEECH ON THESE LICENSE PLATES, WAIVE ITS RIGHT TO RAISE OBJECTION? NOW IF YOU HAD THINGS LIKE OBSCENITIES, VULGARITY, OPENLY RACIST, OPENLY ANTI-SEMITIC--I'M TRYING TO THINK OF THE KINDS OF THINGS THAT MAYBE A COURT WOULD NOT SAY THE GOVERNMENT HAD CONSENTED TO ALLOWING THIS ON THE LICENSE PLATE--IS IT POSSIBLE TO DRAW WHAT THEY CALL IN THE LAW A BRIGHT CLEAR LINE SO THAT IF YOU'RE ON ONE SIDE OF IT, IT'S VERBOTEN, FORBIDDEN? IF YOU'RE ON THE OTHER SIDE,... [LB977]

SPEAKER HADLEY: ONE MINUTE. [LB977]

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SENATOR CHAMBERS: ...IT IS ALLOWED. JUST BY COINCIDENCE, BEFORE SENATOR SCHUMACHER HAD SPOKEN, AND NOW I'M PUTTING HIM BACK IN HIS ROLE AS SENATOR, SO WE'RE ON THE SAME LEVEL. HE'S NO LONGER THE MENTOR AND I THE MENTEE, THERE IS AN ISSUE PERTAINING TO A LICENSE PLATE THAT I JUST GOT THROUGH DISCUSSING WITH SENATOR GARRETT. I'M GOING TO PUT MY LIGHT ON AGAIN, BUT I'M VERY INTERESTED IN THIS PARTICULAR DISCUSSION, NOT JUST BECAUSE OF WHAT IS PROPOSED, BUT THE UNDERLYING ISSUES RAISED BY "PROFESSOR" SCHUMACHER. THANK YOU.
[LB977]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB977]

SENATOR CHAMBERS: I DON'T KNOW WHETHER I'M THE ONLY ONE INTERESTED OR IF I'VE SCARED EVERYBODY OFF. NO, I'M JUST KIDDING, BUT REALLY I'M NOT; BUT I AM. MEMBERS OF THE LEGISLATURE, I HAVE MENTIONED BEFORE THAT THERE'S AN INDIVIDUAL WHO I BELIEVE WAS A KING AND HE SAID, MY KINGDOM FOR A HORSE. AND I WOULD TAILGATE ON THAT AND ADD, IF I HAD A KINGDOM, I WOULD SAY, ESPECIALLY IN THE LEGISLATURE, MY KINGDOM FOR NUANCED THINKING. UNFORTUNATELY, IN LEGISLATURES ALL OVER THE COUNTRY, WHICH WOULD INCLUDE CONGRESS, POLITICAL PARTIES, CHURCHES, VARIOUS SO-CALLED CHARITABLE ORGANIZATIONS, THEY THINK IN CLICHES AND THEY SPEAK IN SLOGANS, "FAMILY VALUES" AS THEY PRONOUNCE IT. I DON'T KNOW HOW TO PRONOUNCE THAT, MAYBE V-A-Y-A-H-S, VALUES, FAMILY VALUES; FREEDOM OF RELIGION. AND YET, THEY WANT TO STOP OTHER PEOPLE FROM EXPRESSING THEIR POINTS OF VIEW. RIGHTISTS. LEFTISTS. LIBERALS. CONSERVATIVES. I DON'T EVEN KNOW WHAT THOSE WORDS MEAN AND I DON'T THINK THE ONES WHO USE THEM KNOW WHAT THEY MEAN. NOW I KNOW WHAT THEY MEAN IN THE CLASSICAL SENSE. BUT LIKE SO MANY WORDS, THEY BECOME CORRUPTED WHEN THEY FALL INTO THE HANDS OF THE IGNORANT, THE IDEOLOGUES, AND THE DEMAGOGUES. AND SINCE PEOPLE IN AMERICA GENERALLY DO NOT READ, THEY ARRIVE AT THEIR UNDERSTANDING OF EVERYTHING FROM WHATEVER RADIO STATION THEY LISTEN TO, WHATEVER NEWS OR CABLE CHANNEL THEY WATCH, WHATEVER INDIVIDUAL THEY HAPPEN TO BE ADORING. SO WHATEVER THEY HEAR IS WHAT COMES OUT OF THEM. IT'S VERY DIFFICULT TO GET INTO A DISCUSSION EVEN ON THIS FLOOR WHERE FUNDAMENTAL ISSUES AND SIGNIFICANT IDEAS ARE EVEN BROUGHT UP LET ALONE DISCUSSED. AND YOU CAN BRING UP AN IDEA, IT CAN EVEN COME FROM RELIGION, FROM THE "BIBBLE," AND SOMEBODY WOULD SAY, UH-HUH, THERE'S THAT CHAMBERS PLAGIARIZING AGAIN. I AIN'T SURE EXACTLY WHERE I HEARD THAT BEFORE, BUT I KNOW I READ IT SOMEWHERE. THEY DON'T EVEN KNOW IT

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CAME FROM THE BIBLE. AND SOME THINGS YOU CAN MAKE SOUND LIKE THEY CAME FROM THE "BIBBLE": THUS SAYETH, YE, THEE, THOU, AND YOU CAN NEVER GET TO THE KERNEL OF THE ISSUE. AS SENATOR SCHUMACHER POINTED OUT, THIS MAY NOT BE THE PLACE, THIS MAY NOT BE THE TIME, BUT FOR ME, THIS THAT'S BEING OFFERED IS LESS UNPALATABLE TO ME THAN ALL THESE THINGS WHERE PEOPLE ALL OF A SUDDEN ARE PRETENDING TO BE CONCERNED ABOUT VETERANS. SEE, I KNOW PEOPLE WHO ARE VETERANS, BUT THEY'RE MY COLOR, AND THAT COLOR MEANS MORE, THAT BLACK ON HIS SKIN MEANS MORE THAN WHATEVER COLOR THE UNIFORM WAS THAT HE OR SHE WORE. AND IT OBTAINS WHEN THEY GO TO THE VA HOSPITAL ALSO. WE ALWAYS CARRY IT; AND I'M NOT ASHAMED OF MINE. IT IS NOT A BADGE OF SHAME FOR ME; BUT IT IS A BADGE OF DEGRADATION IN THE MINDS OF WHITE AMERICANS IN THIS COUNTRY EVERYWHERE. AND THEY WANT TO SAY--THAT'S NOT SO, YOU'RE PLAYING THE RACE CARD. THEN THEY PLAY THE RACE CARD, EVEN WITH ME ON THIS FLOOR. AND THEY DON'T WANT TO ACKNOWLEDGE WHAT IT IS AND I'M SUPPOSED TO NOT KNOW. SO I'M TRYING TO PUT MYSELF IN A CONDITION, A FRAME OF MIND WHERE I CAN... [LB977]

SPEAKER HADLEY: ONE MINUTE. [LB977]

SENATOR CHAMBERS: ...TRY TO VIEW THIS OBJECTIVELY. "PROFESSOR" SCHUMACHER LAID OUT THE PARAMETERS WITHIN WHICH WE COULD CONDUCT A MEANINGFUL DISCUSSION, IF THAT'S WHAT WE'RE SUPPOSED TO HAVE. OTHERWISE, WITH ALL THE THINGS THAT HAVE BEEN ALLOWED, EVERYTHING, THEN THIS CERTAINLY SHOULD NOT BE EXCLUDED. AND I WILL NOT FALL ON MY SWORD ON THIS ONE. AND I WILL NOT FALL ON MY SWORD ON SENATOR GARRETT'S, BUT I MAY TRY TO TAKE MY SWORD AND RUN SENATOR GARRETT THROUGH. HE AND I HAVE AN UNDERSTANDING, WHICH IS DIFFERENT FROM WHAT I HAVE WITH A LOT OF THE PEOPLE ON THIS FLOOR. SO I'M GOING TO LISTEN AND SEE WHATEVER OTHER DISCUSSION OCCURS. AND AT THIS POINT, I'VE SAID ALL THAT I HAVE. THANK YOU, MR. PRESIDENT. [LB977]

SPEAKER HADLEY: YOU ARE NEXT IN THE QUEUE, SENATOR CHAMBERS. [LB977]

SENATOR CHAMBERS: WELL, WHO AM I TO TURN MY BACK ON THE OFFERING OF A GIFT? (LAUGHTER) BROTHERS AND SISTERS, NO TIME IS PROMISED TO US. WE DON'T KNOW WHEN WE BREATHE IN THAT WE WILL BE CONSCIOUS WHEN THAT AIR IS EXHALED. WE COULD ACTUALLY DIE IN THE MIDDLE OF EITHER SUCKING IN AIR OR THE AIR LEAVING. AND WE ARE ALL GOING TO DIE WHO

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WILL DIE IN ONE OF THOSE SITUATIONS. SO IF WE HAVE SOMETHING TO SAY THAT'S OF CONSEQUENCE, WE OUGHT TO SAY IT. I'M GOING TO DEPART FROM THE DISCUSSION OF THESE LICENSE PLATES AND BRING UP NANCY REAGAN. WHEN THEY FIRST GOT INTO OFFICE, THEIR NAME WAS PRONOUNCED "REEGAN" AS THOUGH IT'S R-E-E-G-A-N. THEN AS YOU GET SIDITTY AND HOITY-TOITY, THEN YOU WANT TO MAKE THE NAME SOMETHING. SO NOW IT'S PRONOUNCED AS THOUGH IT'S R-A-Y, BUT THE "GUN" REMAINS, SENATOR BLOOMFIELD, REAGAN (PHONETIC: RAY-GUN). SO WHETHER IT'S A REAGAN IN THE SENSE OF WHAT THEY HAVE ON SPACESHIPS OR REAGAN, THE WAY SOMEBODY WHOSE NAME IS REAGAN (PHONETIC: REEGAN) WANTS TO PRONOUNCE THEIR NAME. THEY SHOWED SOME IMAGES OF NANCY REAGAN IN A WHEELCHAIR. SHE DIDN'T LOOK LIKE WHAT THEY'RE SHOWING ON TELEVISION. SHE WAS WIZENED OR WEEZENED (PHONETIC), HOWEVER YOU CHOOSE TO PRONOUNCE IT. HER NECK COULD SCARCELY BEAR THE WEIGHT OF HER SKULL. ALL OF THE INFIRMITIES THAT THEY SAY USUALLY ACCOMPANY AGE SEEMED TO HAVE COMBINED IN A CONSPIRACY AGAINST HER TO PUT AS MUCH WEIGHT ON HER BODY, WHICH WAS NOT THAT BIG AND STRONG IN THE FIRST PLACE, AND SHOW HOW A HUMAN BODY CAN BE RAVAGED AND YET LIFE REMAIN. THEN WHEN SHE BREATHES HER LAST, PEOPLE WHO HAD NOT EVEN THOUGHT OF HER, SOME OF THEM DIDN'T KNOW SHE WAS STILL ALIVE, SUDDENLY COME OUT WITH ALL THESE GLOWING STATEMENTS, ALL THESE GLOWING WORDS--HOW MUCH GRACE SHE HAD. THEY NEVER SAID SHE HAD GRACE WHEN SHE WAS ALIVE. THEY SAID SHE WAS A SCHEMER, THAT SHE WAS A TAKER, THAT SHE BORROWED EXPENSIVE CLOTHES FROM THOSE WHO PRODUCED CLOTHES AND WOULDN'T GIVE THEM BACK. OH, I REMEMBER HOW PEOPLE ARE SPOKEN OF. BUT LET'S SAY THAT PEOPLE DECIDED THEY WERE GOING TO CHANGE, EVEN IF HYPOCRITICALLY. WHY DIDN'T THEY GO TO THAT OLD WOMAN AND SAY THESE THINGS TO HER WHEN IT MIGHT HAVE MEANT SOMETHING TO HER? YOU THINK SHE HEARS WHAT THESE PEOPLE ARE SAYING NOW? DO YOU THINK IT WOULD NOT HAVE MEANT SOMETHING TO HER WERE SHE ALIVE AND JUST ABOUT DISCARDED...SHE'S IN EVERYBODY'S WAY? TO HAVE ALL THESE PEOPLE WHO ARE SAYING THESE THINGS NOW PARADE PAST HER AND SAY THESE THINGS TO HER, EVEN IF THEY DIDN'T MEAN IT. SHE DOESN'T KNOW WHETHER THEY MEAN IT OR NOT. ALL SHE'LL BE AWARE OF IS THAT THERE ARE SOME PEOPLE HERE WHO ARE GIVING ME SOMETHING THAT MEANS MORE TO ME THAN ANYTHING ELSE THEY CAN GIVE ME. I DON'T WANT DRESSES, I CAN'T WEAR THEM. DON'T WANT A CAR, I CAN'T DRIVE IT. I CAN'T GO ANYWHERE. ALL I HAVE IS MY BRAIN FOR THE PLACE WHERE I RESIDE, THAT'S WHERE I LIVE. I CAN STILL HEAR, I CAN STILL FEEL, I CAN STILL SENSE, I AM A HUMAN BEING. BUT I BET SHE WAS VERY

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MUCH ALONE. AND THAT'S WHAT EVERYBODY HAD BETTER REALIZE. IN THE FINAL ANALYSIS, YOU ARE GOING TO BE ALONE. [LB977]

SENATOR KRIST PRESIDING

SENATOR KRIST: ONE MINUTE. [LB977]

SENATOR CHAMBERS: SO YOU OUGHT TO LIVE YOUR LIFE IN SUCH A WAY THAT WHEN YOU ARE ALONE, YOU CAN LIVE WITH YOURSELF. AND THAT'S WHY I SAY, FOR ME, I HAVE ONE FRIEND WHO IS TRUE THAT I'LL ALWAYS BE ABLE TO COUNT ON, WHO IS ALWAYS WITH ME, WILL NOT BETRAY ME, AND THAT ONE FRIEND IS DEEP DOWN INSIDE OF ME. I DON'T NEED ANYBODY. AND THE WORST SONG EVER WRITTEN WAS PEOPLE WHO NEED PEOPLE ARE THE LUCKIEST PEOPLE IN THE WORLD. THEY'RE THE MOST PATHETIC PEOPLE IN THE WORLD. WHEN YOU NEED SOMETHING THAT IS SO FICKLE, SO UNRELIABLE, IT MEANS THAT YOU'RE EVEN WORSE OFF THAN THAT. NO, YOU ARE ONE OF THE LUCKIEST PEOPLE IF YOU CAN SAY LIKE POPEYE AND ME--I YAM WHAT I YAM, AND THAT'S ALL THAT I YAM, AND I LOVE WHO AND WHAT I YAM. THANK YOU, MR. PRESIDENT. [LB977]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB977]

SENATOR SCHNOOR: THANK YOU. THANK YOU, MR. PRESIDENT. I'D LIKE TO, I GUESS, POINT OUT THAT SENATOR CHAMBERS, FOR MUCH AS HE TALKS AGAINST LICENSE PLATES OF THESE TYPE OF PLATES, I DIDN'T HEAR HIM ARGUING WHEN WE WERE VOTING ON HIS MOUNTAIN LION PRESERVATION PLATE. ALSO, FOR A MAN THAT DOESN'T BELIEVE IN THE LORD, SENATOR CHAMBERS, YOU QUOTE THE BIBLE HERE MORE THAN ANYBODY ELSE. AND ALSO, IT'S GOOD TO KNOW THAT WHEN YOU'RE DOWN IN YOUR OFFICE, YOU'RE STILL LISTENING TO OUR PRAYERS UP HERE. HOPEFULLY, YOU WON'T BE ALONE WHEN YOU DIE. THAT'S ALL. THANK YOU. [LB977]

SENATOR KRIST: THANK YOU, SENATOR SCHNOOR. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB977]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. AFTER LISTENING TO SENATOR CHAMBERS THERE A MOMENT, I THINK HE SAID IN FIVE MINUTES

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WHAT MY MOTHER WAS ABLE TO SAY IN FIVE SECONDS. GIVE ME MY FLOWERS WHILE I'M ALIVE TO ENJOY THEM. THANK YOU, MR. PRESIDENT. [LB977]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD. SEEING NO ONE ELSE IN QUEUE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR SMITH WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2318. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? THANK YOU. MR. CLERK, PLEASE RECORD. [LB977]

ASSISTANT CLERK: 39 AYES, 0 NAYS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB977]

SENATOR KRIST: THE COMMITTEE AMENDMENTS ARE ADOPTED. MR. CLERK. [LB977]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR SMITH HAD AM1895 WHICH IS DRAFTED TO THE BILL, BUT I HAVE A NOTE HE WISHES TO WITHDRAW THAT AMENDMENT. [LB977]

SENATOR KRIST: WITHDRAWN. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE ON LB977. [LB977]

SENATOR SMITH: THANK YOU, MR. PRESIDENT; AND THANK YOU, COLLEAGUES, FOR YOUR VOTES. I GREATLY APPRECIATE YOUR SUPPORT OF LB977 WHICH HAS BEEN AMENDED BY AM2318 THAT ALLOWS FOR THE EXEMPTION OF CERTAIN IMPLEMENTS OF HUSBANDRY FROM LOAD AND WEIGHT RESTRICTIONS. AND THEN ALSO, I DO WANT TO THANK SENATOR WILLIAMS. I THINK HE EXPRESSED VERY WELL WHAT SOME OF THE REMAINING ISSUES ARE WITH MANURE SPREADERS AND SOME OF THE EQUIPMENT THAT IMPACTS THE OPERATIONS OF THE CATTLE INDUSTRY. AND I HOPE THAT WE WILL BE ABLE TO ADDRESS THOSE CONCERNS WHEN WE GET BACK ON SELECT FILE IN A WAY THAT IS ACCEPTABLE TO THE CATTLE INDUSTRY, AS WELL AS TO NACO. AND FINALLY, I DO WANT TO THANK SENATORS BOLZ, AND MURANTE, FRIESEN, AND PANSING BROOKS FOR STANDING UP AND ARGUING THE...COMING BEFORE THE COMMITTEE AND ARGUING THE MERITS OF THEIR RESPECTIVE BILLS. I APPRECIATE THEIR ENGAGEMENT ON LB977. AND WITH THAT, MR. PRESIDENT, I ASK FOR MY COLLEAGUES' GREEN VOTE ON LB977. [LB977]

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SENATOR KRIST: THANK YOU, SENATOR SMITH. YOU'VE HEARD THE CLOSING ON LB977. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB977]

ASSISTANT CLERK: 39 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB977]

SENATOR KRIST: LB977 ADVANCES. NEXT ITEM. [LB977]

ASSISTANT CLERK: NEXT BILL, MR. PRESIDENT, IS LB1105 INTRODUCED BY SENATOR LARSON. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 20 OF THIS YEAR. IT WAS REFERRED TO THE GENERAL AFFAIRS COMMITTEE; THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2029, LEGISLATIVE JOURNAL PAGE 557.) [LB1105]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR LARSON, YOU ARE RECOGNIZED TO OPEN ON LB1105. [LB1105]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I WILL BEGIN BY DISCUSSING EACH OF THE ITEMS IN LB1105 IN THE ORDER THAT THEY APPEAR IN THE BILL SO THE BODY HAS A GENERAL UNDERSTANDING OF THE GENERAL AFFAIRS LIQUOR OMNIBUS BILL. THE FIRST ITEM IN THE BILL IS THE CREATION OF THE NEBRASKA CRAFT BREWERY BOARD. PAGES 3 THROUGH 6 AND 10, THE NEBRASKA CRAFT BREWERY BOARD WOULD SERVE AS AN ADVISORY PANEL TO THE NEBRASKA LIQUOR CONTROL COMMISSION IN ALL MATTERS PERTAINING TO THE BEER INDUSTRY. THE GOVERNOR WOULD APPOINT THE BOARD'S SEVEN MEMBERS ON A NONPARTISAN BASIS. AT LEAST TWO APPOINTEES WOULD BE SELECTED FROM A LIST OF TEN CANDIDATES PROVIDED BY THE NEBRASKA CRAFT BREWERS GUILD AND AT LEAST TWO APPOINTEES WOULD BE SELECTED FROM A LIST OF AT LEAST TEN CANDIDATES PROVIDED BY THE ASSOCIATED BEVERAGE DISTRIBUTORS OF NEBRASKA. THE BOARD MEMBERS WOULD BE NEBRASKA CITIZENS, AT LEAST 21 YEARS OLD, AND HAVE BEEN INVOLVED IN THE BEER INDUSTRY. EACH MEMBER WOULD SERVE A THREE-YEAR TERM AND WOULD BE ELIGIBLE FOR REAPPOINTMENT. AND THE EXECUTIVE DIRECTOR OF THE NEBRASKA TOURISM COMMISSION WOULD SERVE AS A NONVOTING EX-OFFICIO MEMBER OF THE BOARD. THE NEBRASKA BEER INDUSTRIAL PROMOTION FUND WOULD BE CREATED AND CONSIST OF FUNDS FROM THE BEER MANUFACTURERS' SHIPPING LICENSES UNDER SUBSECTION 2 OF SECTION

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53-123.15. THE FUND WOULD ALSO CONSIST OF A \$250 ANNUAL FEE THAT WOULD BE PAID BY CRAFT BREWERY LICENSES UNLESS THE LICENSEE OPTED OUT. THE NEBRASKA TOURISM COMMISSION, AT THE DIRECTION AND IN COOPERATION OF THE NEBRASKA CRAFT BREWERY BOARD, WOULD USE THE FUND TO DEVELOP AND MAINTAIN PROGRAMS FOR THE RESEARCH AND ADVANCEMENT OF THE BEER BREWING PROCESS, THE MARKETING AND PROMOTION OF THE BEER INDUSTRY IN NEBRASKA, AND THE MARKETING AND PROMOTION OF AGRICULTURAL PRODUCTS AND THEIR BY-PRODUCTS GROWN AND PRODUCED IN NEBRASKA FOR THE USE OF THE BEER INDUSTRY. PAGE 6, LB1105, ALSO AMENDS THE DEFINITION OF THE TERM "CLUB" BY STRIKING THE REQUIREMENT THAT A CLUB "HAS SUITABLE AND ADEQUATE KITCHEN AND DINING ROOM SPACE AND EQUIPMENT AND A SUFFICIENT NUMBER OF SERVANTS AND EMPLOYEES FOR COOKING, PREPARING, AND SERVING FOOD AND MEALS FOR ITS MEMBERS AND THEIR GUESTS." THIS REQUIREMENT CAME FROM THE LIQUOR CONTROL COMMISSION, WHICH EXPRESSED A CONCERN THAT ATTEMPTS COULD BE MADE TO AVOID BEING LICENSED BY NOT HAVING A KITCHEN OR DINING ROOM SPACE, AND THEREFORE, WOULD NOT BE... WOULD THEREFORE NOT BE A CLUB UNDER THE CURRENT DEFINITION. PAGE 7 AND 30 OF LB1105 ALSO CONTAINS SEVERAL TECHNICAL CHANGES THAT APPEARED IN THE NEBRASKA LIQUOR CONTROL COMMISSION'S LEGISLATIVE LETTER. THE FIRST TECHNICAL CHANGE APPEARED IN THE LETTER AS ITEM 12(3). THIS PROVISION CONTAINS AN EXEMPTION TO REQUIRING A RETAILER TO PURCHASE FROM A WHOLESALER, BUT THE LIQUOR CONTROL COMMISSION'S LETTER STATED THAT THE EXEMPTION HAS NEVER BEEN USED AND ONLY SERVES TO CONFUSE LICENSEES, WHICH IS WHY THE COMMISSION ASKED TO HAVE IT STRICKEN. PAGE 7 AND 8, THE DEFINITION OF HARD CIDER IS LIMITED TO APPLES AND PEARS AND NO OTHER FRUIT PRODUCTS OR FLAVORS. LB1105 STRIKES THE PROHIBITION OF OTHER FRUIT PRODUCT NOR ANY ARTIFICIAL PRODUCT WHICH IMPARTS A FRUIT FLAVOR OTHER THAN APPLE. THIS IS IN RESPONSE TO THE EMERGENCE OF CIDERS MADE WITH FRUITS OTHER THAN APPLES AND PEARS BEING UTILIZED IN HARD CIDER. PAGE 8 AND 9 CHANGES THE CRAFT BREWERY LICENSE TO ADDRESS THE ISSUES AND CONCERNS FOR WHEN CRAFT BREWERS EXCEED THE 20,000-BARREL LIMIT. IT CLARIFIES THAT A MANUFACTURER MAY SELL AT A RETAIL ITS BEER FOR CONSUMPTION ON THE LICENSED PREMISES, COMMONLY REFERRED TO AS A TASTING ROOM. A CRAFT BREWERY LICENSEE WHO HAS HELD THE LICENSE FOR A MINIMUM OF THREE YEARS AND OPERATES A BREWPUB OR MICROBREWERY WILL NOT HAVE TO GET A MANUFACTURER'S LICENSE ONCE IT EXCEEDS THE 20,000 BARRELS. AT THAT TIME, THE LICENSEE MAY CONTINUE OPERATING UP TO FIVE RETAIL LOCATIONS THAT THE LICENSEE WAS OPERATING AT TIMES SUCH THE MANUFACTURER'S

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LICENSE WAS ISSUED. THE LICENSEE MUST DIVEST FROM ANY ADDITIONAL LOCATIONS. THE LICENSEE SHALL NOT BEGIN OPERATION AT ANY NEW RETAIL LOCATION, EVEN IF THE LICENSEE'S PRODUCTION IS REDUCED BELOW 20,000 BARRELS PER YEAR. THE MANUFACTURER'S LICENSE HOLDER UNDER THESE CIRCUMSTANCES MAY OBTAIN A CATERING LICENSE, SPECIAL DESIGNATED LICENSE, OR ENTERTAINMENT DISTRICT LICENSE. PAGE 19 ESTABLISHES A CLASS T ALCOHOL LIQUOR LICENSE INTENDED FOR SMALL BOUTIQUES TO SELL A LIMITED AMOUNT OF ALCOHOL, SUCH AS IN A GIFT BASKET. THE LICENSEE'S GROSS REVENUES FROM THE SALE OF ALCOHOL CANNOT EXCEED 20 PERCENT OF THE LICENSEE'S TOTAL ANNUAL GROSS REVENUE FROM ALL RETAIL SALES. THE CLASS T LICENSE IS \$50 AND WOULD EXEMPT THE...WOULD BE EXEMPT FROM THE LOCAL OCCUPATION TAX. PAGE 27, THE LIQUOR CONTROL COMMISSION'S LEGISLATIVE LETTER, ITEM NUMBER TEN: THE COMMISSION RECOMMENDED ELIMINATING THE REQUIREMENT THAT A LICENSEE REAPPLY FOR ITS LICENSE BECAUSE AN ADJACENT MUNICIPALITY ANNEXED THE LICENSEE'S LOCATION. THE COMMISSION STATED THAT IT DIDN'T THINK THIS PROVISION WAS NECESSARY AND FURTHER NOTED THAT THE ANNEXING MUNICIPALITY WOULD STILL HAVE THE OPPORTUNITY TO REVIEW THE LICENSE THROUGH THE NORMAL ANNUAL REAPPLICATION PROCESS. PAGE 28 IN THE LIQUOR CONTROL COMMISSION'S LEGISLATIVE LETTER, ITEM NUMBER 11: THE COMMISSION ASKED FOR CLARIFICATION REGARDING WHICH EMPLOYEES CAN RING UP TICKETS AT RESTAURANTS TO SERVE ALCOHOL. UNDER CURRENT LAW, AN EMPLOYEE WHO IS 19 YEARS OF AGE COULD TECHNICALLY BE UNDER VIOLATION OF THE LIQUOR CONTROL ACT BY RINGING UP THE CASH REGISTER A TICKET THAT INCLUDED ALCOHOL, EVEN THOUGH THE EMPLOYEE HAS NEVER HANDLED THE ALCOHOL. THIS CHANGE WOULD MAKE IT CLEAR THAT EMPLOYEE WHO IS 16, 17, OR 18 YEARS OLD COULD RING UP THE TICKETS THAT INCLUDE THE ALCOHOL PURCHASES AS LONG AS THE EMPLOYEE DOESN'T HANDLE THE ALCOHOL. IN ADDITION, WHAT WAS REQUESTED TO THE LIQUOR CONTROL COMMISSION'S (INAUDIBLE) LB1105 ALLOWED 16-, 17-, AND 18-YEAR-OLD EMPLOYEES TO HANDLE THE ALCOHOL IF THEY HAD TAKEN THE LIQUOR CONTROL COMMISSION'S APPROVED SERVER TRAINING COURSE. THE SECOND PROVISION OF THIS HAS BEEN REMOVED VIA THE COMMITTEE AMENDMENT. PAGE 31, THE SECOND TECHNICAL CHANGE IN THE LIQUOR CONTROL COMMISSION'S LEGISLATIVE LETTER, ITEM 12(1): THIS CHANGE HARMONIZES THIS SECTION SO THAT IT NOT ONLY PROHIBITS RETAIL ACTIVITIES, BUT ALSO MANUFACTURING AND WHOLESALE ACTIVITIES IN A BUILDING OR STRUCTURE THAT ALLOWS ACCESS FROM EACH OF THE PREMISES TO ANY PORTION OF THE SAME BUILDING STRUCTURE USED FOR DWELLING OR LODGING PURPOSES BY THE PUBLIC. PAGE 31 IS THE THIRD TECHNICAL CHANGE FROM THE

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LEGISLATIVE...THE LIQUOR CONTROL COMMISSION'S LEGISLATIVE LETTER. THIS SECTION COVERS VIOLATIONS...THIS SECTION COVERS VIOLATIONS BY NONBEVERAGE LICENSEES AND CURRENTLY REQUIRES REPAYMENT OF \$2.10 PER GALLON. TO BE CONSISTENT WITH THE CURRENT EXCISE TAX, THE PAYMENT SHOULD BE \$3.75 PER GALLON. THE ADJUSTMENT WAS JUST OVERLOOKED AND THE COMMISSION ASKED TO HAVE IT CORRECTED. PAGE 32 OF THE LIQUOR CONTROL COMMISSION'S LEGISLATIVE LETTER, ITEM NUMBER 9: THE COMMISSION RECOMMEND THAT THE PENALTY FOR THE ILLEGAL MANUFACTURING OF SPIRITS BE INCREASED FROM A CLASS IV MISDEMEANOR TO A CLASS I MISDEMEANOR FOR A FIRST OFFENSE. THERE WOULD ALSO BE HEIGHTENED PUNISHMENT FOR A SECOND AND SUBSEQUENT OFFENSE WHICH WOULD BE A CLASS IV FELONY. PAGE 32 HAS A SEVERABILITY CLAUSE. PAGE 33 REPEALS THE PROHIBITION ON PULL TABS AND PULL TOPS ON SODA/BEER CANS; AND ALSO HAS THE EMERGENCY CLAUSE. COLLEAGUES, I UNDERSTAND THAT THIS IS A LARGE BILL. EVERYTHING IN THE BILL, MINUS THE CRAFT BREWERY BILL, WAS BROUGHT TO ME BY THE LIQUOR CONTROL COMMISSION IN THEIR ANNUAL LETTER, SPECIFICALLY, AS THE COMMITTEE AMENDMENT HAS COME OUT. THE CRAFT BREWERY BOARD IS SOMETHING THAT I KNOW IS SOMETHING THAT IS VERY IMPORTANT NOT ONLY TO THE SMALL BUSINESSES THAT ARE EXPANDING IN OUR STATE, BUT ALSO AGRICULTURE THAT IS CONTINUING TO GO INTO THAT. I THANK THE MEMBERS OF MY COMMITTEE FOR WORKING VERY HARD ON LB1105. I SPECIFICALLY WANT TO SAY THANK YOU TO MY VICE CHAIRMAN, SENATOR COLBY COASH, WHO HAS BEEN A LOYAL MEMBER TO THE GENERAL AFFAIRS COMMITTEE FOR THE LAST EIGHT YEARS AND HAS WORKED, SPECIFICALLY, VERY HARD ON LB1105 TO ENSURE ITS PASSAGE. AND FOR THAT I WILL STOP ON LB1105 AND HAVE HIM INTRODUCE THE COMMITTEE AMENDMENTS AS A THANK YOU TO EVERYTHING THAT HE'S DONE. THANK YOU. [LB1105]

SENATOR KRIST: THANK YOU, SENATOR LARSON. AND BEFORE WE CONTINUE, THE COOKIES THAT ARE BEING HANDED OUT ARE TO CELEBRATE OUR FEARLESS LEADER'S BIRTHDAY. HAPPY BIRTHDAY, SPEAKER HADLEY. (VISITORS INTRODUCED.) AS THE CLERK HAS STATED, THERE ARE COMMITTEE AMENDMENTS. AND, SENATOR COASH, AS THE VICE CHAIRMAN OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THOSE AMENDMENTS. [LB1105]

SENATOR COASH: THANK YOU, MR. PRESIDENT. THE COMMITTEE AMENDMENT HAS SEVERAL PROVISIONS WHICH I'M GOING TO RUN THROUGH RIGHT NOW. FIRST OF ALL, IT INCLUDES SENATOR LINDSTROM'S BILL, LB748, WHICH HE INTRODUCED TO THE COMMITTEE WHICH WAS ADVANCED UNANIMOUSLY. AND

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IT DEALS WITH THE PERSONAL IMPORTATION OF ALCOHOLIC LIQUOR WITH THE AMENDMENT THAT HE PROPOSED AT THE HEARING. THE COMMITTEE AMENDMENT WOULD ALLOW A PERSON WHO IS IMPORTING ALCOHOLIC LIQUOR FROM SOMEONE WHO IS A RETAIL...WHO HAS A RETAIL DIRECT SHIPPERS LICENSE TO DO SO FOR PERSONAL USE UP TO 108 LITERS IN ONE CALENDAR YEAR, WHICH CHANGES IT FROM THE CURRENT LAW OF 9 LITERS PER CALENDAR MONTH. THE SECOND PORTION OF THE COMMITTEE AMENDMENT INCLUDES SENATOR EBKE'S LB1046. UNDER CURRENT LAW, U.S. CITIZENSHIP IS REQUIRED TO BE ELIGIBLE FOR A LIQUOR LICENSE. THIS PROVISION ALLOWS A NEBRASKA RESIDENT WHO IS LEGALLY ABLE TO WORK IN NEBRASKA TO BE ELIGIBLE FOR A LICENSE, EVEN IF NOT A U.S. CITIZEN. REGARDING THE CRAFT BREWERY BOARD PORTION OF THE COMMITTEE AMENDMENT, IT NOW PLACES THAT BOARD WITHIN THE DEPARTMENT OF AGRICULTURE FOR ADMINISTRATIVE PURPOSES INSTEAD OF THE NEBRASKA TOURISM COMMISSION. THE DEPARTMENT OF AG WILL ALSO BE TASKED WITH USING THE FUND TO DEVELOP PROGRAMS FOR BEER-BREWING PROCESSES. THE ORIGINAL BILL GAVE TOURISM COMMISSION THAT RESPONSIBILITY. A FOURTH PROVISION OF THE COMMITTEE AMENDMENT RELATES TO THE LIQUOR LICENSE FOR SMALL BOUTIQUES. IT WAS CHANGED FROM A CLASS T TO A CLASS G AT THE REQUEST OF THE LIQUOR CONTROL COMMISSION, DUE TO THE COMMISSION ALREADY USING A CLASS T DESIGNATION AS AN INTERNAL LICENSE CLASSIFICATION. IT WAS ALSO CLARIFIED THAT A CLASS G LICENSE WOULD NOT BE SUBJECT TO A LOCAL OCCUPATION TAX. AND AS WAS STATED EARLIER BY CHAIRMAN LARSON, THE PROVISION ALLOWING A 16-, 17-, OR 18-YEAR-OLD EMPLOYEE TO SERVE OR HANDLE ALCOHOL, EVEN AFTER COMPLETING SERVER TRAINING, HAS BEEN STRICKEN FROM THE BILL. COLLEAGUES, LB1105 DOES HAVE A LOT OF PROVISIONS IN IT. THE LIQUOR COMMISSION ANNUALLY COMES TO THE GENERAL AFFAIRS COMMITTEE AND ASKS FOR CHANGES TO THEIR LAW, MAINLY IN RESPONSE TO ISSUES THEY SEE COMING IN FRONT OF THE COMMISSION. THEY ARE DILIGENT ABOUT PAYING ATTENTION TO TRENDS IN LIQUOR LAW VIOLATIONS AND COMING TO THE GENERAL AFFAIRS COMMITTEE TO ADDRESS THOSE TRENDS. AND MUCH OF WHAT IN LB1105 ADDRESSES THOSE TRENDS. THEY ARE ALSO, AND I WANT TO TAKE THIS OPPORTUNITY TO COMMEND THE LIQUOR COMMISSION. THERE ARE THREE MEMBERS OF THAT COMMISSION APPOINTED BY THE GOVERNOR, AS WELL AS AN EXECUTIVE DIRECTOR WHO WE WORK WITH CLOSELY ON THAT COMMITTEE, AND THEY ARE ALL SINGULARLY FOCUSED ON A FAIR, SAFETY-FOCUSED REGULATION OF A HIGHLY REGULATED PRODUCT. AND WHEN THEY BRING THINGS TO THE COMMITTEE, THEY HAVE THOROUGHLY VETTED OUT THOSE ISSUES FROM THOSE LENSES--WHAT IS FAIR AND HOW DO WE PROTECT THE CONSUMER. AND

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FROM MY EIGHT YEARS ON THE COMMITTEE, THAT'S ALL I'VE EVER SEEN FROM THE COMMISSION AND THEY'VE BEEN A PLEASURE TO WORK WITH OVER THE PAST EIGHT YEARS. COLLEAGUES, THERE IS A LOT IN THIS BILL. I CAN TELL YOU THAT THE GENERAL AFFAIRS COMMITTEE HAD A HEARING, EXCUSE ME, INTERIM HEARING ON A COUPLE OF PROVISIONS OF THIS BILL THIS FALL. AND AT THAT TIME, THERE WERE MANY INTERESTED PARTIES WITH REGARD TO BEER DISTRIBUTION AND MANUFACTURING THAT CAME TO THE TABLE AND ASKED THAT THEIR VOICES BE HEARD. THEY WERE. WE HAD A VERY PRODUCTIVE HEARING THIS FALL. FOLLOWING THAT HEARING, MANY MEETINGS, MANY NEGOTIATED ELEMENTS OF THIS BILL, AND WHAT YOU HAVE IN FRONT OF YOU IS A RESULT OF ALL OF THAT HARD WORK FROM ALL OF THOSE ENTITIES. AND THEY CAME TOGETHER AND IT WAS A PLEASURE TO WORK WITH THEM AND SENATOR LARSON TO PRESENT THIS AS A PACKAGE. AND WITH THAT, I WOULD URGE YOUR ADOPTION OF BOTH THE COMMITTEE AMENDMENT AND THE UNDERLYING BILL. AND I WILL CERTAINLY BE AVAILABLE TO ANSWER ANY QUESTIONS ON EITHER. THANK YOU, MR. PRESIDENT. [LB1105 LB748 LB1046]

SENATOR KRIST: THANK YOU, SENATOR COASH. MR. CLERK. [LB1105]

ASSISTANT CLERK: MR. PRESIDENT, I DO HAVE AN AMENDMENT TO THE COMMITTEE AMENDMENT FROM SENATOR LARSON, AM2384. (LEGISLATIVE JOURNAL PAGE 907.) [LB1105]

SENATOR KRIST: SENATOR LARSON, YOU'RE RECOGNIZED. [LB1105]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. THIS IS JUST CLARIFICATION ON THE COMMITTEE AMENDMENT. ESSENTIALLY, AM2384 CLARIFIES THAT THE 20,000-BARREL LIMIT FOR CRAFT BREWERS IS AN AGGREGATE LIMIT THAT APPLIES TO THE LICENSEE REGARDLESS OF HOW MANY LOCATIONS ARE ON THE LICENSE. THE CRAFT BREWERS ASSOCIATION AGREES WITH THIS INTENT AND WE JUST WANTED TO CLARIFY IT WITHIN THE BILL BECAUSE IT WASN'T CLARIFIED QUITE TO THE POINT THAT WE WANTED. AND MY OFFICE WAS ALSO CONTACTED BY THE DEPARTMENT OF AGRICULTURE REGARDING THE MAKEUP OF THE CRAFT BREWERY BOARD. AND SINCE THE DEPARTMENT OF AGRICULTURE WAS ASSUMING THAT THE ADMINISTRATIVE AND PROGRAMMING RESPONSIBILITIES THAT WERE WITH THE DEPARTMENT OF TOURISM, IT MADE SENSE TO HAVE THE DIRECTOR OF AGRICULTURE OR HIS OR HER DESIGNEE SERVE AS A NONVOTING EX-OFFICIO MEMBER OF THE BOARD. THESE ARE BOTH VERY CLEANUP PROVISIONS TO AM2029 TO JUST CLARIFY IT A LITTLE BIT MORE

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THAT CAME TO US AFTER THE COMMITTEE HAD ALREADY KICKED THE BILL OUT. THANK YOU, MR. PRESIDENT. [LB1105]

SENATOR KRIST: THANK YOU, SENATOR LARSON. YOU HAVE HEARD THE OPENING ON AM2384, AM2029, AND THE UNDERLYING LB1105. THE FLOOR IS NOW OPEN FOR DEBATE. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB1105]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, COLLEAGUES. FIRST OF ALL, I'D LIKE TO SPEAK FIRST TO THE DEVELOPMENT OF THE CRAFT BREWERY BOARD. I'M REALLY PLEASED THAT THE GENERAL AFFAIRS COMMITTEE HAS WORKED SO WELL WITH THE GUILD IN CREATING THAT. THIS IS A BURGEONING BUSINESS OUT IN RURAL NEBRASKA. WE'VE GOT A VERY SUCCESSFUL MICROBREWERY IN ORD, NEBRASKA, WHICH IS IN MY LEGISLATIVE DISTRICT. IT'S BEEN A BIG BOOST TO THE COMMUNITY. IT'S REPLACED WHAT HAD FOR MANY, MANY YEARS BEEN A SORT OF A BLIGHTED SPOT ON THE SQUARE OF ORD. AND THE TWO...THREE YOUNG MEN, ACTUALLY, WHO STARTED THAT ARE JUST DOING SOME PHENOMENAL THINGS. SO I'M REALLY PLEASED, BUT I DO HAVE SEVERAL QUESTIONS ABOUT THAT BOARD, AS WELL AS SOME OTHER DETAILS OF THE BILL. SO I WONDERED IF SENATOR LARSON, IF HE'S THE ONE TO FIELD THE QUESTIONS OR WOULD HE PREFER TO HAVE SENATOR COASH ANSWER THEM? [LB1105]

SENATOR KRIST: SENATOR LARSON, WILL YOU YIELD? [LB1105]

SENATOR LARSON: YES. [LB1105]

SENATOR SULLIVAN: THANK YOU, SENATOR LARSON. CAN YOU TELL ME A LITTLE BIT MORE ABOUT THE RELATIONSHIP THAT THIS BOARD WILL HAVE, NOT ONLY WITH THE CRAFT BREWERS GUILD, BUT THEN ALSO WITH THE LIQUOR COMMISSION? [LB1105]

SENATOR LARSON: YEAH. THE BOARD WILL BE HOUSED WITHIN THE LIQUOR COMMISSION. AND WE MODELED THE CRAFT BREWERY BOARD LIKE WE HAD THE...ESSENTIALLY, WE HAVE A WINE BOARD AS WELL. AND I KNOW THAT THE WINE BOARD WORKS EXTENSIVELY WITH THE LIQUOR CONTROL COMMISSION, AS WELL AS THE DEPARTMENT OF AGRICULTURE TO PROMOTE THAT INDUSTRY. AND IT HAS WORKED AMAZING TO PROMOTE THOSE PRODUCTS AND NEBRASKA WINES. AND WHEN THE CRAFT BREWERY GUILD SAW HOW THE WINE BOARD HAS BEEN HELPING, AND I THINK YOU AND I BOTH HAVE A NUMBER OF

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WINERIES IN OUR DISTRICT AS WELL, THEY WANTED TO HAVE SOMETHING SIMILAR TO THAT. SO THEY WILL WORK VERY CLOSELY WITH THE LIQUOR CONTROL COMMISSION. OBVIOUSLY, THERE WILL BE TWO MEMBERS, AT LEAST TWO MEMBERS FROM THE GUILD ON THE BOARD AND TWO FROM THE DISTRIBUTORS, AND THEN MEMBERS AT-LARGE FROM THE PUBLIC TO ENSURE THAT ALL SIDES IN THE THREE-TIER SYSTEM ARE REPRESENTED TO PROMOTE THIS INDUSTRY. AND I THINK IT WILL BE VERY IMPORTANT AND, YOU KNOW, AS YOU STATED, THESE INDUSTRIES HAVE A LOT TO DO AND CAN OFFER A LOT OF GROWTH IN RURAL NEBRASKA, AND I LOOK FORWARD TO THAT. [LB1105]

SENATOR SULLIVAN: ONE OF THE THINGS THAT THE AMENDMENT DID WAS CHANGE...THE BOARD WILL NOW BE PLACED FOR ADMINISTRATIVE PURPOSES WITHIN THE DEPARTMENT OF AGRICULTURE RATHER THAN THE NEBRASKA TOURISM COMMISSION. WHY WAS THAT CHANGE MADE? [LB1105]

SENATOR LARSON: ESSENTIALLY, ORIGINALLY IN THE BILL THAT WE THOUGHT IT WOULD BE EASIER TO PUT IT IN THE TOURISM COMMISSION. IT SEEMED LIKE A NATURAL FIT. BUT IT CAME BACK THAT THE WINE BOARD IS ALREADY IN THE DEPARTMENT OF AGRICULTURE. SO IT MADE SENSE TO...THEY ALREADY HAVE THE PROCESSES, THE RULES AND REGULATIONS THAT COULD JUST KIND OF BE MOVED OVER VERY EASILY. AND SO IT WAS REQUESTED THAT WE MOVE IT OVER TO THE DEPARTMENT OF AGRICULTURE JUST KIND OF MORE AS A MIRROR WITH WHAT THE WINE BOARD ALREADY HAS. BUT THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF TOURISM WILL HAVE AN EX-OFFICIO, NONVOTING MEMBER. SO WE DEFINITELY WANTED TO KEEP THE DEPARTMENT OF TOURISM INVOLVED IN THE PROCESS, BUT JUST FOR EASE SAKE AND TO TRY TO KEEP BUREAUCRACY DOWN AS MUCH AS POSSIBLE, DEPARTMENT OF AG JUST MADE A LITTLE MORE SENSE AT THIS MOMENT. [LB1105]

SENATOR SULLIVAN: IN THE ORIGINAL BILL, YOU ALSO THEN REPEALED THE PROHIBITION ON PULL TABS/PULL TOPS ON SODA AND BEER CANS. WHY IS THAT BEING DONE? [LB1105]

SENATOR LARSON: ESSENTIALLY, ARE YOU FAMILIAR WITH WHAT IT IS? OKAY. SO THERE'S A PROHIBITION THAT YOU CAN PULL AN ENTIRE...FOR THE BODY, PULL THE ENTIRE TOP OF A CAN OFF,... [LB1105]

SENATOR KRIST: ONE MINUTE. [LB1105]

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SENATOR LARSON: ...LIKE IF YOU ARE OPENING A CAN OF...A REGULAR CAN. AND A LOT OF CRAFT BREWERS ARE USING THESE NEW TYPES OF CANS THAT THEY CAN JUST PULL THE ENTIRE TOP OFF. AND IN NEBRASKA, IT WAS ILLEGAL. SO THE COMMITTEE FELT IT WAS MUCH MORE OF A CLARIFICATION AND TO REPEAL THIS AND GIVE THOSE CRAFT BREWERS THAT WANT TO USE THESE DIFFERENT CANS THE OPPORTUNITY TO DO THAT. [LB1105]

SENATOR SULLIVAN: SO, YOU KNOW, I THINK IT WAS PUT IN PLACE ORIGINALLY, THE LATE '80s, SORT OF WITH ENVIRONMENTAL CONCERNS, BUT APPARENTLY THAT WAS... [LB1105]

SENATOR LARSON: NOBODY RAISED THOSE CONCERNS AT THE COMMITTEE. AND SO, LIKE I SAID, IT WAS ACTUALLY BROUGHT TO US BY SOME CRAFT BREWERS THAT WANT TO USE THESE TYPES OF CANS AND SO IT WAS INTRODUCED IN THE ORIGINAL BILL. NO ONE SPOKE AGAINST IT. IT SEEMED LIKE A VERY LOGICAL THING BECAUSE IT'S MY UNDERSTANDING THAT A FEW CRAFT BREWERIES WOULD LIKE TO USE THESE TYPE OF CANS. [LB1105]

SENATOR SULLIVAN: ALL RIGHT, THANK YOU. NO FURTHER QUESTIONS, MR. PRESIDENT. THANK YOU. [LB1105]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN AND SENATOR LARSON. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB1105]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE COUNCIL. FIRST, MY APPRECIATION TO THE SPEAKER FOR THE DELICIOUS COOKIES. I WOULD BE REMISS IF I DIDN'T SAY THAT. I DO HAVE A COUPLE OF QUESTIONS I'D LIKE TO ASK SENATOR LARSON IF HE WOULD YIELD, PLEASE. [LB1105]

SENATOR KRIST: SENATOR LARSON, WILL YOU YIELD? [LB1105]

SENATOR LARSON: YES. [LB1105]

SENATOR RIEPE: SENATOR LARSON, THANK YOU. WOULD THE 16-YEAR-OLD, WOULD THAT INCLUDE IN A GROCERY STORE AS WELL IF THEY WERE...? [LB1105]

SENATOR LARSON: NO, THEY WON'T BE ABLE TO SELL ALCOHOL. I KNOW YOU SIT ON THE COMMITTEE, SENATOR RIEPE, AND WE WENT OVER THIS IN EXEC.

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THE ONLY PEOPLE...OR THE ONLY WAY THIS AFFECTS CHANGE, ESSENTIALLY, IS A 16-, 17-, OR 18-YEAR-OLD WILL NOT BE ABLE TO SERVE OR SELL OR CHECK IDs OF ALCOHOL WITH AM2029. ALL THEY WILL BE ABLE TO DO IS WITH A RECEIPT OR A TICKET AFTER THE ALCOHOL HAS ALREADY BEEN SERVED, CONSUMED, AND EVERYTHING ELSE, WHEN THAT PERSON...AND WE CAN SAY IT'S EITHER IN A SMALL RESTAURANT WHERE YOU WOULD WALK YOUR TICKET UP TO THE CASHIER OR WHATNOT, THEY TAKE THAT TICKET TO THE CASHIER AND IT ALLOWS A 16-, 17-, OR 18-YEAR-OLD TO, ESSENTIALLY, TAKE THE CREDIT CARD AND SWIPE IT. THE ALCOHOL HAS ALREADY BEEN SERVED, IT'S ALREADY BEEN CONSUMED. WE'RE NOT LETTING A 16-, 17-, OR 18-YEAR-OLD DO ANY OF THAT PROCESS. SO NO PEER PRESSURE ON THE SALE OR THE SERVICE OR ANY OF THAT IS PART OF LB1105 WITH THE COMMITTEE AMENDMENT, AM2029. [LB1105]

SENATOR RIEPE: OKAY, THANK YOU. I ALSO MAY HAVE BEEN AT THE EXECUTIVE COMMITTEE AND THIS MAY HAVE PASSED ME BY AS WELL, BUT MY SECOND QUESTION IS WHO CHECKS THE ID OF THE 16-YEAR-OLD? DOES THE 16-YEAR-OLD OR THE BARTENDER CHECK THE ID? [LB1105]

SENATOR LARSON: FOR THE ACTUAL SERVE? AS I JUST EXPLAINED, SENATOR RIEPE, THE ID WILL BE CHECKED BY THE SERVER. THE PERSON THAT IS SERVING THE ALCOHOL HAS TO BE 19 WITH THE COMMITTEE AMENDMENT, AM2029. THERE IS NO CHANGE IN THE AGE. SO IT IS THAT PERSON THAT IS ACTUALLY SERVING THE ALCOHOL THAT WILL CHECK THE ID. WHAT THIS BILL CHANGES, AS WAS REQUESTED BY THE LIQUOR CONTROL COMMISSION, IS WHEN ALL OF THAT IS ALREADY DONE, THE SERVICE, THE ID CHECKING, AND THE CONSUMPTION IS ALREADY DONE, AND ALL THAT IS LEFT IS A TICKET THAT YOU HAVE TO PAY FOR, THE CASHIER'S TICKET, ALL OF THE ALCOHOL PORTION OF IT IS DONE, IT JUST ALLOWS A 16-, 17-, OR 18-YEAR-OLD TO SWIPE A CREDIT CARD OR TAKE CASH TENDER FOR THE SALE OF THE ENTIRE TICKET. [LB1105]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT. [LB1105]

SENATOR KRIST: THANK YOU, SENATOR RIEPE AND SENATOR LARSON. (VISITORS INTRODUCED.) SEEING NO ONE WISHING TO SPEAK IN THE QUEUE, SENATOR LARSON, YOU'RE RECOGNIZED TO CLOSE ON AM2384. SENATOR LARSON WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADOPTION OF AM2384. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL OF THOSE VOTED WHO WISH TO? PLEASE RECORD, MR. CLERK. [LB1105]

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ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADOPTION OF SENATOR LARSON'S AMENDMENT TO COMMITTEE AMENDMENTS. [LB1105]

SENATOR KRIST: AM2384 IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR COASH, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. [LB1105]

SENATOR COASH: THANK YOU, MR. PRESIDENT; THANK YOU, COLLEAGUES. I APPRECIATE THE QUESTIONS THAT WE'VE BEEN ABLE TO ANSWER BOTH ON THE MIKE AND OFF OF THE MIKE. THIS IS A BILL THAT REFLECTS A LOT OF HARD WORK, A LOT OF INPUT INTO THIS BILL. YOU DON'T SEE BILLS THAT HAVE THE KIND OF CONSENSUS THAT WE WERE FINALLY ABLE TO BRING ABOUT THROUGH THIS WHOLE PROCESS BEGINNING LAST FALL. AND I WOULD APPRECIATE YOUR GREEN VOTE ON THE COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB1105]

SENATOR KRIST: THANK YOU, SENATOR COASH. THE QUESTION IS THE ADOPTION OF AM2029. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB1105]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB1105]

SENATOR KRIST: AM2029 IS ADOPTED. SEEING NO ONE WISHING TO SPEAK, SENATOR LARSON, YOU'RE RECOGNIZED TO CLOSE ON THE BILL. SENATOR LARSON WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB1105 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1105]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB1105]

SENATOR KRIST: LB1105 ADVANCES. (VISITORS INTRODUCED.) NEXT ITEM. [LB1105]

ASSISTANT CLERK: MR. PRESIDENT, NEXT BILL IS LB754 INTRODUCED BY SENATOR CRAWFORD. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 6; REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS

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COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2103, LEGISLATIVE JOURNAL PAGE 662.) [LB754]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR CRAWFORD, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB754]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT; AND GOOD AFTERNOON, COLLEAGUES. LB754 ESTABLISHES THE COMMISSION ON MILITARY AND VETERAN AFFAIRS AND A POINT PERSON TO WORK WITH THE GOVERNOR TO ASSIST THE STATE IN ATTRACTING AND RETAINING MISSIONS AT OUR MILITARY INSTALLATIONS AND TO HELP LEVERAGE ECONOMIC DEVELOPMENT IN OUR COMMUNITIES TIED TO THESE INSTALLATIONS. THE COMMISSION AND THIS POINT PERSON WILL ALSO WORK TO SUPPORT AND SERVE NEBRASKA'S MILITARY AND VETERAN FAMILIES. OFFUTT AIR FORCE BASE IS A KEY ECONOMIC PARTNER OF THE STATE OF NEBRASKA WITH AN ANNUAL ECONOMIC IMPACT OF MORE THAN \$1.3 BILLION ANNUALLY, EMPLOYING MORE THAN 10,000 PEOPLE DIRECTLY, AND 4,700 PEOPLE THROUGH SECONDARY JOBS. HOWEVER, LB754 ALSO RECOGNIZES THE ECONOMIC AND STRATEGIC IMPORTANCE OF OUR GUARD ARMORIES AND READINESS CENTERS ACROSS THE STATE. THERE ARE IMPORTANT ASSETS TO PROTECT IN THE FUTURE ACROSS THE STATE, PARTICULARLY AS THE ARMED FORCES LOOK AT BASE CLOSINGS AND REALIGNMENTS, WHETHER OR NOT THIS IS PART OF A FORMAL BASE REALIGNMENT AND CLOSURE ROUND. MOREOVER, THERE ARE ALSO OPPORTUNITIES TO PURSUE TO SECURE MORE MISSIONS FOR OUR STATE WITH OUR LOW COST OF LIVING AND SUPPORTIVE COMMUNITIES. THE COMMISSION AND THE MILITARY LIAISON CREATED BY LB754 ENSURES NEBRASKA IS IN THE BEST POSITION TO RESPOND TO THESE OPPORTUNITIES AND THREATS WHEN THESE DISCUSSIONS OCCUR. THE COMMISSION THAT ADVISES THE MILITARY LIAISON INCLUDES THE DIRECTOR OF ECONOMIC DEVELOPMENT, THE ADJUNCT GENERAL OF THE NEBRASKA NATIONAL GUARD OR HIS OR HER DESIGNEE, THE DIRECTOR OF VETERANS' AFFAIRS, AND THREE RESIDENTS OF THE STATE OF NEBRASKA, ONE FROM EACH CONGRESSIONAL DISTRICT. AT LEAST ONE OF THESE THREE SHALL HAVE MILITARY EXPERIENCE AND AT LEAST ONE SHALL HAVE BUSINESS EXPERIENCE. AS AMENDED, THE COMMISSION ALSO BRINGS IN COMMANDERS OF THE 55th WING U.S. STRATEGIC COMMAND AND THE CHAIR OF THE STATE COMMITTEE OF THE EMPLOYER SUPPORT OF THE GUARD AND RESERVE AS EX-OFFICIO MEMBERS. THE SPECIFIC DUTIES OF THE COMMISSION ARE LISTED ON PAGES 2 AND 3 OF THE COMMITTEE AMENDMENT OR PAGES 3 AND 4 OF THE ORIGINAL BILL. THE TASKS FOCUS ON LEVERAGING ECONOMIC DEVELOPMENT ACROSS THE STATE. I WILL JUST LIST TWO OF THESE TASKS IN

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MY TESTIMONY; I ENCOURAGE YOU TO SEE THE LIST IN THE BILL OR THE AMENDMENT. ONE TASK IS TO RECOMMEND STATE, FEDERAL, AND LOCAL ECONOMIC DEVELOPMENT PROJECTS TO PROMOTE, FOSTER, AND SUPPORT ECONOMIC PROGRESS THROUGH A MILITARY PRESENCE IN NEBRASKA. ANOTHER TASK IS TO PARTNER WITH LOCAL COMMUNITIES TO DEVELOP METHODS TO IMPROVE PRIVATE AND PUBLIC EMPLOYMENT OPPORTUNITIES FOR FORMER MEMBERS OF THE MILITARY AND THEIR FAMILIES RESIDING IN THIS STATE. LB754 CREATES A DESIGNATED POINT PERSON FOR MILITARY MATTERS ACROSS THE STATE RELATED TO ALL OF THE TASKS OUTLINED IN THE BILL. THERE IS NO ONE CURRENTLY IN THE DEPARTMENT OF ECONOMIC DEVELOPMENT OR THE DEPARTMENT OF VETERANS' AFFAIRS WHO HAS THIS RESPONSIBILITY. LB754, WITH THE COMMITTEE AMENDMENT, RECEIVED THE SUPPORT OF GOVERNOR RICKETTS. IT IS ALSO SUPPORTED BY THE NEBRASKA DEPARTMENT OF VETERANS' AFFAIRS, THE MILITARY OFFICERS ASSOCIATION OF AMERICA, THE CITY OF BELLEVUE, THE GREATER OMAHA CHAMBER OF COMMERCE, THE LINCOLN CHAMBER OF COMMERCE, AND THE NEBRASKA VETERANS COUNCIL. THE COMMITTEE STATEMENT LISTS NEBRASKA VETERANS COUNCIL AS NEUTRAL, BUT THEY HAVE SINCE REGISTERED SUPPORT. SOME OF YOU MAY ASK ABOUT THE NEED FOR THE COMMISSION. IN THIS AREA, A COMMISSION MODEL HAS BEEN VERY EFFECTIVE IN OTHER STATES. A REVIEW BY THE ASSOCIATION OF DEFENSE COMMUNITIES FOUND THAT TEN YEARS AFTER THE CREATION OF A MILITARY COMMISSION IN KENTUCKY, ANNUAL DEFENSE SPENDING IN THE STATE HAD MORE THAN TRIPLED TO \$8.3 BILLION A YEAR. OTHER STATES WITH ACTIVE COMMISSIONS REPORT SIMILAR GAINS IN THEIR STATE ECONOMIES. WE ALSO HEARD AT THE HEARING HOW HELPFUL A COMMISSION ON MILITARY AND VETERAN AFFAIRS WILL BE FOR ACTIVE DUTY MILITARY AND MILITARY LEADERSHIP STATIONED AT OFFUTT AIR FORCE BASE. THERE ARE A VARIETY OF GROUPS THROUGHOUT NEBRASKA WHO SUPPORT VETERANS, MILITARY MEMBERS AND THEIR FAMILIES, RANGING FROM VFWs TO THE NATIONAL GUARD ASSOCIATION. THE COMMISSION WILL NOT REPLACE OR DUPLICATE THE ROLE THESE GROUPS PLAY. IN FACT, THEY CONTINUE TO SERVE A VITAL ROLE IN OUR COMMUNITIES; AND I EXPECT THE COMMISSION WILL INTERACT AND INTERFACE WITH THEM ON A REGULAR AND ONGOING BASIS. THE MILITARY AND VETERAN COMMISSION WILL STREAMLINE OUR EFFORTS TO PROTECT AND GROW MILITARY ASSETS AND MISSIONS IN OUR STATE. BY HAVING A POINT OF CONTACT IN PLACE AND ACTIVE PARTICIPATION FROM THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND OUR MILITARY MISSIONS, WE CAN BE MORE PROACTIVE WITH OUR STATE'S MILITARY INTERESTS. THE MILITARY AND VETERAN COMMISSION WOULD ALSO ENHANCE THE MILITARY-FRIENDLY ENVIRONMENT FOR VETERANS, SERVICE MEMBERS AND THEIR

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FAMILIES, AND STRENGTHEN THE ENVIRONMENT FOR BUSINESSES THAT BRING MILITARY AND BASE-RELATED JOBS TO THE STATE. WITH THAT, I ENCOURAGE YOU TO VOTE GREEN ON LB754 AND THE COMMITTEE AMENDMENT TO ENSURE THAT NEBRASKA IS IN THE BEST POSITION TO SERVE NEBRASKA'S MILITARY AND VETERAN FAMILIES, AS WELL AS TO COMPETE FOR NEW MISSIONS AND OPPORTUNITIES FOR OUR MILITARY INSTALLATIONS AND TO LEVERAGE THEM FOR ECONOMIC DEVELOPMENT ACROSS THE STATE. THANK YOU, MR. PRESIDENT. [LB754]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR MURANTE, AS THE CHAIR OF GOVERNMENT, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB754]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD AFTERNOON. LB754 WAS HEARD BY THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE ON THURSDAY, FEBRUARY 11, AND WAS ADVANCED OUT OF COMMITTEE WITH UNANIMOUS SUPPORT. THE COMMITTEE AMENDMENT YOU SEE BEFORE YOU MAKES TWO CHANGES TO THE BILL. FIRST, THE AMENDMENT REDUCES THE NUMBER OF NONVOTING EX-OFFICIO MEMBERS OF THE COMMISSION TO FOUR. UNDER THE AMENDMENT, THOSE MEMBERS WOULD INCLUDE THE CHAIR OF THE STATE COMMITTEE OF EMPLOYER SUPPORT OF THE GUARD AND RESERVE, THE COMMANDER OF THE 55TH WING OF THE AIR COMBAT COMMAND OR HIS OR HER DESIGNEE; THE COMMANDER OF THE UNITED STATES STRATEGIC COMMAND OR HIS OR HER DESIGNEE; AND THE COMMANDER OF THE 557TH WEATHER WING OF THE UNITED STATES AIR FORCE OR HIS OR HER DESIGNEE. SECOND, THE AMENDMENT REMOVES THE BILL'S PROVISION FOR AN EXECUTIVE DIRECTOR OF THE COMMISSION. INSTEAD, THE AMENDMENT CREATES A MILITARY AFFAIRS LIAISON TO BE HOUSED IN THE DEPARTMENT OF VETERANS' AFFAIRS. IN ADDITION TO THOSE TWO CHANGES, THE AMENDMENT ALSO MAKES THE FOLLOWING MINOR CHANGES. IT REMOVES THE REQUIREMENT THAT THE COMMISSION PARTNER WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT IN CARRYING OUT ITS FUNCTIONS; REMOVES CERTAIN OPERATIONAL AND ORGANIZATIONAL REQUIREMENTS IMPOSED ON THE COMMISSION; REMOVES A PER DIEM PAYMENT TO EX-OFFICIO MEMBERS OF THE COMMISSION; AND REQUIRES THE COMMISSION'S ANNUAL REPORT BE SUBMITTED ELECTRONICALLY. I URGE THE SUPPORT OF THE COMMITTEE AMENDMENT. I URGE YOUR ADOPTION OF AM2103; YOUR SUPPORT OF LB754. AND I'D LIKE TO PERSONALLY THANK SENATOR CRAWFORD IN HER ONGOING WORK WITH OUR COMMITTEE TO IMPROVE THE CONDITIONS OF THE MILITARY AND VETERAN AFFAIRS. THE MILITARY, AS WE ALL KNOW, IS A VERY IMPORTANT

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PART OF OUR STATE; IT'S A VERY IMPORTANT PART OF OUR COUNTY. AND I DON'T KNOW OF ANY MEMBER OF THIS LEGISLATURE WHO HAS DONE MORE TO ENSURE THE RIGHTS AND BENEFITS FOR THOSE IMPORTANT MEMBERS OF OUR STATE. SO THANK YOU, SENATOR CRAWFORD. THANK YOU, MEMBERS. THANK YOU, MR. PRESIDENT. [LB754]

SENATOR KRIST: THANK YOU, SENATOR MURANTE. YOU HEARD THE OPENING ON AM2103 AND LB754. THOSE WISHING TO SPEAK: SENATOR GARRETT AND SENATOR GLOOR. SENATOR GARRETT, YOU ARE RECOGNIZED. [LB754]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. COLLEAGUES, I RISE IN SUPPORT OF AM2103 AND LB754 AND WOULD LIKE TO THANK SENATOR CRAWFORD FOR BRINGING THIS IMPORTANT BILL. I'VE SAID FROM DAY ONE, ONE OF THE PRIMARY REASONS I'M A STATE SENATOR WAS I WAS VERY MUCH INTERESTED IN PROTECTING OFFUTT AIR FORCE BASE, AND NOT JUST OFFUTT, BUT THE 55th WING IN PARTICULAR. THE ECONOMIC IMPACT IS ESTIMATED TO BE \$1.3 BILLION A YEAR, BUT I BELIEVE IT TO BE A WHOLE LOT MORE THAN THAT. AND DON'T DOUBT FOR A MINUTE THAT THOSE STATES THAT HAVE EXPERIENCED BASE CLOSURES ARE NOT OUT THERE SHOPPING FOR MISSIONS AND SHOPPING TO GET MISSIONS BACK INTO THEIR BASES. AND THEY ARE DOING ALL KINDS OF THINGS TO DO THAT. AND I FELT THAT WE'RE A BIT ASLEEP AT THE WHEEL, IF YOU WILL. YOU KNOW, WE WERE ALL SURPRISED WHEN CONAGRA DECIDED TO RELOCATE THEIR CORPORATE HEADQUARTERS TO CHICAGO AND THE LOSS OF 1,000 WHITE COLLAR JOBS. WELL, THAT PALES BY COMPARISON TO WHAT WE STAND TO LOSE IF OFFUTT AIR FORCE BASE WERE TO COME ON A BRAC. AND FOR THOSE OF YOU WHO DON'T KNOW, THE DEPARTMENT OF DEFENSE HAS ABOUT A 30 PERCENT OVERAGE IN INFRASTRUCTURE. THEY HAVE EXCESS BASES. THEY WOULD LOVE NOTHING MORE THAN TO HAVE ANOTHER ROUND OF BASE REALIGNMENT AND CLOSURE. I DON'T BELIEVE CONGRESS IS GOING TO ALLOW THEM TO HAVE THAT. BUT, EVEN IF THEY DON'T HAVE A BRAC, WE HAVE THE VERY REAL POSSIBILITY OF THE 55th WING RELOCATING TO ANOTHER BASE. THE AIR FORCE DOESN'T HAVE TO ASK A "MOTHER MAY I." AND FOR THOSE OF YOU WHO ARE FAMILIAR WITH OFFUTT AIR FORCE BASE, IT HAS A LOT OF LIMITING FACTORS THAT LIMIT ITS OPERATIONAL FLYING OPS. WE ALL KNOW THAT IT'S A \$125 MILLION PROJECT TO REPAIR THE RUNWAY. THAT MONEY IS BEING HELD HOSTAGE TO THE FACT THAT WE NEED TO IMPROVE THE LEVEES BY TWO FEET WITH ABOUT A \$25 MILLION PRICE TAG. AND YOU'RE GOING TO SEE, IN THE NOT-TOO-DISTANT FUTURE, A REQUEST FOR ABOUT \$13.7 FROM THE CASH RESERVE...\$13.7 MILLION FROM THE CASH RESERVE FUND TO HELP COMPLETE THAT IMPORTANT LEVEE PROJECT. SO,

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COLLEAGUES, CAN'T OVERSTATE THE IMPORTANCE OF OFFUTT AIR FORCE BASE AND THE 55th. AND THIS PARTICULAR BILL AND THIS COMMISSION WILL HELP US STAY ON TOP OF WHAT IS GOING ON AT OFFUTT. AND, AS SENATOR CRAWFORD MENTIONED, NOT JUST OFFUTT, BUT THE GUARD AND RESERVE AND ALL OF THE VETERANS THAT STILL RESIDE IN THE STATE. SO, WITH THAT, COLLEAGUES, I'D URGE YOU TO SUPPORT AM2103 AND LB754. THANK YOU. [LB754]

SENATOR KRIST: THANK YOU, SENATOR GARRETT. SENATOR GLOOR, YOU ARE RECOGNIZED. [LB754]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, MEMBERS. I AM A VETERAN AND I ONLY SAY THAT NOT TO DRAW ATTENTION TO MYSELF, BUT SOMETIMES WHEN WE ASK QUESTIONS ON THINGS THAT HAVE TO DO WITH VETERANS AND VETERANS SERVICES, PEOPLE WONDER IF WE'RE ANTIVETERAN. WELL, CLEARLY, I AM NOT. BUT HAVING SAID THAT, I WONDER IF SENATOR CRAWFORD WOULD YIELD FOR A COUPLE OF QUESTIONS. [LB754]

SENATOR KRIST: SENATOR CRAWFORD, WILL YOU YIELD? [LB754]

SENATOR GLOOR: THANK YOU, SENATOR CRAWFORD. I JUST...I WANT TO NAIL DOWN THE SCOPE OF THIS. EVEN THOUGH IT TALKS ABOUT...AND THE TITLE OF THE BILL IS--CREATE THE COMMISSION ON MILITARY AND VETERAN AFFAIRS, AS I READ THIS AND LISTEN TO THE OPENING ON THIS, THIS SEEMS TO BE PROBABLY A LITTLE MORE POINTED TOWARDS THE ECONOMIC IMPACT OF ACTIVE MILITARY BASES, AKA OFFUTT. IS THAT A FAIR REPRESENTATION? [LB754]

SENATOR CRAWFORD: YES. THE TASKS OF THE TASK FORCE ARE ON PAGES 2 AND 3 OF THE AMENDMENT THAT REPLACES THE BILL. AND SO IT DOES NOT REPLICATE THE SERVICES AND FUNCTIONS THAT ARE CURRENTLY IN THE DEPARTMENT OF VETERANS' AFFAIRS. BUT THE PERSON...THE DIRECTOR OF THE DEPARTMENT OF VETERANS' AFFAIRS WILL BE ON THE COMMISSION TO LOOK AT SOME OF THE ISSUES, AND, MORE LIKELY, WILL BE ECONOMIC KINDS OF VETERANS ISSUES LIKE CAREER OPPORTUNITIES FOR VETERANS WHO ARE LEAVING THE MILITARY. [LB754]

SENATOR GLOOR: CAN I GIVE A COUPLE OF EXAMPLES AND HAVE YOU TELL ME WHETHER YOU THINK THE COMMISSION MIGHT BE INVOLVED? WOULD THE

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COMMISSION BE INVOLVED IN ANY WAY WITH THE OPERATION OF OUR STATE VETERANS HOMES? [LB754]

SENATOR CRAWFORD: I DO NOT SEE A TASK THAT WOULD PUT THEM IN THAT ROLE. THAT WOULD, I'M SURE, STAY FIRMLY WITHIN THE EXISTING DEPARTMENT OF VETERANS' AFFAIRS' RESPONSIBILITIES. [LB754]

SENATOR GLOOR: SENATOR BLOOMFIELD HAD A BILL LAST YEAR, AN APPROPRIATE BILL, BUT NOT ONE THAT GOT VOTED OUT OF COMMITTEE, THAT WOULD HAVE PROVIDED FOR A SALES TAX EXEMPTION FOR VETERANS' CLUBS THAT WERE INVOLVED IN PURCHASING FOOD FOR FUND-RAISING EVENTS, AS AN EXAMPLE, AS I RECALL. IS THAT SOMETHING YOU CAN SEE THEM WEIGHING IN ON OR HAVING ANY INFLUENCE OR TAKING A STAND ON? [LB754]

SENATOR CRAWFORD: I DON'T SEE A SPECIFIC TASK THAT THAT LINKS TO THAT I WOULD TAG THAT TO. IT...YOU KNOW, I'M NOT...IT IS THE CASE THAT MOST OF THE TASKS FOCUS ON, AGAIN, RECRUITING AND RETAINING MISSIONS AND MAKING SURE THAT WE ARE LEVERAGING ECONOMIC DEVELOPMENT OPPORTUNITIES FROM THOSE INSTALLATIONS AND MISSIONS IN OUR COMMUNITIES AND MAKING SURE THAT VETERANS HAVE GOOD CAREER OPPORTUNITIES WHEN THEY ARE IN OUR COMMUNITIES. IT WOULD HAVE TO BE SOMETHING THAT THE DEPARTMENT OF...THAT THE VOTING MEMBERS, INCLUDING THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND THE THREE CITIZEN MEMBERS, WOULD APPROVE. EVEN IF THEY DID DECIDE TO WADE INTO THAT, OBVIOUSLY, IT IS OUR CHOICE IN THE END OF DECIDING WHETHER OR NOT TO APPROVE IT. [LB754]

SENATOR GLOOR: HOW ABOUT ISSUES RELATED TO OUR NATIONAL GUARD OR RESERVE UNITS? [LB754]

SENATOR CRAWFORD: THE GUARD AND RESERVE UNITS, ABSOLUTELY ARE PART OF WHAT IS CONSIDERED HERE, AND THE ADJUTANT GENERAL IS A MEMBER OF THE COMMISSION. AND SO THAT...THOSE DISCUSSIONS WOULD ALSO BE A PART OF WHAT THIS COMMISSION WOULD DISCUSS. AND THE READINESS CENTERS AND ARMORIES AND THE ECONOMIC DEVELOPMENT THAT CAN BE LEVERAGED FROM THOSE WOULD BE, I THINK, WOULD BE PART OF WHAT THEY WOULD DISCUSS. [LB754]

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SENATOR GLOOR: BUT THE BACKBONE OF THIS BILL REALLY IS RELATED TOWARDS THE ECONOMIC DEVELOPMENT OR ECONOMIC IMPACT OF FACILITIES, ACTIVE OR...WELL, ACTIVE MILITARY FACILITIES, I GUESS, I NEED TO SAY THAT. [LB754]

SENATOR CRAWFORD: AND THE PEOPLE SERVING IN THEM AS WELL, AND MAKING SURE THAT WE ARE SERVING THEM WELL. SO THE PERSON ALSO IS A POINT PERSON IF THERE ARE MILITARY...EITHER ISSUES FROM GUARD MEMBERS OR THE MILITARY THAT... [LB754]

SENATOR KRIST: ONE MINUTE. [LB754]

SENATOR CRAWFORD: ...THEY ARE NOT SURE WHERE ELSE TO GO. THANK YOU. [LB754]

SENATOR GLOOR: WE ALSO HAVE COMMUNITY COLLEGES THAT PROVIDE SPECIALTY PROGRAMS RELATED TO VETERANS AND PLACEMENT AND TRAINING. WOULD YOU SEE THIS COMMITTEE INVOLVED IN THAT? [LB754]

SENATOR CRAWFORD: YES. [LB754]

SENATOR GLOOR: OKAY. I'M ASKING THESE QUESTIONS, MEMBERS, PRIMARILY FOR THE RECORD, JUST SO THAT WE HAVE AN IDEA OF THE SCOPE OF WHAT THE EXPECTATION IS; UNDERSTANDING THAT THERE IS ALWAYS SOME DEGREE OF FLEXIBILITY BUILT IN HERE. I THINK THE BILL IS DESERVING. CERTAINLY THE AMENDMENT NEEDS TO GO ALONG WITH THE BILL, AND I'LL BE SUPPORTIVE BUT FELT A NEED TO ASK THESE QUESTIONS. THANK YOU. [LB754]

SENATOR KRIST: THANK YOU, SENATOR GLOOR AND SENATOR CRAWFORD. SENATOR GROENE, YOU ARE RECOGNIZED. [LB754]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I SIT ON THE GOVERNMENT AFFAIRS MILITARY AFFAIRS COMMITTEE (SIC-GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE) ALSO. AND THERE WAS CONCERN ABOUT, FROM SOME VETERANS GROUPS, DISABLED VETERANS AND STUFF, THAT THE EMPHASIS OF WHAT THE VETERANS AFFAIRS...THE VETERANS ADMINISTRATION IS...TO SERVICE VETERANS. AND THEN, MAYBE, THIS WOULD COME IN AND THEN LIKE MOST ENTITIES, ECONOMIC DEVELOPMENT TRUMPS ITS TRUE PURPOSE.

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AND I UNDERSTAND ORIGINALLY THE CONCERN WAS TO PUT THIS INTO THE ECONOMIC DEVELOPMENT DEPARTMENT OF THE STATE, BUT THE QUESTION WAS ASKED, WHAT DOES THE MILITARY FEEL MORE COMFORTABLE DEALING WITH? FEEL MORE COMFORTABLE DEALING WITH A LIAISON. AND I BELIEVE IT STILL CREATES A LIAISON POSITION, BASICALLY, OF A PERSON BETWEEN THE STATE. THE MILITARY CAN'T...AS I UNDERSTAND IT, CAN'T TAKE PART IN ANY GOVERNMENT ENTITIES OR ANY...PETITION LOCAL GOVERNMENTS FOR ANYTHING OR GET INVOLVED IN LOCAL ISSUES. SO CREATE A LIAISON WHERE THE MILITARY CAN TALK TO SOMEBODY AT THE STATE; THAT THAT LIAISON CAN GO TO THE CITY OR THE COUNTY OR THE NRD AND SAY WE NEED A LEVEE BUILT TO MAKE SURE THAT WE HEAD OFF ISSUES IN THE FUTURE WHERE ALL OF A SUDDEN THEY DISAPPEAR AND WE DIDN'T KNOW THERE WAS A PROBLEM. BUT THAT IS THE WAY I UNDERSTOOD IT IN THE COMMITTEE THAT THIS POSITION WOULD DO. IT BASICALLY HAS NOTHING TO DO WITH VETERANS AND IT IS STUCK IN THE VETERANS ADMINISTRATION. AND I ALWAYS...WHEN I SIT ON THAT COMMITTEE, I AM GOING TO MAKE SURE THAT THE EMPHASIS STAYS, OF THAT BODY, WITH VETERANS. THAT'S WHAT IT WAS CREATED FOR. I UNDERSTAND THE NEED FOR THIS AND I UNDERSTAND IT NEEDS TO...WE NEED TO MAYBE HAVE A LIAISON, A PERSON WHO HEADS OFF ISSUES SO WE KEEP OFFUTT, WE KEEP THE BASES WITH THE NATIONAL GUARD. LET'S ALWAYS REMEMBER WHAT THE PURPOSE OF THAT ADMINISTRATION IS, AND IT IS FOR OUR VETERANS. ANYWAY, I'M GOING TO CONTINUE TO SUPPORT IT. BUT I'M GOING TO ALSO MAKE SURE AS LONG AS I SIT ON THAT COMMITTEE THAT THE VETERANS ARE FIRST AND FOREMOST CONCERN OF THAT BODY AND THAT ORGANIZATION. THANK YOU. [LB754]

SENATOR KRIST: THANK YOU, SENATOR GROENE. SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR MURANTE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM2103. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB754]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS. [LB754]

SENATOR KRIST: THE COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE WISHING TO SPEAK, SENATOR CRAWFORD, YOU ARE RECOGNIZED TO CLOSE ON LB754. [LB754]

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SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND THANK YOU FOR YOUR VOTES ON THE COMMITTEE AMENDMENT. AND AGAIN, I THANK GOVERNOR RICKETTS' OFFICE AND DEPARTMENT OF VETERANS' AFFAIRS FOR THEIR SUPPORT AND WORK WITH ME ON MAKING SURE THAT WE ARE CREATING A TOOL THAT THEY WOULD FIND EFFECTIVE IN THEIR USE IN TRYING TO MAKE SURE THAT WE ARE BEING PROACTIVE IN OUR EFFORTS TO SECURE AND RETAIN OUR MISSIONS ACROSS THE STATE. AND I APPRECIATE SENATOR GROENE'S CONCERN THAT WE MAKE SURE THIS DOES NOT IN ANY WAY DILUTE THE EFFORTS OF THE DEPARTMENT TO SERVE OUR VETERANS. AND I APPRECIATE HIS SERVICE ON THAT COMMITTEE AND HIS COMMITMENT TO MAKE SURE THAT HE IS WATCHING TO ENSURE THAT WILL NOT HAPPEN. I THINK A KEY HERE IS THAT THIS IS A...AS A POINT PERSON, AND SO THAT THAT PERSON CAN REALLY FOCUS ON THESE ISSUES AND ALLOW THE OTHER PEOPLE IN THE DEPARTMENT OF VETERANS' AFFAIRS TO FOCUS, AS THEY RIGHTLY SHOULD, ON MAKING SURE WE HAVE THE BEST SERVICES FOR OUR VETERANS IN ALL OF THOSE OTHER CAPACITIES. SO I THANK YOU FOR YOUR SUPPORT, AND I ASK FOR YOUR GREEN VOTE ON LB754. THANK YOU, MR. PRESIDENT. [LB754]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. YOU'VE HEARD THE CLOSING ON LB754. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB754]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB754]

SENATOR KRIST: LB754 ADVANCES. NEXT ITEM. [LB754]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL IS LB1082, INTRODUCED BY SENATOR SCHILZ. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 20 OF THIS YEAR, REFERRED TO THE COMMITTEE ON NATURAL RESOURCES. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. (AM2292, LEGISLATIVE JOURNAL PAGE 766.) [LB1082]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON LB1082. [LB1082]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD AFTERNOON. LB1082 WAS INTRODUCED IN RESPONSE TO THE NATURAL RESOURCES COMMITTEE'S INTERIM STUDY ON THE NEBRASKA OIL AND GAS

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CONSERVATION COMMISSION. THE INCIDENT THAT LED TO THE INTERIM STUDY WAS THE COMMISSION'S APPROVAL OF A CLASS II UNDERGROUND INJECTION WELL FOR THE DISPOSAL OF SALT OR PRODUCED WATER FROM OIL AND GAS PRODUCTION IN COLORADO, WYOMING, AND NEBRASKA. YOU MAY RECALL THAT THE APPLICANT WAS A COMPANY OUT OF COLORADO THAT WANTED TO INJECT UP TO 10,000 BARRELS OF PRODUCED WATER A DAY INTO AN EXISTING WELL IN SIOUX COUNTY. CONCERNS WERE RAISED ABOUT THE APPLICATION, THE SOURCE OF THE PRODUCED WATER, AND THAT IT WOULD COME FROM SITES THAT USED HYDRAULIC FRACTURING TO EXTRACT OIL OR GAS. ADDITIONAL ISSUES WERE RAISED ABOUT THE SAFETY OF TRANSPORTING THE WASTE OR PRODUCED WATER, THE WEAR AND TEAR ON THE STATE'S ROADS, AND ABOUT THE THREAT OF EARTHQUAKES. LATER, THESE ISSUES BECAME INTENSIFIED BECAUSE OF THE ABSENCE OF PUBLIC DIALOGUE IN THE PROCESS THE COMMISSION USED TO APPROVE THE PERMIT. THE STUDY FOCUSED ON THE SUBJECT OF THE SIOUX COUNTY PERMIT AND THE PROCESSES OF THE COMMISSION, WHICH MEANS THE COMMISSION FOCUSED ON THE UNDERGROUND INJECTION CONTROL OR THE UIC PROGRAM. THE STATE UIC PROGRAM IS A PRODUCT OF THE FEDERAL SAFE DRINKING WATER ACT WHICH REQUIRES THE CONTAMINATION OF DRINKING WATER BE PREVENTED. THERE ARE DIFFERENT CLASSES OF UNDERGROUND INJECTION WELLS SO OUR FOCUS WAS ON THE CLASS II WELLS WHICH ARE DIRECTLY RELATED TO OIL AND GAS PRODUCTION. NEBRASKA IS RESPONSIBLE FOR ADMINISTERING OUR CLASS II UIC PROGRAM BECAUSE THE FEDERAL GOVERNMENT GRANTED THE STATE PRIMACY IN 1983. OUR CLASS II UIC PROGRAM REGULATES MORE THAN 500 ACTIVE PERMITS, MOST OF WHICH ARE FOR ENHANCED RECOVERY WHERE TECHNIQUES ARE USED TO INCREASE THE AMOUNT OF OIL EXTRACTED. THE CLASS OF PERMITS SUBJECT TO OUR STUDY WAS CLASS II-D SALTWATER DISPOSAL PERMITS OF WHICH NEBRASKA HAS 126. HOWEVER, ONLY FIVE OF THOSE WELLS ARE COMMERCIAL INJECTION WELLS. CLASS II-D WELLS ARE ONLY FOR BRINES AND FLUIDS BROUGHT TO THE SURFACE DURING OIL OR NATURAL GAS PRODUCTION. IN THE COURSE OF OUR IN-DEPTH REVIEW OF NEBRASKA'S CLASS II UIC PROGRAM AND OUR REVIEW OF THE INTEGRITY OF THE SIOUX COUNTY PERMIT AND PRACTICES OF THE COMMISSION, WE FOUND THAT OIL AND GAS LAWS AND REGULATIONS ARE TECHNICAL AND COMPLEX. WE HELD A PUBLIC HEARING LAST FALL TO WHICH WE INVITED TESTIMONY FROM OUR STATE DEQ AND THE CONSERVATION AND SURVEY DIVISION OF THE UNIVERSITY'S SCHOOL OF NATURAL RESOURCES IN SIDNEY WHICH LASTED NEARLY FOUR HOURS AND BROUGHT OUT HUNDREDS OF OBSERVERS, INCLUDING ABOUT 40 TESTIFIERS. WE HELPED FACILITATE TWO PROGRAM REVIEWS, ONE BY THE EPA AND ONE BY STATES FIRST INITIATIVE, BOTH OF

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WHICH COMPREHENSIVELY EVALUATED THE COMMISSION'S UIC PROGRAM AND MADE RECOMMENDATIONS FOR IMPROVEMENT. THE COMMITTEE HELD ANOTHER HEARING IN DECEMBER TO BRIEF THE COMMITTEE ON THESE REVIEWS WHICH ARE BASED ON THE NATIONAL STANDARDS AND BEST PRACTICES INVOLVING A VARIETY OF STATE AND FEDERAL ENTITIES. THE FINAL REPORT ON LR154 AND LR247 MADE SEVERAL RECOMMENDATIONS FOR REGULATORY MODIFICATIONS AND POLICY CHANGES THAT ARE INTENDED TO IMPROVE THE PUBLIC'S ACCESS AND UNDERSTANDING OF THE COMMISSION'S PROCESSES AND TO ENSURE ACCOUNTABILITY FOR THE SAFETY OF THE PUBLIC AND THE ENVIRONMENT. I'LL DESCRIBE WHAT THE BILL DOES IN MORE DETAIL WHEN I OPEN ON THE COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB1082 LR154 LR247]

SENATOR KRIST: THANK YOU, SENATOR SCHILZ. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE NATURAL RESOURCES COMMITTEE. SENATOR SCHILZ, AS CHAIR, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1082]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. ONCE AGAIN, THIS IS AM2292 TO LB1082 AND IT MAKES SOME REQUIREMENTS AND PROVIDES AUTHORIZATION FOR THE COMMISSION TO CONDUCT PRACTICES FOR WHICH IT DOES NOT CURRENTLY HAVE STATUTORY AUTHORITY. THE BILL MAKES SOME CHANGES TO THE COMMISSION'S OPERATIONS, IT REQUIRES NEW DUTIES, AND IT AUTHORIZES THE COMMISSION TO CONDUCT ACTIVITIES TO ENHANCE THEIR OPERATIONS. THE BILL CHANGES THE POLICY AND PURPOSE STATEMENT OF THE COMMISSION, ELIMINATING THE ENCOURAGEMENT THAT IT PROMOTE THE INDUSTRY AND REPLACING IT WITH THE LANGUAGE THAT SUPPORTS DEVELOPMENT OF THE INDUSTRY IN A RESPONSIBLE MANNER WHILE PROMOTING HEALTH, SAFETY, AND ENVIRONMENT OF NEBRASKA RESIDENTS. IT REQUIRES THAT THE NOTICE OF AN APPLICATION FOR A COMMERCIAL INJECTION WELL BE PROVIDED TO THE LOCAL GOVERNMENTAL BODIES WHERE THE WELL WOULD BE LOCATED AND THE CLASS II INJECTION WELL OPERATORS SAMPLE AND ANALYZE FLUIDS INJECTED INTO WELLS AT LEAST ONCE ANNUALLY. IT AUTHORIZES THE COMMISSION TO CONDUCT PERIODIC SAMPLING AND REPORTING OF INJECTIONS FLUIDS, MONITOR PRODUCED WATER TRANSPORTERS, CONDUCT PERIODIC EVALUATION OF FINANCIAL ASSURANCE REQUIREMENTS, AND CONDUCT PUBLIC INFORMATION MEETINGS AND FORUMS FOR PUBLIC INTERACTION ON CLASS II INJECTION WELLS. I WOULD ASK FOR YOUR SUPPORT OF THE COMMITTEE AMENDMENTS AND THE BILL. THANK YOU, MR. PRESIDENT. [LB1082]

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SENATOR KRIST: THANK YOU, SENATOR SCHILZ. YOU'VE HEARD THE OPENING ON AM2292 AND LB1082. WISHING TO SPEAK: SENATOR STINNER AND SENATOR HUGHES. SENATOR STINNER, YOU'RE RECOGNIZED. [LB1082]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I STAND IN SUPPORT OF LB1082 AND AM2292 PROPOSED BY THE NATURAL RESOURCES COMMITTEE. I WANT TO THANK SENATOR SCHILZ AND MEMBERS OF THE NATURAL RESOURCES COMMITTEE FOR THEIR DILIGENCE AND WORK ON THIS ISSUE. FOR ME, THIS HAS BEEN A LONG JOURNEY THAT ACTUALLY STARTED LAST SESSION WITH TWO TELEPHONE CALLS TO MY OFFICE AND THE INTRODUCTION OF LB512. LB512 TRIED TO ADDRESS TWO CONCERNS THAT I HAD BUT IT MORPHED INTO A LOT MORE CONCERNS AND ISSUES. SO WE STARTED THROUGH A PROCESS, A PROCESS THAT INCLUDED COMMITTEE HEARINGS WHICH DID UTILIZE THE FIRST TELECONFERENCE HOOKUP SO THE PEOPLE IN WESTERN NEBRASKA COULD PARTICIPATE IN THE HEARINGS. I DO WANT TO THANK CHAIRMAN SCHILZ AND THE COMMITTEE FOR BEING CREATIVE AND UNDERSTANDING THE IMPORTANCE OF THIS ISSUE AND THE BARRIER THAT TRAVEL AND DISTANCE IMPOSES ON MY CONSTITUENTS IN WESTERN NEBRASKA. THIS HAS BEEN A VERY EMOTIONAL SUBJECT, PACKED WITH PASSIONATE SPEECHES, TESTIMONY, NEWSPAPER ARTICLES, AND MEDIA COMMENTARY. SOME OF THOSE SPEECHES ACTUALLY HAPPENED ON THIS FLOOR, RESULTING IN A LETTER SIGNED BY 13 SENATORS THAT WAS SENT TO THE OIL AND GAS COMMISSION. THIS LETTER ASKED THE COMMISSION TO CEASE AND DESIST ON A PROPOSED APPLICATION FILED BY TEREX. THROUGHOUT THE SUMMER, I HAD SEVERAL FIRESIDE CHATS AND TOWN HALL MEETINGS LOGGING AND CATEGORIZING CONSTITUENT CONCERNS. THE NATURAL RESOURCES COMMITTEE HELD TWO HEARINGS: ONE IN SIDNEY, NEBRASKA, WHERE THE COMMISSION IS LOCATED AND ONE IN LINCOLN. ALSO, SENATOR SCHILZ AND I SAT IN ON REVIEWS CONDUCTED BY THE EPA, AND STATES FIRST. THIS BILL IS A CULMINATION OF THIS PROCESS AND ADDRESSES CONCERNS EXPRESSED WITHIN THE SCOPE OF THE COMMISSION. LB1082 CHANGES THE FOCUS AND PURPOSE OF THE COMMISSION TO ONE SOLELY OF BEING A REGULATOR WITH THE STATED PURPOSE TO INCLUDE THE PROMOTION OF HEALTH, SAFETY, AND ENVIRONMENT TO THE RESIDENTS OF NEBRASKA. IT AUTHORIZES THE COMMISSION TO CONDUCT PUBLIC INFORMATION MEETINGS AND FORUMS FOR PUBLIC INTERACTION ON CLASS II COMMERCIAL UNDERGROUND INJECTION WELL PERMIT APPLICATIONS. IT GIVES THE COMMISSION THE AUTHORITY TO REQUIRE THE PERIODIC SAMPLING AND REPORTING OF INJECTION FLUIDS INJECTED IN CLASS II COMMERCIAL UNDERGROUND INJECTION WELLS, TO MONITOR THE PRODUCED WATER

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TRANSPORTERS. IT REQUIRES THE COMMISSION, WHEN IT RECEIVES A CLASS II COMMERCIAL UNDERGROUND INJECTION WELL PERMIT APPLICATION, TO ISSUE A NOTICE TO THE COUNTY, CITY OR VILLAGE, AND NATURAL RESOURCE DISTRICT WITHIN WHICH THE PROPOSED WELL WOULD BE LOCATED AND COPIES OF ALL PERMIT APPLICATION MATERIALS MUST BE PROVIDED TO THE COUNTY, CITY OR VILLAGE, AND NATURAL RESOURCE DISTRICT. IT REQUIRES THE OPERATOR OF A CLASS II COMMERCIAL UNDERGROUND INJECTION WELL TO SAMPLE AND ANALYZE THE FLUIDS INJECTED INTO EACH WELL AT SUFFICIENT FREQUENCY TIME INTERVALS TO YIELD DATA REPRESENTATIVE OF FLUID CHARACTERISTICS, BUT NO LESS FREQUENTLY THAN ONCE A YEAR. THE INFORMATION MUST BE GIVEN TO THE COMMISSION. IN CONCLUSION, I BELIEVE THE BILL ADDRESSES CONCERNS EXPRESSED WITHIN THE SCOPE OF THE COMMISSION AND IT DESERVES YOUR GREEN VOTE. THANK YOU. [LB1082 LB512]

SENATOR KRIST: THANK YOU, SENATOR STINNER. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB1082]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I WOULD LIKE TO POINT OUT A COUPLE OF HANDOUTS THAT WERE PASSED OUT. THE FIRST ONE, THE 2014 OIL PRODUCTION, OIL AND GAS PRODUCTION BY COUNTY IN THE STATE OF NEBRASKA, WESTERN NEBRASKA MATTERS. THAT'S WHERE THE MAJORITY OF THE OIL AND GAS PRODUCTION IS IN THE STATE OF NEBRASKA. AND THE SECOND SHEET JUST SHOWS A FEW FACTS ABOUT WHAT KIND OF ECONOMIC IMPACT THAT THE OIL AND GAS INDUSTRY HAS IN THE STATE OF NEBRASKA. WE ARE NOT A BIG PRODUCER. BUT FOR NEBRASKA, THESE NUMBERS ARE FAIRLY SUBSTANTIAL: 2,700 JOBS AND THE ECONOMIC OUTPUT OF NEARLY \$600 MILLION PER YEAR. AND THIS IS AN AREA OF THE STATE WHERE THERE'S NOT A LOT OF MANUFACTURING. SO THESE NUMBERS ARE A VERY HIGH IMPACT. UNFORTUNATELY WITH THE CURRENT ECONOMIC STATE, THE PRICE OF OIL IS DEPRESSED WHICH IS A GOOD THING FOR US WHEN WE PULL UP TO THE GAS PUMP. BUT IT IS HURTING AN INDUSTRY. THE DRILLING INDUSTRY IN WESTERN NEBRASKA HAS COME TO A...IT'S NOT A HALT, BUT THERE ARE CERTAINLY NOT MUCH ACTIVITY. SO I WOULD LIKE TO THANK SENATOR SCHILZ FOR HIS HELP ON THIS BILL AND ESPECIALLY HIS WORK WITH ME ON AM2292. I AM ON THE NATURAL RESOURCES COMMITTEE AND WE SAT THROUGH SOME VERY LONG HEARINGS, TALKING...LISTENING TO VERY EMOTIONAL TESTIMONY ABOUT THE INJECTION WELL IN THE PANHANDLE. AND I THINK THIS BILL IS A GOOD PIECE OF LEGISLATION AND I WOULD CERTAINLY ENCOURAGE YOUR GREEN VOTE ON THE AMENDMENT AND THE BILL. THANK YOU, MR. PRESIDENT. [LB1082]

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SENATOR KRIST: THANK YOU, SENATOR HUGHES. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB1082]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I, TOO, WANT TO RISE IN SUPPORT OF AM2292 AND LB1082. I'D LIKE TO THANK SENATOR SCHILZ AND THE COMMITTEE FOR ALL THE TIME THEY'VE SPENT ON THIS ISSUE. AND I WAS OUT TO SIDNEY A COUPLE OF TIMES AS WELL. I JUST HAVE TO GET THIS LITTLE PIECE IN. WHEN YOU DRIVE TO SIDNEY, YOU LOOK ACROSS THE LINE INTO COLORADO AND SEE HUNDREDS AND HUNDREDS OF WIND TURBINES AND THAT'S THE ONLY DISAPPOINTMENT IN THAT TRIP, SEEING THEM IN COLORADO AND NOT IN NEBRASKA. BUT I THINK THIS IS A STEP FORWARD FOR THE COMMISSION. I BELIEVE IT WILL LEAD TO MORE OPENNESS IN THE PROCESS. AND YOU KNOW, AS FRACKING IS MORE AND MORE COMMON PRODUCING THE ENERGY FOR THIS COUNTRY, WE'RE GOING TO SEE HOPEFULLY MORE OF THIS IN NEBRASKA. AND I'M SURE WE'LL LEARN FROM EXPERIENCE HOW ALL OF THIS IS WORKING. BECAUSE WHEN IT COMES TO DISPOSAL OF THE FRACKING WASTE, WE'RE TALKING ABOUT DISPOSING OF THIS FOREVER--FOREVER DEEP WITHIN THE GROUND. AND SO FAR, IT'S WORKING WELL IN NEBRASKA. SO AGAIN, I RISE IN SUPPORT OF LB1082, AM2292, AND WOULD ENCOURAGE THE BODY TO VOTE GREEN. THANK YOU. [LB1082]

SENATOR KRIST: THANK YOU, SENATOR HAAR. SENATOR SCHILZ, YOU'RE RECOGNIZED AND THERE'S NO ONE IN THE QUEUE IF YOU'D LIKE TO USE IT AS YOUR CLOSING. [LB1082]

SENATOR SCHILZ: THAT WOULD BE FINE. THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, AS SENATOR STINNER SAID AND SENATOR HAAR AND ALL OF THOSE ON THE NATURAL RESOURCES COMMITTEE, IT HAS BEEN A LONG JOURNEY. WE'VE DONE A LOT OF WORK HERE TO MAKE SURE THAT WE'VE GIVEN, YOU KNOW, A PROPER HEARING FOR THE PEOPLE THAT BOTH SUPPORT THE OIL AND GAS INDUSTRY AS WELL AS THOSE THAT SUPPORTED THE CHANGES THAT ARE HERE IN THIS BILL. SO I APPRECIATE THAT VERY MUCH. I WOULD LIKE TO SEND OUT A THANK YOU, ESPECIALLY TO SENATOR STINNER, SENATOR CHAMBERS, AND SENATOR HAAR BECAUSE EACH ONE OF THOSE INTRODUCED BILLS THAT HELPED US TO GET WHERE WE ARE TODAY. ALSO, I'D LIKE TO THANK THE NATURAL RESOURCES COMMITTEE AND ALL THOSE MEMBERS FOR THE TIME AND EFFORT THEY'VE PUT IN ON THIS AS WELL. IT DID TAKE SOME TIME AND IT DID TAKE QUITE A BIT OF WORK, AS WELL AS THE OIL AND GAS COMMISSION WHO WORKED WITH US TO MAKE SURE THAT AS WE WORKED THROUGH THE PROCESS, WE UNDERSTOOD WHAT THEIR PROCESS WAS

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SO WE DIDN'T DO ANYTHING THAT WOULD BE TOO OUT OF THE NORM FOR THEM. WE WANTED TO MAKE SURE THAT IF WE DID THESE THINGS, THAT WE DID THESE THINGS TO ENHANCE THEIR ABILITY TO REGULATE THE OIL AND GAS COMMISSION AND DIDN'T DO ANYTHING THAT WOULD PUT PRESSURE OR NOT ALLOW PEOPLE TO DO WHAT THEY NEED TO DO TO OPERATE WITHIN THE INDUSTRY. SO WITH THAT, AS OTHER MEMBERS HAVE SAID, I THINK THAT IT'S A GOOD BILL. I WOULD LIKE TO MENTION SO THAT EVERYBODY KNOWS, THAT THERE IS ALSO A FISCAL NOTE THAT'S ATTACHED TO THIS THAT WILL USE CASH FUNDS THAT THE OIL AND GAS COMMISSION GETS FROM THEIR SEVERANCE TAX. THERE'S NO GENERAL FUND IMPACT, BUT THERE IS A FISCAL NOTE; IT'S ABOUT \$250,000 AND THAT WILL GIVE THEM THE HELP THEY NEED TO MOVE FORWARD AND TO ACTUALLY PUT INTO PLACE THESE MEASURES WE'VE TALKED ABOUT. SO WITH THAT, I WOULD APPRECIATE YOUR GREEN VOTE ON AM2292 AND LB1082. THANK YOU VERY MUCH. [LB1082]

SENATOR KRIST: THANK YOU, SENATOR SCHILZ. YOU'VE HEARD THE CLOSING ON AM2292. THE QUESTION IS THE ADOPTION. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB1082]

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB1082]

SENATOR KRIST: THE COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB1082 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB1082]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB1082]

SENATOR KRIST: LB1082 ADVANCES. ITEMS FOR THE RECORD. [LB1082]

ASSISTANT CLERK: MR. PRESIDENT, THANK YOU. NEW A BILL. (READ LB1082A BY TITLE FOR THE FIRST TIME.) IN ADDITION TO THAT, YOUR COMMITTEE ON BUSINESS AND LABOR REPORTS LB133, LB134, LB158, LB251, LB288, LB363, LB388, LB429, LB493, LB555, LB556, LB600, LB611, LB743, LB836, LB850, LB896, LB928,

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LB933, LB972, LB982, LB1001, LB1005, LB1044, LB1045, AND LB1089 ALL AS INDEFINITELY POSTPONED. THAT'S ALL I HAVE AT THIS TIME, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGE 931.) [LB1082A LB133 LB134 LB158 LB251 LB288 LB363 LB388 LB429 LB493 LB555 LB556 LB600 LB611 LB743 LB836 LB850 LB896 LB928 LB933 LB972 LB982 LB1001 LB1005 LB1044 LB1045 LB1089]

SENATOR KRIST: THANK YOU, MR. CLERK. NEXT ITEM.

ASSISTANT CLERK: NEXT ITEM, LB906 BY SENATOR LINDSTROM. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 12. IT WAS REFERRED TO THE EDUCATION COMMITTEE WHICH PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2118, LEGISLATIVE JOURNAL PAGE 597.) [LB906]

SENATOR KRIST: SENATOR LINDSTROM, YOU'RE RECOGNIZED TO OPEN ON LB906. [LB906]

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. LB906 IS THE LAW ENFORCEMENT EDUCATION ACT. THIS BILL CAME OUT OF THE EDUCATION COMMITTEE ON AN 8-0 VOTE AND THERE WAS NO OPPOSITION. LB906 WILL PROVIDE A 30 PERCENT TUITION WAIVER FOR LAW ENFORCEMENT ACROSS THE STATE OF NEBRASKA WHO PURSUE AN ASSOCIATE'S OR BACHELOR'S DEGREE FROM ANY OF THE NEBRASKA COMMUNITY COLLEGES, STATE COLLEGES, OR STATE UNIVERSITIES. IN ORDER TO QUALIFY FOR THE TUITION WAIVER, A LAW ENFORCEMENT OFFICER MUST (1) MEET ADMISSION REQUIREMENTS TO ANY COMMUNITY COLLEGE, STATE COLLEGE, OR UNIVERSITY IN NEBRASKA; (2) MAINTAIN SATISFACTORY PERFORMANCE WITH HIS OR HER LAW ENFORCEMENT AGENCY; AND (3) PURSUE STUDIES LEADING TO AN ASSOCIATE'S OR BACHELOR'S DEGREE. IF THE APPLICANT QUALIFIES, THE WAIVER IS TAKEN OFF OF THE REMAINING TUITION LEFT AFTER SUBTRACTING FEDERAL GRANTS, STATE SCHOLARSHIPS, AND OTHER GRANTS THE OFFICER MAY QUALIFY FOR. SO HOW DOES THIS WORK? A LAW ENFORCEMENT OFFICER APPLIES TO A UNIVERSITY, A COMMUNITY COLLEGE, STATE COLLEGE, OR UNIVERSITY AND INCLUDES IN THE APPLICATION A CERTIFICATION BY HIS OR HER SUPERIOR OFFICER OF HIS OR HER SATISFACTORY PERFORMANCE AS AN OFFICER. WITHIN 45 DAYS AFTER THE INSTITUTION RECEIVES THE APPLICATION, THEY WILL SEND WRITTEN NOTIFICATION OF THE OFFICER'S ELIGIBILITY OR INELIGIBILITY OF THE TUITION WAIVER. IF THE OFFICER WAS DETERMINED NOT TO BE ELIGIBLE, THE NOTICE WILL EXPLAIN WHY AND THE OFFICER WILL HAVE AN AVENUE TO APPEAL THAT DECISION SHOULD THEY WISH. AND I'D JUST LIKE

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TO SAY THANK YOU TO SENATOR PANSING BROOKS FOR HELPING GET THIS BILL OFF THE GROUND AND THANK YOU TO SENATOR MURANTE FOR MAKING IT HIS PERSONAL PRIORITY. I URGE THE BODY TO VOTE FOR LB906 AND THE UPCOMING AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB906]

SENATOR KRIST: THANK YOU, SENATOR LINDSTROM. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SULLIVAN, AS THE CHAIR OF THE EDUCATION, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB906]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AM2118 IS AN AMENDMENT THAT REQUIRES THAT THE DEGREE THAT SENATOR LINDSTROM WAS TALKING ABOUT BEING SOUGHT BY THE LAW ENFORCEMENT OFFICER MUST RELATE TO THEIR LAW ENFORCEMENT CAREER. SENATOR LINDSTROM PROVIDED AM2118 TO THE EDUCATION COMMITTEE AFTER A CONCERN WAS RAISED AT THE HEARING THAT THIS BENEFIT COULD BE USED BY LAW ENFORCEMENT OFFICERS WHO ARE CLOSE TO RETIREMENT AS A JUMP START TO THEIR POST-LAW ENFORCEMENT CAREER. I BELIEVE AM2118 ADDRESSES THE CONCERN RAISED AT THE HEARING AND I CERTAINLY ASK FOR YOUR SUPPORT IN ITS ADOPTION. THANK YOU. [LB906]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN. YOU'VE HEARD THE OPENING ON AM2118 AND LB906. THOSE WISHING TO SPEAK...I'M SORRY. MR. CLERK. [LB906]

ASSISTANT CLERK: MR. PRESIDENT, THERE IS AN AMENDMENT TO THE COMMITTEE AMENDMENTS, AM2487. (LEGISLATIVE JOURNAL PAGE 932.) [LB906]

SENATOR KRIST: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE COMMITTEE AMENDMENT. [LB906]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AND THIS AMENDMENT IS JUST A FURTHER CLARIFICATION, PERHAPS IT WAS AN OVERSIGHT. BUT ANYWAY, IF YOU LOOK AT THE GREEN COPY ON PAGE 3, IT STATES ON LINE 13 AND 14, IT SAYS, "PURSUES STUDIES LEADING TO A DEGREE FROM AN ASSOCIATE DEGREE PROGRAM OR A BACCALAUREATE DEGREE PROGRAM". UNDER AM2118, WE WOULD INSERT THAT THE DEGREE, AS I INDICATED IN MY OPENING ON THE AMENDMENT, THAT THE DEGREE HAS TO RELATE TO A CAREER IN LAW ENFORCEMENT. BUT IF YOU HEARD ME ARTICULATE WHAT'S IN CURRENTLY THE GREEN COPY, THERE ARE THREE MENTIONS OF THE WORD "DEGREE". SO, WE

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HAVE TO CLARIFY WITH AM2487 THAT WE ARE INSERTING THAT PHRASE "RELATES TO A CAREER IN LAW ENFORCEMENT", THAT IT GOES IN AFTER THE FIRST "DEGREE". SO THAT'S SIMPLY ALL AM2487 DOES. AND I CERTAINLY ENCOURAGE YOUR ADOPTION OF BOTH AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB906]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN. YOU'VE HEARD THE OPENING OF AM2487, AM2118, AND LB906. THOSE WISHING TO SPEAK: SENATOR GLOOR AND SENATOR CHAMBERS. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB906]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SULLIVAN WOULD YIELD TO A QUESTION. [LB906]

SENATOR KRIST: SENATOR SULLIVAN, WILL YOU YIELD? [LB906]

SENATOR SULLIVAN: YES, I WOULD. [LB906]

SENATOR GLOOR: SENATOR SULLIVAN, I'M KIND OF TRYING TO PULL UP MY ELECTRONIC COPY OF THE AMENDMENT HERE AND IT'S NOT COMING UP FOR ME RIGHT NOW. SO LET ME ASK THIS QUESTION. HAVE WE DEFINED WHAT AN APPROPRIATE LEVEL OF STUDY MIGHT BE? IN OTHER WORDS, IF A LAW ENFORCEMENT OFFICER WANTS TO PURSUE A DEGREE AS AN ATTORNEY, DOES THIS FIT UNDER THAT PARTICULAR CATEGORY? [LB906]

SENATOR SULLIVAN: WE MAY HAVE TO ASK SENATOR LINDSTROM HIS TAKE ON IT AS WELL, BUT I WOULD SAY NOT BECAUSE PART OF IT'S PROBABLY GOING TO HAVE TO BE SOME DIALOGUE WITH THE ENTITY THAT IS EMPLOYING THE LAW ENFORCEMENT OFFICER, BECAUSE AS WE STATE IN THE AMENDMENT, IT HAS TO RELATE TO THEIR PRESENT CAREER. [LB906]

SENATOR GLOOR: OKAY, THANK YOU. I WONDER IF SENATOR LINDSTROM WOULD YIELD FOR A QUESTION, MR. PRESIDENT. [LB906]

SENATOR KRIST: SENATOR LINDSTROM, WILL YOU YIELD? [LB906]

SENATOR LINDSTROM: YES. [LB906]

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SENATOR GLOOR: TWO QUESTIONS, SENATOR LINDSTROM, MAYBE YOU'D LIKE TO DO A FOLLOW-UP ANSWER TO THE QUESTION TO SENATOR SULLIVAN, AND THEN I'LL ASK YOU ANOTHER QUESTION. [LB906]

SENATOR LINDSTROM: OH, YEAH. WHEN IT COMES TO THE LANGUAGE IN THERE, THE SUPERIOR OFFICER WOULD DEEM WHETHER OR NOT THE APPLICANT AND THE PURSUIT OF THE DEGREE WOULD BE, YOU KNOW, FACILITATED FOR LAW ENFORCEMENT PURPOSES. SO OF COURSE IN LAW ENFORCEMENT, YOU COULD HAVE CRIMINAL JUSTICE. YOU COULD HAVE I.T. IT DOES COVER A FEW OTHER DEGREES YOU COULD GET. OBVIOUSLY, ENGLISH LITERATURE AND CULINARY DEGREES WOULDN'T PERTAIN TO LAW ENFORCEMENT. BUT WHATEVER THE SUPERIOR OFFICER OR SUPERIOR AGENCY OR THE PERSON RUNNING THAT WOULD DEEM THAT THAT WOULD BE PERMISSIBLE, AS FAR AS WHAT WOULD BE UNDER LAW ENFORCEMENT. [LB906]

SENATOR GLOOR: EMERGENCY MEDICAL TECHNICIAN TRAINING, DOES THAT FALL UNDER THE CATEGORY OF PUBLIC SAFETY PERHAPS? [LB906]

SENATOR LINDSTROM: I COULD SEE HOW THAT COULD BE, YEAH. [LB906]

SENATOR GLOOR: AND IS THERE ANY REQUIREMENT, SENATOR LINDSTROM, FOR THE LAW ENFORCEMENT OFFICER TO REMAIN WITH THE DEPARTMENT THEY'RE IN, OR AT LEAST TO REMAIN WITHIN THE STATE OF NEBRASKA IN COMPLYING...IN COMPLETION OF SOME SORT OF PAY BACK TO THE STATE, LET'S PUT IT THAT WAY, NOT DOLLARS AND CENTS-WISE, BUT IN TERMS OF THEIR CAREER? [LB906]

SENATOR LINDSTROM: WELL, THIS WOULD BE FOR GETTING A DEGREE IN NEBRASKA, WHETHER IT'S A STATE COLLEGE, UNIVERSITY, COMMUNITY COLLEGE. THE OFFICER ALSO HAS A TUITION WAIVER FOR UP TO FIVE YEARS THAT THEY CAN UTILIZE. BUT THERE ARE NO RESTRICTIONS TO SAY IF THEY DO LEAVE THE AGENCY FOR ANOTHER AGENCY. THERE'S NOTHING IN THE LAW THAT TALKS ABOUT THAT. [LB906]

SENATOR GLOOR: OR FOR THEM TO LEAVE THE STATE AND GO TO ANOTHER STATE TO PURSUE THEIR LAW ENFORCEMENT CAREER OVER THERE? [LB906]

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SENATOR LINDSTROM: YEAH, THEY WOULD NOT BE ABLE TO RECEIVE THE 30 PERCENT TUITION IF THEY WERE TO GO TO A DIFFERENT STATE AND ACCESS, OBVIOUSLY, SCHOOLS OVER THERE. BUT, NO, THEY COULDN'T...IF THEY LEFT THEY WOULD FORFEIT. [LB906]

SENATOR GLOOR: BUT THERE'S NO REQUIREMENT FOR THEM TO SERVE A CERTAIN NUMBER OF YEARS WITH THEIR EXISTING DEPARTMENT OR WITHIN THE STATE OF NEBRASKA AFTER COMPLETION OF THAT DEGREE. THEY COULD PACK UP AND LEAVE. AND I'M NOT BEING CRITICAL. I JUST WANT TO MAKE SURE I UNDERSTAND. [LB906]

SENATOR LINDSTROM: NO, YOU'RE CORRECT IN THAT STATEMENT. [LB906]

SENATOR GLOOR: OKAY. THANK YOU. I HAVE NO FURTHER QUESTIONS. THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR LINDSTROM AND SENATOR SULLIVAN. [LB906]

SENATOR KRIST: THANK YOU, SENATOR GLOOR, LINDSTROM, AND SULLIVAN. SEEING NO ONE ELSE IN THE QUEUE WISHING TO SPEAK, SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON HER AMENDMENT. SENATOR SULLIVAN WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2487. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB906]

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE ADOPTION OF SENATOR SULLIVAN'S AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB906]

SENATOR KRIST: THE AMENDMENT IS ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE. SENATOR SULLIVAN WAIVES CLOSING FOR THE COMMITTEE AMENDMENT. THE QUESTION IS THE ADOPTION OF AM2118. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB906]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB906]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ON ELSE IN THE...SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB906]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'VE ALWAYS HAD A DEEP BELIEF IN THE VALUE OF EDUCATION. TO USE WHAT HAS BECOME A CLICHE, IT IS A TRANSFORMING OR CAN BE A TRANSFORMING ACTIVITY. I AM NOT SO NAIVE THAT I THINK THE MERE ATTENDANCE OF SOME COLLEGE CLASSES WILL CHANGE A BAD COP INTO A GOOD COP. AND THERE ARE BAD COPS AND GOOD COPS WILL NOT RAT THEM OUT. SO THEY, BY THEIR SILENCE, BECOME COMPLICIT IN THE WRONGFUL CONDUCT OF THE BAD COPS. SO IF THEY WANT THE PUBLIC TO STOP PAINTING THEM ALL WITH THE SAME BRUSH, LET THOSE SUPPOSED GOOD COPS WHO HAVE TAKEN AN OATH TO UPHOLD THE LAW AND THAT MEANS TO STOP CRIMES FROM BEING COMMITTED, PREVENTION, TO APPREHEND CRIMINALS AND WHEN SOMEBODY BREAKS THE LAW THAT PERSON IS A CRIMINAL, THEY DON'T ARREST COPS. IN FACT, EVERY POLICE UNION IN THE COUNTRY, NO MATTER WHAT THE COP IS ACCUSED OF HAVING DONE, WILL COME TO THAT COP'S AID AND CONDEMN ANYBODY WHO CONDEMNS WHAT THAT COP DID, EVEN THE COP WHO SHOT THAT BLACK KID IN THE BACK, AND THEN SHOT HIM 16 TIMES. THE CHICAGO POLICE UNION DEFENDED HIM AND WHAT HE DID AND THE COPS WHO LIED IN THEIR REPORTS ABOUT WHAT HAD HAPPENED. FORTUNATELY, THERE WAS A VIDEO AND THERE HAVE BEEN OTHER VIDEO CAPTURINGS OF MISCONDUCT BY POLICE OFFICERS, EVEN IN OMAHA. THAT'S KIND OF A BACKGROUND FOR WHAT I'M ABOUT TO SAY. I DON'T SEE ANYTHING GOING ON IN POLICE DEPARTMENTS IN GENERAL THAT WOULD ALTER OR MODIFY THE WRONGFUL CONDUCT OF THESE OFFICERS. THEY HAVE BEEN LED TO BELIEVE THAT THEY ARE GOING TO BE SUPPORTED, PROTECTED, AND DEFENDED. TO THE EXTENT POSSIBLE, THE VICTIM WILL BE ATTACKED. THERE IS A COP WHO SHOT SOMEBODY IN THE BACK. HE WAS CHARGED WITH MURDER. AND HE SUED THE ESTATE OF THE PERSON HE KILLED SAYING THAT IT LED TO HIM FEELING PRESSURE AND ANXIETY. THAT'S HOW BOLD, HOW CRIMINAL IN MENTALITY SOME OF THEM ARE. SIMPLY GOING TO SCHOOL CANNOT BE COUNTED ON TO CHANGE THE THINGS THAT I'M TALKING ABOUT BECAUSE GOING TO SCHOOL DOESN'T HAVE, IN MANY INSTANCES, A VISIBLE OR MEASURABLE EFFECT IN TERMS OF BETTERING AN INDIVIDUAL JUST IN THE ORDINARY RUN OF PEOPLE IN THIS SOCIETY. BUT YOU HAVE TO TAKE WHAT YOU CAN GET. AND IF SOMETHING LIKE THIS OFFERS THE POSSIBILITY OF EXPOSING SOME OF THESE MEN AND WOMEN TO A DIFFERENT TYPE OF CULTURE, IF YOU WILL, A BETTER WAY OF VIEWING LIFE AS A WHOLE, COMING TO AN UNDERSTANDING AND APPRECIATION OF THE CONCEPT OF HUMAN PERSONHOOD, HUMAN DIGNITY AND RESPECT FOR EVERYBODY WITHOUT HAVING THE LENS THROUGH WHICH YOU VIEW LIFE CLOUDED BY RACIAL PREJUDICE, GENDER ORIENTATION HATRED, ANTIWOMAN ATTITUDE, SOME OF THE OTHER THINGS THAT

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EVERYBODY KNOWS EXIST IN THIS SOCIETY BUT WHICH PEOPLE ARE NOT WILLING TO FACE. MAYBE IN AN EDUCATIONAL SETTING... [LB906]

SENATOR KRIST: ONE MINUTE. [LB906]

SENATOR CHAMBERS: ...SOME OF THESE PEOPLE WILL BE BROUGHT FACE TO FACE WITH THESE IDEAS. MAYBE SOME PROFESSOR, OR MAKE IT PLURAL, WILL HAVE A CLEANSING IMPACT ON THE ATTITUDE OF SOME OF THESE PEOPLE. SO I AM IN FAVOR OF DOORS TO THE CLASSROOM IN THE SAME WAY THAT DOORS TO THE COURTHOUSE SHOULD BE OPEN TO EVERYBODY, WILL BE OPEN. THIS BILL IS WHAT I WOULD CALL A CHIMERA. THOSE WHO ARE EDUCATED KNOW WHAT THAT IS. THOSE WHO WANT TO BE EDUCATED WILL LOOK IT UP IN THE DICTIONARY. AND FOR THOSE WHO HAVE NOT HEARD IT AND CAN'T SPELL, IT'S C-H-I-M-E-R-A. IT'S SIMILAR TO A WILL-O'-THE-WISP. AND THAT'S WHEN YOU GO INTO A SWAMP AND YOU SEE THIS PHOSPHORESCENT LIGHT AND YOU THINK IT'S THE WAY OUT. AND I'LL TURN MY LIGHT ON BECAUSE I CAN SEE MY TIME IS JUST ABOUT UP THIS TIME. [LB906]

SENATOR KRIST: TIME, SENATOR, YES. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB906]

SENATOR CHAMBERS: SO WHAT A PERSON WHO IS LOST IN A SWAMP AND IS DESPERATE WILL DO IS GO TOWARDS THAT APPARENT LIGHT AND NEVER FIND THE SOURCE BUT GOES DEEPER AND DEEPER AND BECOMES MORE AND MORE LOST. SO IF YOU'RE PURSUING SOMETHING THAT IS NOT GOING TO BRING YOU WHAT YOU'RE LOOKING FOR, IT'S OUT OF YOUR REACH, YOU WILL NEVER GRASP IT, IT'S A WILL-O'-THE-WISP. I DON'T WANT EDUCATION TO BE THAT. I WANT IT TO SERVE THE WHOLESOME, POSITIVE FUNCTION THAT WE'RE TOLD IT WILL SERVE. I KNOW THAT THERE ARE PEOPLE WHO PASS THROUGH COLLEGE AND COLLEGE PASSES THROUGH THEM. I KNOW IN NEIGHBORHOODS WHERE CHILDREN ARE THE WRONG RACE, THE WRONG SOCIAL STRATA, THE WRONG CULTURAL SLANT, WILL NOT BE GIVEN AN OPPORTUNITY AND BE TREATED AS CHILDREN OUGHT TO BE TREATED. SO THE FARTHER THEY PROGRESS THROUGH THOSE INFERIOR SCHOOLS, THE LESS EDUCATED THEY BECOME. GEORGE BERNARD SHAW SAID WORDS TO THE EFFECT THAT UNIVERSITIES ARE INSTITUTIONS OF HIGHER LEARNING BECAUSE EVERYBODY KNOWS SOMETHING WHEN THEY ENTER BUT THEY KNOW NOTHING WHEN THEY LEAVE SO WHAT THEY LEAVE BEGINS TO ACCUMULATE AND THEREBY HIGHER LEARNING IS ACHIEVED, BUT IT DOES NOT BENEFIT THOSE WHO PASS THROUGH THE SCHOOL. MAYBE THAT WILL BE THE

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OUTCOME IN TERMS OF WHAT WILL HAPPEN TO THESE PEOPLE WHO WILL BENEFIT FROM THIS BILL. BUT IF IT OFFERS A CHANCE, THEN I WILL SUPPORT IT. I'M NOT GOING TO SING THIS SONG, SENATOR LINDSTROM, BUT THERE'S A SONG WHERE A LADY SAYS, WISHING AND HOPING AND THINKING AND PRAYING. THAT'S NOT GOING TO DO ANY GOOD. SO ALL OF US I THINK AT SOME POINT WILL RECOGNIZE THAT WHAT WE ARE SUPPORTING HAS VERY LITTLE CHANCE OF SUCCEEDING IN THE WAY WE WOULD LIKE TO SEE IT. BUT THE CHANCE SHOULD BE TAKEN. AND ALTHOUGH SENATOR LINDSTROM WAS VERY ANGRY AT ME FOR SOME THINGS I SAID ABOUT THE POLICE, EVERY WORD OF WHICH WAS TRUE, I'M GOING TO SUPPORT HIS BILL. YOU KNOW WHAT SENATOR LINDSTROM DID? HE SAID, I WILL NOT LET MY NAME BE ASSOCIATED WITH A MAN WHO WOULD SAY WHAT SENATOR CHAMBERS SAID, SO I'M TAKING MY NAME OFF THAT BILL, WHICH WAS TO ABOLISH THE DEATH PENALTY BUT HE SUPPORTED THE BILL. HE WAS ABLE TO SEPARATE THE BILL FROM THE PERSON WHOSE NAME HE DID NOT WANT TO BE ASSOCIATED WITH AND EVERYBODY HAS THE RIGHT TO DO THAT. YOU CHOOSE YOUR ASSOCIATES; YOU JUST DON'T CHOOSE YOUR FAMILY. IF THAT WERE THE CASE, THEN PROBABLY MOST PEOPLE WOULD NOT BE RELATED TO THOSE WHOM THEY ARE RELATED TO BY BLOOD. I DON'T HAVE ANYTHING AGAINST SENATOR LINDSTROM AT ALL. SENATOR LINDSTROM IS A VERY YOUNG MAN. HE HAS GREAT POTENTIAL. I TOLD HIM THIS IN HIS OFFICE AFTER THAT LITTLE SET-TO AND DUSTUP BECAUSE WHEN YOU SEE TALENTED PEOPLE IN THIS SOCIETY AND THEY ARE IN POLITICS--HE'S PROBABLY A "REPELICAN"--IF THEY ARE THOUGHTFUL, IF THEY ARE THEIR OWN PERSON, THEY SHOULD BE ENCOURAGED. I DON'T HAVE TO LIKE SOMEBODY. I DON'T HAVE TO AGREE WITH SOMEBODY. I DON'T AGREE WITH EVERYTHING THAT I BELIEVE ALL THE TIME. SO THAT MEANS AS I GET NEW INFORMATION AND CAN CHANGE MY MIND, THESE PEOPLE WHO DISAGREE WITH ME CAN GET MORE INFORMATION, BECOME ENLIGHTENED, ENDOWED WITH WISDOM...

[LB906]

SENATOR KRIST: ONE MINUTE. [LB906]

SENATOR CHAMBERS: ...AND AGREE WITH ME. SO ALL OF THAT IS POSSIBLE. AND I THINK THAT IT'S APPROPRIATE THAT A YOUNG MAN LIKE SENATOR LINDSTROM WOULD BRING A BILL LIKE THIS BECAUSE WHEN HE SEES THE TOTAL SUPPORT, IT WILL ENCOURAGE HIM TO LAUNCH OUT INTO OTHER AREAS AND USE THE TALENT AND ABILITY THAT HE HAS. AND THAT GOES FOR THE OTHER PEOPLE ON THIS FLOOR. AS YOU GET OLDER, SOMETIMES YOU LOSE THINGS ALONG THE WAY. I HAVE ONE MORE TIME TO SPEAK. I HAVE A CLOCK IN MY HEAD. I KNOW

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MY TIME IS ALMOST UP, SO I'LL STOP BEFORE THE CHAIR TELLS ME THAT'S IT.
[LB906]

SENATOR KRIST: (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE
RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB906]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE
LEGISLATURE, I DON'T SEE THAT OTHER YOUNG MAN, MR. McCOLLISTER, WHO
SINCE HE CAME HERE IS KNOWN AS SENATOR McCOLLISTER. BUT HE'S NOT
GOING TO FEEL AS KINDLY TOWARD ME WHEN HIS BILL COMES UP AS SENATOR
LINDSTROM MAY FEEL TOWARD ME AS I DISCUSS HIS BILL. BUT WHAT I REALLY
WISH WOULD HAPPEN IS THAT PEOPLE IN THIS BODY WHO BRING SPECIALIZED
OR AT LEAST PARTICULARIZED KNOWLEDGE WOULD CONTRIBUTE IT TO THE
BODY AND IMPROVE WHAT IT IS WE TRY TO DO. SO WITHOUT TAKING ALL OF
THE TIME I HAVE ALLOTTED TO ME, I'M GOING TO STOP. AND I DOUBT THAT
THERE WILL BE A RED VOTE BECAUSE, SENATOR LINDSTROM, MOST PEOPLE IN
HERE DON'T HAVE THE BACKBONE THAT I HAVE. IF I DISAGREED WITH THE BILL,
I'D VOTE RED IF I WAS THE ONLY ONE DOING IT. THERE IS NOBODY ELSE IN HERE
WHO'S GOING TO VOTE RED FOR THIS BILL EVEN IF THEY DON'T LIKE IT. THEY
MIGHT SIT ON THEIR HANDS. BUT IF THEY SIT ON THEIR HANDS ON THIS BILL,
THAT'S THE SAME AS A NO. AND YOU ARE NOT ALIGNING YOURSELF WITH ERNIE
CHAMBERS ON THIS BILL BECAUSE ERNIE CHAMBERS IS GOING TO VOTE FOR IT.
AND I DON'T SPEAK OF MYSELF IN THE THIRD PERSON BUT FOR THIS REASON I
WILL. SO WHAT YOU WOULD BE DOING IS TAKING THE CHANCE AND TAKING
THE PLACE AND FILLING THE ROLE OF ERNIE CHAMBERS, WHO WOULD BE
EXPECTED TO OPPOSE A BILL LIKE THIS. BUT, SENATOR LINDSTROM, YOU AND I,
WE'RE GOING TO THROW THEM A CURVE TODAY. WE'LL SEE WHAT THE REST OF
THEM DO. THANK YOU, MR. PRESIDENT. [LB906]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SEEING AN EMPTY QUEUE,
SENATOR LINDSTROM, YOU'RE RECOGNIZED TO CLOSE ON LB906. [LB906]

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT. AND...WELL, I DON'T KNOW
WHAT TO SAY. (LAUGHTER) [LB906]

SENATOR KRIST: YOU'VE HEARD THE CLOSING ON... [LB906]

SENATOR LINDSTROM: WELL, THANK YOU, SENATOR CHAMBERS, FOR THE KIND
WORDS. I APPRECIATE THAT. AND I JUST WANT TO SAY THANK YOU TO

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CHAIRMAN SULLIVAN AND HER COMMITTEE FOR WORKING WITH MY STAFF AS WELL, AND THE COMMITTEE FOR VOTING OUT AGAIN, SENATOR MURANTE FOR MAKING IT HIS PERSONAL PRIORITY. SO WITH THAT, URGE YOU TO VOTE FOR LB906. THANK YOU VERY MUCH. [LB906]

SENATOR KRIST: THANK YOU, SENATOR LINDSTROM. YOU'VE HEARD THE CLOSING ON LB906. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB906]

ASSISTANT CLERK: 27 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB906]

SENATOR KRIST: LB906 ADVANCES. ITEMS. [LB906]

ASSISTANT CLERK: MR. PRESIDENT, THERE ARE. FIRST OF ALL, THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE WILL HOLD AN EXECUTIVE SESSION AT 4:00 UNDER THE NORTH BALCONY. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB730, LB772, AND LB1059 AS CORRECTLY ENGROSSED. JUDICIARY COMMITTEE REPORTS LB1106 TO GENERAL FILE WITH COMMITTEE AMENDMENTS. AND FINALLY AN AMENDMENT TO BE PRINTED FROM SENATOR MORFELD TO LB900. (LEGISLATIVE JOURNAL PAGES 932-933.) [LB730 LB772 LB1059 LB1106 LB900]

SENATOR KRIST: NEXT ITEM.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB745 BY SENATOR McCOLLISTER. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 6, REFERRED TO THE NATURAL RESOURCES COMMITTEE, PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB745]

SENATOR KRIST: THANK YOU. SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO OPEN LB745. [LB745]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. IT'S BEEN A QUIET AFTERNOON BUT I INTEND TO CHANGE THAT SOON. LB745 IS MY PERSONAL PRIORITY BILL FOR THIS LEGISLATIVE SESSION. LB745 WOULD INCREASE SOME USER FEES AND INCREASE THE CAPS ON FEE

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RANGES THE NEBRASKA GAME AND PARKS COMMISSION IS AUTHORIZED TO CHARGE FOR A VARIETY OF LICENSES, PERMITS, AND STAMPS. THE LEGISLATURE'S PRIMARY RESPONSIBILITY IS TO ESTABLISH FEE RANGES WITH WHICH THE COMMISSION MUST OPERATE. THE COMMISSION THEN ADJUSTS THE FEES WITHIN THESE LIMITS. THE SECTIONS OF LB745 WOULD AMEND 29 SECTIONS AND SUBSECTIONS OF CURRENT LAW. IT WOULD ALLOW THE COMMISSION TO ADJUST FEES FOR 48 DIFFERENT CATEGORIES OF LICENSES, FEES, PERMITS, AND STAMPS IT IS AUTHORIZED TO ISSUE. ACCORDING TO THE MOST CURRENTLY AVAILABLE DATA, THE COMMISSION IS FUNDED PRIMARILY BY USER FEES. IN 2015, FEES SUPPLIED 87 PERCENT OF THE COMMISSION'S REVENUE. THE OTHER 13 PERCENT OF THE COMMISSION'S REVENUE CAME FROM THE STATE'S GENERAL FUND. SUCCESSFUL MANAGEMENT OF THE COMMISSION'S OPERATIONS CLEARLY HINGES ON ITS ABILITY TO SET FEES IN KEEPING WITH CURRENT COSTS OF OPERATIONS. SUPPORT FROM THE LEGISLATURE IN RECENT YEARS HAS EMBOLDENED THE PRIVATE SECTOR TO INCREASE ITS SUPPORT OF THE GAME AND PARKS COMMISSION. THIS HAS CREATED A CIRCULAR PATTERN WITH BOTH PUBLIC AND PRIVATE PARTNERS ENCOURAGING THE OTHER. I BELIEVE IT'S INCUMBENT UPON US TO ALLOW THE COMMISSION TO RAISE ITS FEES TO ALLOW IT TO MAINTAIN THE INVESTMENTS MADE BY THE PRIVATE SECTOR. LB745 WOULD CREATE NEW FEE CAPS TO REPLACE THE EXISTING ONES, NEARLY ALL OF WHICH HAVE BEEN IN PLACE SINCE 2003. WITH NEW CAPS IN PLACE, THE COMMISSION COULD ADJUST FEES THAT HAVE BEEN IN EFFECT SINCE 2008 OR 2009 OR 2010. THIS WOULD ENABLE THE COMMISSION TO KEEP UP WITH INCREASES IN THE COST OF PERFORMING ITS RESPONSIBILITY, TO MANAGE HUNTING AND FISHING, AND TO MAINTAIN AND OPERATE NEBRASKA'S PARKS AND OUTDOOR FACILITIES. THE ACTIVITIES OF THE GAME AND PARKS COMMISSION PROVIDE AN INCREDIBLE ARRAY OF OPPORTUNITIES FOR OUR RESIDENTS AND VISITORS ALIKE TO HAVE FUN AND ENJOY THE NATURAL WORLD. THE COMMISSION'S PROGRAMS AND SERVICES GENERATE SIGNIFICANT ECONOMIC BENEFITS BOTH ON THE STATE AND LOCAL LEVELS. WE ARE ALL INTERESTED IN INCREASING TOURISM IN THE STATE. THIS GOAL IS CLOSELY TIED TO THE NATURAL RESOURCES AND EDUCATION AND RECREATION PROGRAMS FOR WHICH GAME AND PARKS IS RESPONSIBLE. THE NEBRASKA GAME AND PARKS COMMISSION IS A TREASURE IN THE STATE. PEOPLE WHO USE IT PAY FOR IT. WHAT THEY PAY FOR MUST COVER THE COST OF SERVICES WHERE THE SERVICES CANNOT BE PROVIDED. CAPS THAT HAVE BEEN IN PLACE FOR 13 YEARS NEED TO INCREASE. THE FEES THAT HAVE BEEN AT THE CAPS FOR SIX OR EIGHT YEARS NEED TO GRADUALLY INCREASE. WE, THE LEGISLATURE, NEED TO SUPPORT THE COMMISSION'S WORK BY MAKING THIS HAPPEN. LB745 IS OUR VEHICLE FOR THAT CHANGE. A COUPLE OTHER QUICK

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COMMENTS, PLEASE REVIEW THE COMMITTEE STATEMENT AND YOU WILL SEE THAT THERE WERE NO PEOPLE OPPOSING THIS BILL. AND SOME OF THOSE USERS ENCOURAGED US TO MOVE FORWARD WITH THIS BILL. YOU SHOULD ALSO KNOW THAT GAME AND PARKS DOES PAY PROPERTY TAXES FOR THE HUNTING SECTIONS OF GROUND THAT IT OWNS. AND IT PAID NEARLY \$850,000 IN PROPERTY TAXES TO THOSE LOCAL JURISDICTIONS. AND WITH THAT, I'M PREPARED TO TAKE QUESTIONS. THANK YOU, MR. PRESIDENT. [LB745]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER. MR. CLERK. [LB745]

ASSISTANT CLERK: MR. PRESIDENT, A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO BRACKET UNTIL APRIL 20, 2016. [LB745]

SENATOR KRIST: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB745]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, IN THE PAST I'VE TALKED ABOUT MY OPPOSITION TO GAME AND PARKS OBTAINING FAVORABLE LEGISLATION FROM THIS BODY. AND THE REASON I DO THAT IS BECAUSE OF THEIR INAPPROPRIATE ATTITUDE TOWARD MOUNTAIN LIONS. BUT BEFORE I GO INTO SOME OF MY AMENDMENTS, AND I ASSURE YOU THEY ARE NUMEROUS, I'M GOING TO MAKE SOME GENERAL COMMENTS ON THIS MOTION THAT I HAVE UP THERE. I DID SPEAK ON THIS BILL IN A NEUTRAL POSITION. BUT I MADE IT CLEAR WHAT MY ATTITUDE IS TOWARD GAME AND PARKS AND HOW THAT I KNEW WHEN I BROUGHT MY MOUNTAIN LION BILL TO THAT COMMITTEE THEY WOULD KILL IT. SENATOR SCHILZ MADE THAT CLEAR TWO YEARS AGO, BUT HE WASN'T ABLE TO BRING IT OFF. IN FACT, THE BILL PASSED IN 2014. THE GOVERNOR VETOED IT AND IT GOT 28 VOTES IN AN ATTEMPT TO OVERRIDE. AND HAD TWO SENATORS DONE WHAT THEY SAID THEY WOULD DO, WE WOULDN'T BE HERE TODAY BECAUSE THAT VETO WOULD HAVE BEEN OVERRIDDEN. THERE IS NO THREAT TO THE PEOPLE IN NEBRASKA AS A RESULT OF THE PRESENCE OF THE VERY FEW MOUNTAIN LIONS. EXPERTS WHO HAVE LOOKED AT THIS SITUATION, I DON'T MEAN HACKS WHO WORK FOR THE GAME AND PARKS COMMISSION, OR PEOPLE WHO KNOW BETTER LIKE TIM McCOY, BUT WHO WAS COMPELLED TO SAY THINGS BECAUSE THE COMMISSIONERS WHO ARE APPOINTED BY THE GOVERNOR AND ARE MORE BEHOLDEN TO HUNTERS, TRAPPERS, AND FISHERS, ANGLERS, THAN THEY ARE TO THE PEOPLE OF THIS STATE, WILL OFFER. AND I'M NOT SAYING MR. McCOY DID THIS BECAUSE I DON'T WANT TO GET HIM IN TROUBLE. THOSE PEOPLE ARE

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VERY SHAKY, THE ONES WHO KNOW SOMETHING. THESE COMMISSIONERS ARE NOT MOVED BY SCIENTIFIC EVIDENCE WHEN THEY AGREED TO INITIATE A MOUNTAIN LION HUNTING SEASON. NOBODY ASKED FOR THIS HUNTING SEASON, BUT THERE WERE SOME PEOPLE WHO WANTED TO DO SOME TROPHY HUNTING. THEY CALL THEMSELVES BIG GAME HUNTERS, WHO WANTED TO KILL THESE ANIMALS FOR THE SHEER LOVE OF KILLING AND FOR THE SPORT. ONE OF THEM WAS EVEN BLUNT ABOUT IT. HE WON THROUGH A LOTTERY OR A BIDDING PROCESS THE RIGHT OR THE OPPORTUNITY TO KILL ONE OF THESE ANIMALS. AND THE RAT WAS ALLOWED TO USE DOGS. HE CALLS HIMSELF A HUNTER. AND WHEN YOU USE DOGS AGAINST MOUNTAIN LIONS, YOU ARE NOT A HUNTER, YOU ARE A BUTCHER. YOU ARE A SAVAGE. YOU ARE A BARBARIAN. AND HUNTERS SHOULD KICK YOU OUT OF THEIR FRATERNITY. HE SAID THAT HE KILLED LARGE ANIMALS ALL OVER THE WORLD, AND HE WANTED A CHANCE TO KILL A MOUNTAIN LION IN NEBRASKA. SO YOU KNOW HOW MUCH HE PAID FOR THAT OPPORTUNITY? \$13,500. AND THAT BLOOD MONEY WAS WHAT THE COMMISSION THAT SENATOR McCOLLISTER IS SUPPORTING WANTED. ALL LIVING THINGS HAVE A RIGHT TO LIVE. I EVEN WROTE A POEM ABOUT DANDELIONS. AND THE DANDELION WOUND UP SAYING I HAVE A RIGHT TO EXIST. LET ME CAST A SHADOW. THERE IS NOT COMPASSION IN THIS STATE OR THIS COUNTRY. THERE IS A LOVE FOR KILLING FOR THE SHEER LOVE OF KILLING. AND THAT'S WHAT HAPPENS HERE. IN THE FIRST AND ONLY HUNT THEY HAD, THESE PEOPLE WHO USED THE DOGS, AND ONE CASE WAS PARTICULARLY NOTEWORTHY BECAUSE A PHOTOGRAPHER FROM THE MEDIA WAS THERE AND THEY USED THE DOGS TO CHASE THIS MOUNTAIN LION AND TREE THE LION. WHY DID THEY NEED DOGS? THESE ARE ELUSIVE ANIMALS. THEY ARE SOLITARY. THEY DON'T BOTHER ANYBODY. ALTHOUGH NATIVE TO NEBRASKA, THEY WERE ELIMINATED, EXTERMINATED, WHICH IS WHAT GAME AND PARKS WOULD LIKE TO SEE DONE NOW, CONTRARY TO WHAT THEY SAY. BUT THEN THERE WAS A NEW SIGHTING IN 1991, THE FIRST CONFIRMED SIGHTING IN 1991. BASED ON WHAT MR. TIM MCCOY, THE EXPERT, SAID, IN THAT TIME, NO HUMAN BEING IN NEBRASKA WAS EVER ATTACKED BY A MOUNTAIN LION. SO WHEN THEY TELL YOU THESE ANIMALS ARE STALKING PEOPLE AND WANTING TO EAT PEOPLE, THAT'S NOT TRUE. AND I ALWAYS SAY IF THEY DID EAT PEOPLE, THEY WOULDN'T EAT NEBRASKANS BECAUSE THEY HAVE BETTER TASTE THAN THAT. THESE ANIMALS HAVE NOT BEEN SHOWN TO BE A THREAT TO PUBLIC SAFETY. THEY HAVE NOT ATTACKED LIVESTOCK. THERE MAY HAVE BEEN ONE REPORTED INCIDENT. THEY HAVE NOT ATTACKED LIVESTOCK. NONE OF THAT HAS BEEN DOCUMENTED. WHAT GAME AND PARKS HERE AND WHAT WILDLIFE MANAGERS IN OTHER STATES HAVE FOUND IS THAT PEOPLE SEE LARGE DOGS AND REPORT THEM AS MOUNTAIN LIONS. THEY MAY SEE A LYNX

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OR BOBCAT OR WILDCAT; AND NOT HAVING SEEN THESE LARGE ANIMALS, THEY GIVE THAT AS A REPORTED SIGHTING OF A MOUNTAIN LION. BUT MOUNTAIN LIONS DON'T WANT TO BE AROUND YOU ALL. THEY DON'T CRAVE YOUR COMPANY. THEY WANT TO BE IN A POSITION TO AVOID ANY CONTACT WITH HUMAN BEINGS. THEIR HABITAT IS NOT CORNFIELDS. IT'S NOT THE OPEN PLAINS. THEY LIKE COVER. THEY LIKE TREES. THEY LIKE ROCKY TERRAIN, PLACES THEY CAN GO AND NOT BE SEEN. AND THERE ARE PEOPLE WHO HAVE HAD THESE ANIMALS ON THEIR PROPERTY IN NEBRASKA FOR MORE THAN TWO DECADES YET HAS NEVER LAID EYE ON ONE OF THEM, HAS NEVER SEEN ONE. THERE ARE PLACES WHERE PEOPLE CRAVE THE OPPORTUNITY TO JUST SEE ONE OF THESE ANIMALS IN REAL LIFE. THEY ARE CALLED THE GHOST CATS, THE PHANTOM CATS BECAUSE THEY ARE NOT SEEN. THEY'RE CALLED PUMAS, PANTHERS, CATAMOUNTS, PAINTERS, COUGARS. AS A MATTER OF FACT, THIS ANIMAL HAS MORE NAMES THAN ANY OTHER MAMMAL ON THE FACE OF THE EARTH. THERE IS SOMETHING ALMOST MYSTICAL ABOUT THIS ANIMAL. AND A LOT OF MYSTICISM HAS LED TO A LOT OF MYTHOLOGY AND MOST OF IT, NEGATIVE. SENATOR LOUDEN, WHO BROUGHT THE BILL THAT ALLOWED THE GAME AND PARKS COMMISSION TO HAVE THE AUTHORITY TO ESTABLISH A HUNTING SEASON, TALKED ABOUT HOW PEOPLE OUT THERE--WHEREVER OUT THERE IS; I GUESS WHERE THE YAHOOOS, THE KALLIKAKS LIVE--SHOOT, SHOVEL, AND SHUT UP AS THOUGH THEY'RE FINDING THESE ANIMALS AND JUST SHOOTING THEM DOWN. AS DUMB AS THEY ARE, THEY WOULDN'T BE IN A POSITION TO EVEN SEE ONE. BUT MAYBE THEY DO TAKE DOGS. AND THE REASON THEY LET THIS PERSON WHO WON THE RIGHT TO KILL ONE OF THESE ANIMALS WAS ALLOWED TO USE DOGS WAS BECAUSE HE PAID FOR THE RIGHT. SO IN THIS ONE CASE I WAS GOING TO TELL YOU ABOUT, THIS KID GOT THE OPPORTUNITY BECAUSE THEY ALSO HAD A LOTTERY. AND HE WAS ALLOWED TO HAVE PEOPLE ACCOMPANY HIM WHO USED DOGS. AND THEY, IN FACT, TREED ONE OF THESE ANIMALS. AND WHILE THE ANIMAL WAS RECLINING ON A LIMB HIGH IN A TREE, THE DADDY HELPED THIS TEENAGER STEADY HIS GUN ON A TREE LIMB. AND THEN LIKE THE GREAT WHITE HUNTER, ERNEST HEMINGWAY OR RUDYARD KIPLING, HE SHOT HIM OUT OF THE TREE AND VINDICATED THE COURAGE AND HEROISM OF THE GREAT WHITE HUNTER. IRONICALLY, THE NAME OF THE GUN HE USED... [LB745]

SENATOR KRIST: ONE MINUTE. [LB745]

SENATOR CHAMBERS: ...TO KILL THIS ANIMAL, THIS MAJESTIC ANIMAL, WAS SAVAGE. THAT WAS THE NAME OF THE RIFLE HE USED. SAVAGE WAS THE GUN HE USED. SAVAGE HE WAS. AND HIS DADDY TAUGHT HIM A VERY IMPORTANT LESSON, I SUPPOSE, ABOUT AMERICANA. THANK YOU, MR. PRESIDENT. [LB745]

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SENATOR KRIST: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB745]

SENATOR CHAMBERS: THIS IS A BILL THAT I DO INTEND TO TAKE THE TIME ON. I HAVE VOLUMINOUS MATERIAL THAT I INTEND TO READ INTO THE RECORD TO EDUCATE NEBRASKANS ABOUT THIS ANIMAL NATIVE TO THIS STATE THAT ABOUT WHICH THEY KNOW SO LITTLE THAT IS FACTUAL. WHEN A MOTHER LION HAS KITTENS, THAT'S WHAT THEY'RE CALLED, THEY STAY WITH HER TWO YEARS AND MAYBE A BIT LONGER. AND WHEN SHE FEELS THEY'RE OLD ENOUGH TO MAKE IT ON THEIR OWN, AND SHE HAS TAUGHT THEM WHAT THEY NEED TO KNOW TO SURVIVE, TAUGHT THEM WHAT APPROPRIATE PREY IS AND IT NEVER INCLUDED LIVESTOCK--NO CATTLE, NO SHEEP, NO PIGS, AND CERTAINLY NO HUMAN BEINGS. BUT IF THE MOTHER IS KILLED WHILE THESE KITTENS ARE STILL DEPENDENT ON HER AND THEY HAVEN'T LEARNED THE ROPES, THEY BECOME ROGUE ANIMALS AND THEY WILL ATTACK TARGETS OF OPPORTUNITY. THE SLOWEST, WEAKEST, MOST VULNERABLE PREY--HUMAN BEINGS. BUT IN NEBRASKA, THEY'VE ALWAYS FOUND ENOUGH NATURAL PREY. THEY EAT DEER, ELK, EVEN LITTLE FOXES, COYOTES, AND AS SOMEBODY SAID, ANYTHING ELSE THEY WANT TO EAT. BUT LIVESTOCK WERE NOT ON THE MENU. AND AS LONG AS YOU DON'T GET ONE OF THESE YOUNG ROGUES, YOU WILL NOT HAVE ATTACKS ON LIVESTOCK OR HUMAN BEINGS. AND IF THEY START TO GET SOME SIZE AND WANT TO HANG AROUND AND THEIR MAMA HAD MATED WITH AN OLDER MALE, THE MALE WILL DRIVE THEM OUT. THEY REGULATE THEIR OWN POPULATION. NATURE HAS PUT A BETTER SENSE OF WHAT IS NEEDED IN THESE WILD CREATURES THAN HUMAN BEINGS HAVE. THEY DON'T OVERPOPULATE. THEY HAVE SPACE. THESE ANIMALS TRAVEL GREAT DISTANCES. A TERRITORY MAY BE SEVERAL HUNDRED SQUARE MILES FOR ONE BIG MALE. AND IF A YOUNG MALE HAPPENS TO STUMBLE INTO IT AND MEET THIS BIG ONE, HE DOESN'T STAY THERE LONG. HE GOES. BECAUSE OF THE ABSENCE OF HABITAT AND THE FACT THAT THERE NEVER HAS, SINCE 1991, BEEN A LARGE POPULATION OF MOUNTAIN LIONS, THIS STATE THAT YOU LIVE IN IS KNOWN AS A PASS-THROUGH STATE. THE ROUTE THAT MOST OF THEM WILL TAKE HAS EVEN BEEN ESTABLISHED. IF YOU LOOK AT NEBRASKA AS THOUGH IT'S A MEAT CLEAVER AND THE TOP IS THE NORTHERN PART OF THE STATE, UP IN THAT AREA, THEY GO ACROSS THE STATE, DOWN NEAR THE BLADE OF THE MEAT CLEAVER THEY GO ACROSS THE STATE. AND SOMETIMES ONE WILL EVEN STUMBLE THROUGH THE MIDDLE OF THE STATE. BUT THEY DO NOT OPERATE IN PRIDES. THEY ARE NOT SOCIAL ANIMALS WHO CLUMP TOGETHER. SO WHEN THESE LYING STATEMENTS ARE MADE BY THE PEOPLE OUT THERE THAT THEY SAW FOUR OF THEM WALKING DOWN THE ROAD FOUR ABREAST, THAT DOESN'T HAPPEN. THEY DON'T EVEN COME OUT AND SHOW THEMSELVES IN THAT FASHION. BUT WHEN PEOPLE ARE IGNORANT

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OF THESE ANIMALS, THEY ACCEPT ANYTHING. IN PLACES LIKE CALIFORNIA, OREGON, AND THE WESTERN PART OF THE STATE, NEBRASKA WOULD BE ON THE EASTERN EDGE OF THAT VAST AREA WHERE THEY HAVE MOUNTAIN LIONS IN OTHER PARTS OF THE COUNTRY. [LB745]

SENATOR KRIST: ONE MINUTE. [LB745]

SENATOR CHAMBERS: AND THE EASTERN PART OF THE COUNTRY WANTS TO REESTABLISH THEM, DOING EVERYTHING THEY CAN. DOWN IN FLORIDA WHERE THEY CALL THEM PANTHERS, THEY WANT TO REESTABLISH THEM BUT THEY HAVE DIFFICULTY BECAUSE THERE ARE SO FEW. BUT AT ANY RATE, THESE ANIMALS WILL PASS THROUGH. THEY DON'T LINGER HERE. THAT'S WHY WHEN, IF YOU WANT TO CALL IT THAT, SCIENTIFIC ESTIMATES WERE MADE BY GAME AND PARKS, THE NUMBER THEY CAME UP WITH WAS ABOUT 22 ANIMALS. THERE ARE PEOPLE WHO MIGHT SAY I SAW FIVE MOUNTAIN LIONS. AND IF THEY INDEED HAD THOSE SIGHTINGS, THEY COULD HAVE SEEN THE SAME ANIMAL FIVE TIMES. AND IF THEY SAY, WELL, THE ONE THAT I SAW THE FIRST TIME WAS SO FAR AWAY FROM THE ONE I SAW THE SECOND TIME, THAT MAY BE A VERY SMALL AMOUNT OF TERRITORY FOR ONE OF THESE ANIMALS TO COVER. SO THERE IS SO MUCH MISINFORMATION. IN THE SAME WAY THAT DONALD TRUMP HAS AMERICANS AFRAID OF THEIR SHADOW... [LB745]

SENATOR KRIST: TIME, SENATOR. [LB745]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB745]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB745]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I SUPPORT THE BRACKET MOTION. BUT MY REASON DOESN'T HAVE ANYTHING TO DO WITH MOUNTAIN LIONS, ALTHOUGH I AGREED WITH SENATOR CHAMBERS ON THAT BILL A COUPLE YEARS AGO. MINE HAS TO DO WITH THE CONSTANT RETURN OF GAME AND PARKS LOOKING FOR MORE MONEY, MORE MONEY, MORE MONEY. NO MATTER HOW MUCH WE GIVE THEM, THEY'RE BACK THE NEXT YEAR OR THE YEAR THEREAFTER LOOKING FOR MORE MONEY. I DON'T SEE SENATOR LARSON BACK THERE. HE HAD A BILL LAST YEAR OR YEAR BEFORE WHERE WE GAVE THEM A HUGE CHUNK OF MONEY. WE INCREASED THE FEES THREE OR FOUR YEARS BEFORE THAT, BUT IT'S NEVER ENOUGH FOR THESE PEOPLE. THEY TELL

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US THEY HAVE TO HAVE MORE MONEY TO MANAGE THE LAND THEY HAVE, TO TAKE CARE OF IT. WELL, THEY SEEM TO HAVE PLENTY OF MONEY TO GO OUT AND BUY MORE, TAKE IT OFF THE TAX ROLLS SO WE CAN RAISE TAXES OR FEES TO GIVE THEM MORE MONEY TO TAKE CARE OF WHAT THEY SHOULDN'T HAVE BOUGHT IN THE FIRST PLACE. SO I THINK BRACKETING THIS IS A GOOD IDEA. I IMAGINE THIS IS GOING TO GO ON AWHILE BEFORE WE GET TO A VOTE ON IT. IN FACT, I'M CERTAIN OF IT BECAUSE I'LL YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB745]

SENATOR KRIST: SENATOR CHAMBERS, 3:30. [LB745]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AND I APPRECIATE WHAT SENATOR BLOOMFIELD SAID. WHEN WE'VE HAD EXECUTIVE BOARD COMMITTEE HEARINGS AND WHEN THE LEGISLATURE IS NOT IN SESSION, GAME AND PARKS WILL COME THERE AND RECEIVE GIFTS OF LAND. AND ONE OF THE ISSUES THAT I ALWAYS RAISE IS THAT THEY'RE NOT MAINTAINING THE LAND THAT THEY ALREADY HAVE. THEY'RE NOT FULFILLING THE DUTIES AND RESPONSIBILITIES THAT ARE ON THEM. BUT THEY ARE ALWAYS ASKING FOR MORE MONEY. AND A LOT OF TIMES THEY MIGHT GET A NEW SENATOR WET BEHIND THE EARS...LET ME NOT SAY IT LIKE THAT. I'LL SAY IT IN THE NEGATIVE, NOT DRY BEHIND THE EARS TO BRING A BILL LIKE THIS. THEY'RE NOT THE ONLY ONES. BUT IT'S EASY TO GET THEM TO BECAUSE THEY STILL HAVE THAT ROMANTICIZED NOTION OF GAME AND PARKS, AN OPERATION POPULATED BY SCIENTIFICALLY TRAINED INDIVIDUALS CONCERNED ABOUT THE HABITAT, THE MAINTAINING OF WILDLIFE, AND SEEING THAT THE ECOLOGY IS MAINTAINING ITS BALANCE. WELL, EVEN SENATOR McCOLLISTER, WHO MAY NOT BE AN EXPERT ON EVOLUTION OR ANIMAL HUSBANDRY OR ANIMAL "WIFERY," ALTHOUGH I'VE NEVER HEARD THAT BEFORE, UNDERSTANDS THAT THERE IS, IF YOU WANT TO CALL IT, A CHAIN OF BEING IN NATURE, A LADDER OF BEING. AT THE TOP IS THE NUMBER ONE OR ALPHA PREDATOR. THIS IS THE ONE WHO REALLY IS THE MAINSTREAM...MAIN SPRING THAT KEEPS THAT CLOCK OF ECOLOGY TICKING APPROPRIATELY. THEY DON'T KILL FOR THE SHEER LOVE OF KILLING. AND IF THEY KILL AN ANIMAL AND CANNOT CONSUME IT, THEY'LL COVER IT UP AND COME BACK TO IT. AND THAT'S HOW SOME OF THESE PEOPLE WHO SHOOT, SHOVEL, AND SHUT UP ARE ABLE TO HAPPEN TO KILL ONE. THEY'LL SEE WHERE AN ANIMAL...THE ANIMAL KILLED ONE AND THEY KNOW THE ANIMAL'S NOT GOING TO HUNT THESE HUMAN BEINGS SO THEY HIDE SOMEWHERE. WHEN THE ANIMAL COMES BACK TO THE KILL, THAT'S WHEN THIS BRAVE, MODERN-DAY ERNEST HEMINGWAY OR

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RUDYARD KIPLING SHOOTS THE MOUNTAIN LION AND IS A HERO. BUT THESE ARE THE ANIMALS WHO MAINTAIN... [LB745]

SENATOR KRIST: ONE MINUTE. [LB745]

SENATOR CHAMBERS: ...THAT BALANCE. AND WHEN YOU GET RID OF THE NUMBER ONE PREDATOR, YOU RUN INTO WHAT NEBRASKA HAS BEEN FACING: A TREMENDOUS OVERPOPULATION OF DEER. I DIDN'T REALIZE THEY KILL OVER A 1,000 DEER, BUT I READ AN ARTICLE WHERE THEY SAID THEY KILL 28,000 OR 2,800, BUT IT WAS A TREMENDOUS NUMBER OF DEER. WHEN YOU HAVE THESE ANIMALS WHO ARE VEGETARIANS...WELL, THEY EAT PLANTS. THEY WILL EAT GRASS. THEY WILL EAT TENDER, YOUNG SHOOTS THAT ARE GOING TO BE IN TREES AND THEY NEVER...IT NEVER GROWS. WHAT WAS FOUND OUT IN A STUDY AND IT WAS WRITTEN ABOUT IN ONE OF THE NATIONAL GEOGRAPHIC MAGAZINES IS THAT WHEN YOU GET RID OF THE TOP PREDATOR, IN THIS CASE IT WAS GRAY WOLVES IN THE AREA OF YELLOWSTONE, THE COURSE OF STREAMS WOULD ACTUALLY CHANGE. AND THEY WONDERED WHAT IN THE WORLD CONNECTION... [LB745]

SENATOR KRIST: TIME, SENATOR. [LB745]

SENATOR CHAMBERS: ...THERE COULD BE--THANK YOU. [LB745]

SENATOR KRIST: SENATOR CHAMBERS, YOU'RE NEXT IN THE QUEUE. [LB745]

SENATOR CHAMBERS: THEY WONDERED WHAT IN THE WORLD THE CONNECTION COULD BE BETWEEN THE REMOVAL OF THE TOP PREDATOR AND THE CHANGING OF THE COURSE OF STREAMS. SO THEY DID WHAT SCIENTISTS DO: THEY BEGAN TO OBSERVE. THEY SAW THAT THESE ANIMALS, THEY WERE DEER AND ELK AND WHATEVER THE UNGULATES WERE IN THAT AREA, WOULD GO ALONG THE BANK OF THE RIVER BECAUSE THAT'S WHERE THE KIND OF GREENERY THEY LIKED WAS FOUND. SO AS THEY BEGAN TO EAT ALL OF THESE LITTLE-BITTY TREES, THERE WAS NOTHING TO HOLD THE BANK OF THE STREAM TOGETHER. SO THE DIRT WOULD BEGIN TO FALL INTO THE STREAM AND IF IT PILED UP ENOUGH-- WATER ALWAYS FOLLOWS THE PATH OF LEAST RESISTANCE--IT WOULD TAKE A DIFFERENT COURSE. BUT THEN THEY TRIED TO CREATE AN EXPERIMENT. THEY WANTED TO CONTROL THE CIRCUMSTANCES, SO THEY INTRODUCED A FEW WOLVES, NOT ENOUGH TO REALLY BY THEMSELVES REDUCE THE POPULATION. BUT WHAT HAPPENED SURPRISED SOME OF THESE PEOPLE WHO THOUGHT THEY

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KNEW A LOT ABOUT THESE ANIMALS. TWO THINGS HAPPENED. THESE DEER AND OTHER ANIMALS OF THAT ILK STOPPED GOING BY THE STREAMS, EVEN WHEN THE PREDATOR WAS NOT THERE IN PERSON. THE SMELL OF THE PREDATOR FRIGHTENED THEM. AND BECAUSE THEY KNEW THESE ANIMALS WOULD ATTACK FROM AMBUSH, THEY STOPPED GOING TO THE PLACES WHERE THERE WAS COVER AND THEY WOULD NOW GO OUT IN THE OPEN. AND WHEN THEY WERE OUT IN THE OPEN, THEY COULD GRAZE WITHOUT DOING TOO MUCH DAMAGE TO THE ECOLOGY. THE LITTLE SHOOTS BEGAN TO GROW INTO LITTLE TREES. THE TREES BECAME BIGGER TREES. THINGS WERE STABILIZED BY THE REINTRODUCTION OF THE TOP PREDATOR. THAT SOUNDS IMPOSSIBLE, BUT THAT WAS ESTABLISHED SCIENTIFICALLY. AND ANOTHER REASON THESE ANIMALS WANTED TO BE OUT IN THE OPEN, THEY WANTED TO BE ABLE TO SEE THE PREDATOR. AND IF THERE WAS A LOT OF OPEN TERRITORY, THEY COULD SEE THE PREDATOR BEFORE THE PREDATOR GOT CLOSE ENOUGH TO DO DAMAGE. IF THEY WENT TO THE PLACES WHERE THERE WAS COVER, THE COVER WAS THERE FOR THE PREDATOR, SO THEY AVOIDED IT. THEY HAD SENSE ENOUGH TO RECOGNIZE THAT. NATURE HAS A WAY OF RESTORING A BALANCE IF NATURE IS LEFT ALONE. SOMEBODY ASKED RAY CHARLES ONE TIME, WHAT IS SOUL MUSIC? RAY CHARLES SAID, SOUL MUSIC IS THE KIND OF MUSIC BLACK PEOPLE PLAY IF WHITE PEOPLE LEAVE THEM ALONE. IN OTHER WORDS, PLAY WHAT YOU FEEL, DON'T PLAY TO BE A CROSSOVER OR THE KIND OF MUSIC THAT MIGHT GET YOU SOME MONEY. PLAY WHAT YOU FEEL. THAT'S WHAT SOUL MUSIC IS. WELL, THESE ANIMALS THAT WERE THE PREDATORS WHO WERE DEEMED TO BE SUCH A THREAT WERE ACTUALLY THE SALVATION OF THAT AREA. SO YOU HAVE ALL OF THESE DEER IN NEBRASKA, AND THERE ARE DISEASES THAT ARE PASSED FROM THESE KIND OF...ELK TO LIVESTOCK, FROM WHAT I UNDERSTAND. AND THIS IS BECAUSE PEOPLE WHO PRETEND TO KNOW A LOT ABOUT ANIMALS BECAUSE THEY'RE AROUND ANIMALS ARE GIVEN THE RIGHT, IF YOU WANT TO CALL IT THAT, TO DEAL WITH THESE ANIMALS IN ANY WAY THEY CHOOSE. AND THE WAY THEY CHOOSE IS TO KILL THEM. BUT WHEN YOU KILL THEM, YOU MIGHT BE HELPING TO HURT YOUR OWN SELF AND YOUR OWN BEST INTERESTS. SO I'M GOING TO DO ALL THAT I CAN TO TAKE AWAY FROM THE GAME AND PARKS COMMISSION THE AUTHORITY TO SET HUNTING SEASONS FOR MOUNTAIN LIONS WHEN THE MOUNTAIN LIONS REGULATE THEIR OWN POPULATION, AND MAKE THEM DO THE JOB THAT THEY'RE SUPPOSED TO DO IN MANAGING ALL THIS REAL ESTATE THEY'VE MANAGED TO GET. [LB745]

SENATOR KRIST: ONE MINUTE. [LB745]

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SENATOR CHAMBERS: I DON'T HATE GAME AND PARKS. I JUST LOATHE THEM. AND I DON'T LOATHE THEM AS HUMAN BEINGS, I LOATHE WHAT THEY DO IN TERMS OF FEEDING MISINFORMATION. AND ANOTHER THING THAT I'M GOING TO DO NEXT SESSION SHOULD I BE REELECTED IS TO BRING ABOUT A SYSTEM WHERE THESE COMMISSIONERS WILL BE ELECTED BY DISTRICT. THE STATE WILL BE BROKEN INTO DISTRICTS AND THEY WILL BE ELECTED RATHER THAN APPOINTED BY THE GOVERNOR. THANK YOU, MR. PRESIDENT. [LB745]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB745]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. I, OF COURSE, OPPOSE THE BRACKET MOTION AND SHOULD RESPOND TO SENATOR BLOOMFIELD'S COMMENTS. I FOUND THE GAME AND PARKS COMMISSION TO BE FAIRLY JUDICIOUS IN THEIR FEE INCREASES AND VERY EFFECTIVE MANAGING THE MONEY THAT THEY HAVE. WE DO HAVE NEEDS TO REPAIR BOAT LAUNCHES AND THERE IS A BACKLOG OF \$460,000 TO REPAIR THOSE BOAT LAUNCHES. THE OPEN FIELDS AND WATERS FOR PUBLIC ACCESS THAT CONTINUES TO BE POPULAR, SO WE NEED TO INCREASE THOSE ACRES IF POSSIBLE. WE CURRENTLY HAVE 280,000 ACRES OF WALK-ACROSS OR PRIVATE LANDS TO PROVIDE ADDITIONAL ACCESS FOR SPORTSMEN FOR HUNTING, TRAPPING, AND FISHING. WE HAVE TWO UNFILLED CONSERVATION LAW OFFICER POSITIONS. SO I'M STARTING TO GET A PRETTY GOOD IMPRESSION THAT THEY ARE NOT LONG ON CASH. WHAT I ALLUDED TO IN MY OPENING, THE GAME AND PARKS PAYS \$857,000 IN PROPERTY TAXES. AND AS WE ALL KNOW, AS THE VALUE OF THOSE PROPERTIES HAS INCREASED, THE TAX THAT THEY PAY HAS INCREASED AS WELL. THEY ALSO WORK WITH THE NRDs, AND THOSE...THE ABILITY TO DO THAT IS PREDICATED ON HAVING ADEQUATE FUNDS. AND THEY, OF COURSE, NEED TO REPLACE VEHICLES, TRACTORS, AUTOMOBILES, TRUCKS. I THINK YOU PROBABLY HEARD FROM THE OPENING AND SOME OF THE DOCUMENTS THAT YOU NOW HAVE, IT'S BEEN FIVE TO SEVEN YEARS SINCE ANY OF THOSE FEE INCREASES HAVE BEEN INCREASED. SO WITH THAT, I WOULD YIELD THE BALANCE OF MY TIME TO THE PRESIDENT. [LB745]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER. SENATOR BLOOMFIELD. [LB745]

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR LARSON IS STILL NOT BACK THERE SO I'M GOING TO TAKE A SHOT IN THE DARK AND ASK SENATOR SCHILZ IF HE WOULD YIELD TO A QUESTION. [LB745]

SENATOR KRIST: SENATOR SCHILZ, WILL YOU YIELD TO A QUESTION? [LB745]

SENATOR SCHILZ: YES, I WOULD. [LB745]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. DO YOU REMEMBER I THINK IT WAS TWO YEARS AGO, WE PASSED A SUBSTANTIAL AMOUNT TO HELP GAME AND PARKS CATCH UP WITH THEIR BOAT RAMPS AND SUCH THINGS AND WHAT THAT AMOUNT WAS? [LB745]

SENATOR SCHILZ: I REMEMBER THE BILL AND I KNOW IT WAS FOR DEFERRED MAINTENANCE. AND I THINK...GOSH, I DON'T WANT TO PUT A NUMBER ON IT, BUT IT WAS IN THE MILLIONS, THE TENS OF MILLIONS. [LB745]

SENATOR BLOOMFIELD: THE NUMBER STICKS IN MY MIND OF \$50 MILLION, BUT I CAN'T SWEAR TO THAT. THANK YOU, SENATOR. WOULD SENATOR CHAMBERS YIELD? [LB745]

SENATOR KRIST: SENATOR CHAMBERS, WILL YOU YIELD? [LB745]

SENATOR CHAMBERS: YES. [LB745]

SENATOR BLOOMFIELD: SENATOR, DO YOU HAPPEN TO REMEMBER THAT NUMBER? [LB745]

SENATOR CHAMBERS: I REALLY DON'T. [LB745]

SENATOR BLOOMFIELD: OKAY. THANK YOU. THEN I'D LIKE TO KEEP YOU ON THE MIKE. I HAVE A COUPLE MORE QUESTIONS FOR YOU IF YOU WOULD, PLEASE. I'M GOING TO SWITCH FROM THE FEE THING BACK TO A SUBJECT THAT SENATOR CHAMBERS IS A LITTLE MORE FAMILIAR WITH AND THAT'S THE MOUNTAIN LION BILL THAT WE PASSED AND THE GOVERNOR VETOED A COUPLE YEARS AGO. AT THAT TIME, GAME AND PARKS HAD THE HUNTING PERMIT GOING. HOW MANY

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LIONS DID THE...MOUNTAIN LIONS DID THEY SAY THERE WERE IN THE STATE?
[LB745]

SENATOR CHAMBERS: 22. [LB745]

SENATOR BLOOMFIELD: HOW MANY WERE KILLED IN THE HUNT? [LB745]

SENATOR CHAMBERS: THERE MAY HAVE BEEN FIVE KILLED. [LB745]

SENATOR BLOOMFIELD: HOW MANY WERE KILLED IN AUTOMOBILE ACCIDENTS?
[LB745]

SENATOR CHAMBERS: WELL, IN AUTOMOBILE ACCIDENTS AND TRAPS AND
OTHER THINGS, ABOUT 11. [LB745]

SENATOR BLOOMFIELD: SO WE SHOT...OUT OF 28 (SIC), WE SHOT 5, AND WE
KILLED 11, WHICH DOESN'T LEAVE VERY MANY, WHICH I THINK POINTS TO THE
LACK OF ACCURACY OF WHAT GAME AND PARKS IS TELLING US, NOT ONLY ON
MOUNTAIN LIONS, BUT QUITE POSSIBLY ON OTHER ISSUES AS WELL. AND I, LIKE
SENATOR CHAMBERS, DON'T HATE GAME AND PARKS. I JUST DETEST THE WAY
THEY THROW THEIR MONEY AROUND AND WHAT THEY DO WITH PRIVATE
PROPERTY, HOW THEY TAKE IT OUT OF PRODUCTION. IRRIGATED FARMLAND
COMES OUT OF PRODUCTION AND GROWS UP TO, IN SOME CASES, NOXIOUS
WEEDS SO THEY CAN CREATE WHAT THEY PERCEIVE TO BE A HABITAT.
COLLEAGUES, THEY DON'T DO THINGS PROPERLY. IT IS NOT MANAGED AS WELL
AS IT COULD BE. AND THE IDEA THAT THROWING MORE MONEY TO THEM WILL
NECESSARILY IMPROVE THAT MANAGEMENT IS INCORRECT. AND IF SENATOR
CHAMBERS WOULD LIKE A LITTLE MORE TIME, HE CAN HAVE WHATEVER I HAVE
LEFT. [LB745]

SENATOR KRIST: SENATOR CHAMBERS, YOU'RE YIELDED 2:00. [LB745]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR
BLOOMFIELD. AT SOME POINT, I'M GOING TO READ FROM MY STATEMENT OF
INTENT THAT I READ TO THAT COMMITTEE BECAUSE I HAD THE EXACT FIGURES
ON WHAT YOU WERE ASKING AND I'M JUST GIVING THEM HERE OFF THE TOP OF
MY HEAD, BUT I'M WITHIN THE BALLPARK. ALL OF THE EXPERTS POINT OUT
THAT THERE HAS TO BE A MINIMUM NUMBER OF THESE ANIMALS TO STABILIZE

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A POPULATION SO THAT IT WILL NOT BE EXTERMINATED. THAT NUMBER HAS NEVER BEEN IN NEBRASKA WHAT THE EXPERTS SAY IT SHOULD BE. THIS HUNT WAS NOT ESTABLISHED BECAUSE MOUNTAIN LIONS WERE COMMITTING PREDACIOUS MISCONDUCT. THE GAME AND PARKS COMMISSION WANTED MONEY. AND THEY HAD THIS MEETING OUT AT MAHONEY PARK, I THINK IT MIGHT HAVE COST \$50...EITHER \$50 OR \$500 TO EVEN COME. AND WHEN THEY STARTED THE AUCTION, THE BEGINNING BID WAS SO HIGH THAT SOME OF THE RIFFRAFF, WHICH MEANS ORDINARY HUNTERS, COULDN'T EVEN BID. IT WAS SET UP FOR RICH PEOPLE TO HAVE THEIR WAY. AND IF YOU DID NOT PAY FOR THAT RIGHT THROUGH A BID, YOU COULD NOT USE DOGS AND YOU WERE NOT LIKELY TO CATCH AN ANIMAL. AND THOSE WHO USED THE DOGS SAID THEY WERE LUCKY THEY COULD BECAUSE THERE WAS NO SNOW COVER AND THEY WOULDN'T BE ABLE TO TRACK ONE OF THEM BECAUSE THEY'RE NOT SEEN. AND THEY DIDN'T EYEBALL AND TRACK THEM. THE DOGS DID IT. AND NO HUNTERS DEEMED USING DOGS TO BE REALLY HUNTING, ALTHOUGH IN STATES WHERE THEY HAVE IT LIKE THE DAKOTAS WHERE THEY DO A LOT OF THINGS WRONG, EVEN WHEN IT COMES TO GETTING OIL OUT OF THE GROUND... [LB745]

SENATOR KRIST: TIME, SENATOR. [LB745]

SENATOR CHAMBERS: ...THEY DO ALLOW DOGS TO SOME EXTENT. THANK YOU, MR. PRESIDENT. [LB745]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB745]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I STAND IN SUPPORT OF LB745 AND OPPOSE THE BRACKET MOTION. I HAVE...I VOTED EVERY TIME IT'S BEEN POSSIBLE TO BAN THE HUNTING OF MOUNTAIN LIONS AND I WOULD DO SO IN THE FUTURE. HOWEVER, I LIVE JUST A HALF MILE SOUTH OF BRANCHED OAK LAKE AND I SEE WHAT AN IMPORTANT PART THE PARKS AND REC DEPARTMENT PLAY...GAME AND PARKS WITH ALL OF THE FACILITIES AROUND THE STATE PLAY IN THE LIVES OF NEBRASKANS. BRANCHED OAK LAKE, FOR EXAMPLE, HAS A MILLION VISITORS EVERY YEAR--A MILLION VISITORS EVERY YEAR. AND I'M FULLY CONVINCED THAT OUR CHILDREN NEED TO GET OUT INTO NATURE SO THAT SOME DAY WE WILL BAN HUNTING OF MOUNTAIN LIONS. IF KIDS HAVE NO WAY OF GETTING OUT AND GETTING INTO THE DIRT AND GETTING INTO THE WEEDS AND TRAVELING THE TRAILS, WE WILL HAVE NO SUPPORT FOR PRESERVATION OF WILDLIFE. A NUMBER OF YEARS AGO...WELL, I'VE BEEN OUT

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TO FORT ROBINSON QUITE OFTEN ACTUALLY. A NUMBER OF YEARS I BACKPACKED OUT THERE. BUT THE LAST TIME I WAS OUT THERE WAS ABOUT TWO YEARS AGO, AND THEY SHOWED ME SOME OF THE QUARTERS FOR SOLDIERS THAT WERE...HAD THE ORIGINAL PLUMBING IN PLACE. AND THEY WERE TRYING TO DIG UP THAT PLUMBING AND I EVEN BROUGHT A PIECE OF IT BACK FOR SENATOR AVERY. SO THE...THEN THIS FALL, MY WIFE AND I WENT TO THE PARK OUT NEAR SCOTTSBLUFF, TO WILDCAT HILLS. AND AGAIN, A LOVELY PARK IN A LOVELY SETTING, BUT THERE'S NEED OF MAINTENANCE TO THAT PARK, TO THAT RECREATION AREA. AND IN MY OPINION, PARKS AND REC HAS DONE A GREAT JOB OF KEEPING THEIR FACILITIES IN SHAPE, BUT THERE'S ALWAYS MORE TO DO. THERE'S ALWAYS MORE TO DO. AND I HAVEN'T SEEN ANY EVIDENCE PERSONALLY OF THE IRRESPONSIBILITY OF PARKS AND REC IN TERMS OF HAVING RECREATION AREAS FOR THIS STATE AND FOR THE CHILDREN AND FOR THE PEOPLE OF NEBRASKA. SO I RISE IN FULL SUPPORT OF LB745. SENATOR McCOLLISTER, I'D LIKE TO CONGRATULATE (LAUGH) YOU ON CARRYING THIS GRENADE INTO THE CHAMBER. BUT I THINK IT'S NECESSARY AND I WILL VOTE TO CARRY IT FORWARD. THANK YOU SO MUCH. [LB745]

SENATOR KRIST: THANK YOU, SENATOR HAAR. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB745]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. JUST TO BRING EVERYBODY UP TO SPEED AND ANSWER THE QUESTION THAT SENATOR BLOOMFIELD HAD, THE BILL THAT HE TALKS ABOUT WAS PASSED IN 2014. AND \$15 MILLION FROM THE GENERAL FUNDS WENT TO DEFERRED MAINTENANCE THAT YEAR. THERE WAS \$2.5 MILLION THAT WENT TO THE REC ROADS PROJECT THAT WAS USED TO REPAIR SOME OF THE ROADS THAT ARE IN THE PARKS. AND THEN THERE WAS \$150,000 THAT WENT TO ARBOR LODGE IN NEBRASKA CITY TO BE ABLE TO DO SOME UPGRADES AND MAINTENANCE THERE. AND THEN, I'M NOT SURE IF IT WAS THE SAME YEAR, BUT SENATOR AVERY HAD A BILL THAT SET ASIDE \$4 MILLION A YEAR FOR FIVE YEARS THAT WILL END IN 2019, TO KIND OF TRY AND FINISH UP ON THE REST OF THAT DEFERRED MAINTENANCE. SO ONCE THIS IS ALL DONE, HOPEFULLY, HOPEFULLY, WE'LL BE A LOT CLOSER TO HAVING THAT \$40 MILLION THAT WE STARTED OUT WITH IN DEFERRED MAINTENANCE READY AND PAID FOR. AND QUITE A BIT OF THAT, ACCORDING TO GAME AND PARKS AND EVERYBODY ELSE, WAS FOR THE AMERICANS WITH DISABILITIES ACT, GETTING UP TO SPEED AND HAVING EVERYTHING IN PLACE THAT NEEDS TO BE IN PLACE FOR GOVERNMENTAL FACILITIES. SO THAT'S THE ANSWER ON WHERE ALL THAT MONEY CAME FROM AND WHAT IT DID. SO...AND I THINK THAT AS WE LOOK AT THE ISSUE, WE HAVE TO GIVE THESE AGENCIES

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THAT WE TRUST TO DO THESE OPERATIONS, TO DO THE THINGS THAT THEY DO THE ABILITY TO MAINTAIN THEIR OWN BOOK AND MAINTAIN THEIR OWN BUSINESS, SO TO SPEAK. AND SO WHEN A BILL LIKE THIS COMES UP AND IS BROUGHT TO THE FLOOR, I THINK WE NEED TO TAKE A SERIOUS LOOK AT IT AND THAT WE NEED TO UNDERSTAND IF WE AREN'T GOING TO ALLOW THEM THE ABILITY TO PAY AND PUT THE MONEY IN PLACE FOR WHAT THEY NEED, THEN WE NEED TO RETHINK ABOUT WHAT WE'RE DOING. AND IF THAT'S THE CASE, THEN LET'S BRING A BILL TO FIGURE OUT HOW TO DO THIS BETTER. BUT I FULLY TRUST GAME AND PARKS. I THINK THAT THEY DO HAVE CHALLENGES AS EVERY AGENCY DOES. BUT I AM HERE TO SUPPORT LB745. THANK YOU, MR. PRESIDENT. [LB745]

SENATOR KRIST: THANK YOU, SENATOR SCHILZ. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB745]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHILZ, FOR THAT INFORMATION. YOU KNOW, THIS LB745 DOESN'T GRATE ME AS BAD BECAUSE IT'S A USER FEE MOSTLY. THE PEOPLE THAT ARE ACTUALLY USING IT WILL PAY THE FEE. I STILL...I DON'T LIKE IT. BUT LET'S REMEMBER WHERE GAME AND PARKS HAS BEEN WILLING TO GO. JUST A COUPLE YEARS AGO THEY WANTED TO ATTACH A \$7 FEE ON EVERY LICENSE PLATE TO GET MONEY FOR GAME AND PARKS, HAS NOTHING TO DO WITH WHETHER OR NOT YOU EVER WENT TO A PARK. IF YOU HAPPEN TO HAVE A VEHICLE IN NEBRASKA, YOU WERE GOING TO PAY. WE MANAGED TO STOP THAT ONE. I BELIEVE THIS ONE NEEDS TO BE STOPPED, AS WELL. AND, SENATOR HAAR, I INVITED SENATOR McCOLLISTER TO COME UP AND TAKE A LOOK AT SOME OF GAME AND PARKS'S FINE WORK UP IN MY AREA, AND I WOULD EXTEND THAT INVITATION TO YOU AS WELL. I WOULD LOVE TO SHOW YOU THAT IRRIGATED...ONCE-IRRIGATED FARM THAT IS NOW A WEED PATCH. I'D LOVE TO SHOW IT TO YOU. I'D YIELD TO SENATOR CHAMBERS OUT OF FRUSTRATION IF NOTHING ELSE. [LB745]

SENATOR KRIST: SENATOR BLOOMFIELD, THAT WAS YOUR THIRD TIME. SENATOR CHAMBERS, YOU'RE YIELD 3:30. [LB745]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. AND I'M GLAD YOU'RE DEALING WITH THAT ASPECT OF GAME AND PARKS'S INAPPROPRIATE CARRYING OUT OF THEIR DUTIES SO I DON'T HAVE TO DO IT ALL. BUT SENATOR SCHILZ SAID THESE PEOPLE WE TRUST. HE NEEDS A GRAMMAR LESSON. YOU ENTRUST THEM WITH RESPONSIBILITY, BUT YOU

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CANNOT TRUST THEM TO CARRY IT OUT. AND WHEN SENATOR McCOLLISTER BRINGS A BILL LIKE THIS, HE HAS AN OBLIGATION IN MY OPINION TO GO OUT THERE AND SEE THE EXHIBITS THAT SENATOR BLOOMFIELD IS OFFERING. SENATOR McCOLLISTER CANNOT POINT TO AS MANY WONDERFUL THINGS THAT GAME AND PARKS IS DOING. THEY PERSUADED HIM TO BRING THE BILL. SENATOR HAAR COULD HAVE BROUGHT IT. WHY DIDN'T HE BRING IT? HE KNOWS BETTER. THERE WILL BE SOME SACRIFICIAL LAMB. SENATOR McCOLLISTER OUGHT TO ACCEPT SENATOR BLOOMFIELD'S INVITATION THEN COME BACK HERE AND TELL US WHAT A WONDERFUL JOB IS BEING DONE. AND SENATOR BLOOMFIELD IS NOT THE ONLY ONE WHO HAS THAT ATTITUDE. AND FOR SENATOR McCOLLISTER'S INFORMATION, IT WAS SOMEBODY WHO LIVES IN AN AREA WHERE GAME AND PARKS IS NOT DOING WHAT THEY SHOULD THAT SUGGESTED THAT I REQUIRE THESE COMMISSIONERS TO BE ELECTED FROM DISTRICTS. THEN THEY WILL BE RESPONSIBLE TO THE PEOPLE IN THE AREA FROM WHICH THEY WERE ELECTED. GAME AND PARKS DOES NOT EXIST JUST FOR PEOPLE WHO WANT TO GO DRINK AT A PARK OR WHO WANT TO SHOOT ANIMALS OR EVEN WHO WANT TO FISH AND SWIM. THEY HAVE A RESPONSIBILITY TO EVERYBODY IN THIS STATE AND THEY'RE NOT DISCHARGING THAT RESPONSIBILITY. AND THEY DON'T HAVE TO BECAUSE ALL THEY HAVE TO DO IS COME HERE AND PUT UP A PITIFUL MOUTH AND TALK ABOUT WHAT THEY'RE SUPPOSED TO BE DOING, SUGGEST THEY'RE DOING IT BUT CANNOT GIVE CONCRETE EVIDENCE OF IT, AND THEN THE LEGISLATURE ROLLS OVER AND GIVES THEM WHAT THEY WANT. GOING AFTER GAME AND PARKS IS THE ONLY WAY I CAN PROTECT THESE ANIMALS. THAT'S THE ONLY LEVERAGE THAT I HAVE AND I'M GOING TO USE IT. WILL I LOSE THIS YEAR? I LOST IN 2014 WHEN I GOT THE BILL PASSED, BUT I DON'T GIVE UP. I DON'T KNOW HOW TO GIVE UP. I DON'T KNOW HOW TO QUIT. AND I TOLD SENATOR SCHILZ AND HIS COMMITTEE MEMBERS THAT THESE ANIMALS WERE NOT GOING AWAY BECAUSE THEY WOULD KILL MY BILL AND I KNEW THEY WOULD. SENATOR SCHILZ HATES THIS BILL. [LB745]

SENATOR KRIST: ONE MINUTE. [LB745]

SENATOR CHAMBERS: I DON'T KNOW IF HE HATES THE INTRODUCER. HE MIGHT. BUT HATE KILLS THE HATER. HE PROBABLY HAS POLITICAL AMBITIONS. HE MIGHT HAVE HIS EYE ON THE... THAT GROUP THAT REGULATES TELEPHONES AND RAILROADS--SOMEBODY KNOWS THE NAME OF IT--PUBLIC SERVICE COMMISSION. SOMEBODY HELPED ME. NOW AM I MAKING A PREDICTION? HOW WOULD I KNOW? BUT I'LL TELL YOU WHAT. AFTER THIS SESSION, HE'S NOT GOING TO BE HERE BUT THE REST OF THE PEOPLE ON HIS COMMITTEE ARE

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GOING TO BE HERE. AND WE'RE GOING TO SEE HOW YOU DO THEN. YOU HAVEN'T SEEN ME AT MY WORST AND YOU HAVE NOT SEEN ME AT MY BEST. AND WHEN I'M AT MY BEST AND MY WORST, THEY MERGE. YOU KNOW WHAT MAE WEST SAID? WHEN I'M BAD, I'M BAD...NO, SHE SAID SOMETHING ABOUT...I'LL GET IT RIGHT. BUT SHE SAID GOOD GIRLS GO TO HEAVEN, BAD GIRLS GO EVERYWHERE. MAE WEST WAS A TOUGH WOMAN AND THAT'S WHY HORACE GREELEY SAID GO WEST YOUNG MAN, GO WEST. AND WHEN THEY SAW MAE WEST THAT'S WHEN THEY BROKE FROM THE EASTERN PARTS OF THE COUNTRY AND RAN WEST. BUT AT ANY RATE, WE'RE GOING TO HAVE AN OPPORTUNITY... [LB745]

SENATOR KRIST: TIME, SENATOR. [LB745]

SENATOR CHAMBERS: ...TO CONTINUE WITH THIS. THANK YOU, MR. PRESIDENT. [LB745]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB745]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. TWO GOOD COLLEAGUES BATTLING IT OUT HERE IN THE CHAMBER THIS AFTERNOON AND ONE OF THEM HAS ASKED ME FOR SOME TIME, SO I NOW GIVE SOME TIME TO MY FRIEND SENATOR CHAMBERS. THANK YOU, MR. PRESIDENT. [LB745]

SENATOR KRIST: SENATOR CHAMBERS, 4:44. [LB745]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. AND THE CATS WILL NOT FORGET YOU. MEMBERS OF THE LEGISLATURE, WHY WOULD ENOUGH PEOPLE VOTE TO PASS THIS BILL AND THEN 28 VOTED TO OVERRIDE THE GOVERNOR? YOU KNOW WHO PLAYED A BIG HAND IN TRYING TO GET THE GOVERNOR TO VETO IT IN THE FIRST PLACE? CABELA'S, CABELA'S. THEY'VE EVEN HAD PEOPLE DOWN HERE TO SPEAK AGAINST MY BILL BECAUSE THEY WANT TO SELL HUNTING EQUIPMENT TO YOU RUBES, TO YOU SUCKERS. IF YOU WERE IN ANOTHER PART OF THE COUNTRY, THEY WOULD CALL YOU HILLBILLIES. THAT'S WHAT THEY WOULD DO. AND WHAT ARE THEY GETTING READY TO DO? HOW ABOUT SIDNEY OUT THERE? SIDNEY LOVES CABELA. THEY WORSHIP CABELA. THEY NAME THEIR CHILDREN CABELA. ONE PERSON HAD FOUR CHILDREN AND EACH ONE OF THEM NAMED CABELA: CABELA NUMBER ONE, CABELA NUMBER TWO, CABELA NUMBER THREE, CABELA NUMBER FOUR. AND WHEN THEY CALL THEM, THEY CALL

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THEM BY THEIR NUMBER, NOT BY THEIR NAME. AND YOU KNOW WHAT WE WERE TOLD IN THE EXECUTIVE BOARD? THAT WE'RE GOING TO SEE A WHOLE LOT OF REQUESTS FOR TIF COMING FROM SIDNEY BECAUSE WHEN CABELA LEAVES, CABELA IS TAKING EVERYTHING WITH THEM AND ALL THOSE PEOPLE WHO LISTENED TO CABELA AND THOSE WHO WORK FOR CABELA TO KILL MY BILL, OUGHT TO GO WHEREVER CABELA GOES WITH THEM. ARE THEY GOING TO BE...IS SENATOR SCHILZ GOING TO GO OUT THERE IN SIDNEY AND TELL THE PEOPLE CABELA IS GREAT, THEY WERE A GOOD NEIGHBOR, WE DID WHAT CABELA WANTED US TO DO. YEAH, I HAVE BITTERNESS. I CERTAINLY DO. AND I HAVE SENSE ENOUGH TO KNOW THESE BIG SHOT COMPANIES DON'T LOVE THESE LITTLE HICK TOWNS WHERE THEY WIND UP AND THAT'S JUST WHAT THEY THINK OF THEM. AND WHEN THEY DECIDE THEY CAN GET ANYTHING A LITTLE BIT BETTER THEY PICK UP AND LEAVE. I WAS THE ONE WHO SINGLE-HANDEDLY KEPT CONAGRA FOR A LONG PERIOD OF TIME, BUT I COULDN'T WIN FOREVER, FROM GETTING ALL THOSE TAX BREAKS. AND THAT LEGISLATION WHEN KAY ORR WAS HERE WAS WHAT OPENED THE FLOOD GATES THAT CANNOT BE CLOSED NOW WHEN IT COMES TO GIVING CORPORATIONS THESE BIG BENEFITS. THERE'S A GUY NAMED MIKE HARPER AND WHEN WE WERE BATTLING HE WAS ASKED BY THE MEDIA IS THERE ANYBODY IN THE LEGISLATURE WHO YOU THINK COULD WORK IN YOUR COMPANY AND GUESS WHO HE POINTED OUT? HE SAID SENATOR CHAMBERS. AND YOU KNOW WHAT HE TALKED ABOUT? MY TENACITY, MY BELIEF IN WHAT I DO AND FIGHT HARD FOR IT. AND THEY THOUGHT HE WOULD HATE ME. BUT AS KIPLING SAID: EAST IS EAST, AND WEST IS WEST, AND NEVER THE TWAIN SHALL MEET/ TILL EARTH AND SKY STAND PRESENTLY AT GOD'S GREAT JUDGMENT SEAT/ BUT THERE IS NEITHER EAST NOR WEST, BORDER; NOR BREED, NOR BIRTH; WHEN TWO STRONG MEN STAND FACE TO FACE, THO' THEY COME FROM THE ENDS OF THE EARTH. NOW I FEEL THAT I'M A STRONG MAN, NOT PHYSICALLY. I'M WEAKER THAN CREAM, SO WEAK I CAN'T LICK MY LIPS. BUT I'M STRONG IN OTHER WAYS. AND GOVERNOR RICKETTS AND I ARE GOING TO TEAM UP ON SOMETHING THAT THE LEGISLATURE FELT THEY USED TO WHIP ME THE OTHER DAY. THEY MAY NOT GET THEIR UNL BILL WHERE THEY HIDE ALL OF THOSE WHO ARE SEEKING THE POSITION OF PRESIDENT OF THE UNIVERSITY. I CAN'T SAY THAT WILL HAPPEN FOR SURE, BUT THERE IS A CHANCE THAT HE AND I MAY BE ON THE SAME SIDE. [LB745]

SENATOR KRIST: ONE MINUTE. [LB745]

SENATOR CHAMBERS: BUT WE'LL JUST HAVE TO WAIT AND SEE HOW THAT HAPPENS. ON THIS BILL, GAME AND PARKS CANNOT BE TRUSTED TO DO WHAT THEY'RE SUPPOSED TO DO. WITH ALL THE DIFFERENT SOURCES OF REVENUE

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THEY'VE BEEN GRANTED BY THE LEGISLATURE, THEY STILL HAVE TO COME HERE BECAUSE THEY NEVER HAVE ENOUGH. ONE RICH GUY SAID HE WAS VERY RICH. HE SAID WHAT POOR PEOPLE DON'T UNDERSTAND IS THAT IT IS POSSIBLE TO HAVE TOO MUCH MONEY BUT IT'S NEVER POSSIBLE TO HAVE ENOUGH, NO MATTER HOW RICH YOU ARE. MONEY BECOMES A THING IN AND OF ITSELF TO BE SOUGHT AFTER. WHEN YOU HAVE MORE THINGS THAN MONEY CAN BUY, YOU DON'T NEED IT FOR THAT. THE MONEY ITSELF HAS THAT HOLD. AND THAT'S WHY AS I SEE SENATOR HARR COME IN HERE, IT MAKES ME THINK OF A BIBLICAL VERSE. THE LOVE OF MONEY IS THE ROOT OF ALL EVIL, NOT MONEY, BECAUSE THE BIBLE ALSO SAYS MONEY ANSWERETH ALL THINGS. WE WANT GAME AND PARKS WHEN THEY GET THAT MONEY TO ANSWER THE CALL AND DO THE JOB THEY'RE SUPPOSED TO DO. [LB745]

SENATOR KRIST: TIME, SENATOR. [LB745]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB745]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB745]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. AND, YOU KNOW, I JUST WANTED TO STAND UP AND LET SENATOR CHAMBERS KNOW THAT I DON'T NECESSARILY DISAGREE WITH HIM, THAT I COULD USE A GRAMMAR LESSON EVERY ONCE IN A WHILE. SO, YOU KNOW, I'M WITH YOU THERE. AND I DON'T HATE SENATOR CHAMBERS. I NEVER HAVE. IT JUST SEEMS THAT WE FIND OURSELVES ON OPPOSITE SIDES OF THE ISSUE NOW AND THEN. AND, YOU KNOW, WHEN PEOPLE HAVE THE PASSION ON EACH SIDE OF THE ISSUE AND THEY BELIEVE IN THINGS, THEN SOMETIMES YOU BUTT HEADS AND THAT'S OKAY TOO. BUT IF WE'RE GOING TO TALK ABOUT THIS BILL AND TALK ABOUT ALL OF THE THINGS THAT ARE IN ORBIT AROUND IT, WHETHER IT'S MOUNTAIN LIONS OR DISTRUST OF GAME AND PARKS OR THE FACT THAT YOU DON'T LIKE HOW THEY SPEND THEIR MONEY, THEN LET'S TALK ABOUT THAT. FIRST OF ALL, I THINK THAT WE NEED TO UNDERSTAND THAT WHEN WE TALK ABOUT A FEE INCREASE, THAT'S NOT MONEY THAT'S COMING FROM THE STATE. THAT'S MONEY THAT IS COMING FROM THE USERS, FROM THE PEOPLE THAT HUNT AND FISH AND GO TO THE PARKS AND INTERACT AND DO ALL THAT STUFF THAT'S AVAILABLE OUT THERE. SO I THINK WE NEED TO KEEP THAT IN MIND. AND IN THE HEARING WHEN WE TALKED ABOUT IT, THERE WASN'T ANYBODY FROM THOSE USERS THAT WILL PAY THE FEES THAT WERE UPSET WITH THIS THAT CAME TO THE HEARING AND

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LET US KNOW. WE DIDN'T GET ANY LETTERS IN OPPOSITION FROM ANY OF THE SPORTSMEN OR ANYBODY ELSE THAT WOULD PAY THESE FEES. AND SO AS I LOOK AT THAT, THEY UNDERSTAND THE IMPORTANCE OF MAINTAINING THE HEALTH OF THESE PROGRAMS AND THAT MEANS YOU HAVE TO HAVE MONEY. AND SO UNLIKE MANY OTHER GAME AND PARKS OR PARKS AGENCIES AROUND THE COUNTRY, NEBRASKA DOESN'T GIVE ANY MONEY FROM THE GENERAL FUND OR DOESN'T GIVE IT VERY OFTEN FOR THE DAY-TO-DAY OPERATIONS OF GAME AND PARKS. IT'S A CASH FUND AND THEY USE IT AS SUCH. SO THERE ARE TIMES WHEN WE HAVE TO ADJUST THAT. THAT'S OUR JOB AS THE LEGISLATURE. IT'S GAME AND PARKS'S JOB AS THAT AGENCY TO CARRY THAT OUT AND TO USE THAT MONEY WITHIN THOSE PROGRAMS TO WISELY CARRY OUT THE DUTIES THAT WE'VE GIVEN THEM. WHEN IT COMES TO THE MOUNTAIN LION BILL, YES, IT'S TRUE, WE KILLED IT IN COMMITTEE A FEW TIMES, A NUMBER OF TIMES. SENATOR CHAMBERS HAD THE OPPORTUNITY TO BRING IT BACK. WE HAD DISCUSSED THAT BEFORE. I FULLY EXPECTED THAT THAT WOULD HAPPEN AND HERE WE ARE TODAY. AND I RESPECT SENATOR CHAMBERS' PASSION ON THIS ISSUE. I DO. I DON'T AGREE WITH HIM AND I DON'T THINK THAT THIS BODY SHOULD BE THE ONE TO TAKE AWAY A SEASON FROM THE PEOPLE OF THE STATE OF NEBRASKA AND ANYBODY ELSE THAT WANTS TO COME. AND CHARGING FOR HUNTING IS CUSTOMARY AND NECESSARY TO MAINTAIN THOSE POPULATIONS OF THOSE ANIMALS OUT THERE. THIS ISN'T PREDEVELOPMENT. THIS ISN'T THE 1800s. THIS IS THE TWENTY-FIRST CENTURY AND THINGS HAVE CHANGED DRASTICALLY. BUT OVER THE PAST FEW YEARS, WE'VE SEEN MORE AND MORE SIGHTINGS. WE'VE SEEN MORE AND MORE CATS OUT THERE. AND RIGHT NOW, GAME AND PARKS IS CONDUCTING A STUDY TO GET A BETTER HANDLE ON HOW MANY NUMBERS ARE OUT THERE. BUT I THINK SENATOR BLOOMFIELD IS EXACTLY RIGHT. I THINK THAT THAT NUMBER, 20 OR WHATEVER, WAS NOT CORRECT. [LB745]

SENATOR KRIST: ONE MINUTE. [LB745]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. I THINK THAT NUMBER IS RIGHT. I DON'T THINK IT WAS CORRECT. AND I THINK THERE PROBABLY COULD BE MANY MORE CATS THAN WHAT THEY SAW AND WHAT THEY COULD SEE. WHAT WE DO KNOW IS THAT THEY WERE ABLE TO IDENTIFY 20 OR 22 OR WHATEVER IT WAS INDIVIDUAL CATS THROUGH DNA. THAT DOESN'T MEAN THAT'S THE TOTALITY OF THE CATS THAT ARE OUT THERE. THAT JUST MEANS THAT'S THE ONES THAT THEY FOUND DNA EVIDENCE TO SHOW THAT THERE'S THAT MANY INDIVIDUALS THAT THEY CAN BE SURE OF. SO THERE IS A STUDY GOING ON. THERE'S A MORATORIUM ON THE SEASON RIGHT NOW UNTIL THAT STUDY

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COMES BACK. AND I THINK WE SHOULD ALLOW GAME AND PARKS TO CONDUCT THAT AND THEN WORK AFTER THAT WITH THE SCIENCE AND THE NUMBERS THEY GET. THANK YOU, MR. PRESIDENT. [LB745]

SENATOR KRIST: THANK YOU, SENATOR SCHILZ. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB745]

SENATOR McCOLLISTER: QUESTION. [LB745]

SENATOR KRIST: THE QUESTION...YOU'RE THE LAST PERSON IN THE QUEUE, SO THAT'S REALLY NOT NECESSARY. SENATOR CHAMBERS, SEEING THE QUEUE EMPTY, YOU ARE RECOGNIZED TO CLOSE ON YOUR MOTION. [LB745]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, IT WILL BE GOOD TO TAKE A VOTE ON THIS BRACKET MOTION TODAY AND I DON'T EXPECT IT TO WIN. WHY WOULD I THINK IT'S GOOD TO TAKE A BRACKET MOTION TODAY? BECAUSE I THEN WILL BE ABLE TO OFFER IT AGAIN TOMORROW. IF SENATOR McCOLLISTER HAD NOT GOTTEN SO EAGER, WE PROBABLY WOULD HAVE ADJOURNED AND THIS BRACKET MOTION WOULD BE TAKEN CARE OF PRETTY EARLY IN PROCEEDINGS TOMORROW, AND I COULDN'T OFFER IT AGAIN. BUT THANKS TO SENATOR McCOLLISTER FOR HELPING ME. WE WILL DISPOSE OF THE BRACKET MOTION TODAY AND THEN I WILL OFFER IT TOMORROW. AND MAYBE I'LL GET TO OFFER IT NINE TIMES AND ANALOGIZE IT TO THE NUMBER OF LIVES THAT A FELINE IS SUPPOSED TO HAVE. BUT REMEMBER, I HAVEN'T OFFERED A SINGLE AMENDMENT YET. YOU ALL MAY HAVE SEEN ME VISITED AT MY DESK SEVERAL TIMES. I'M BEING DELIVERED PAGES AND PAGES AND PAGES OF AMENDMENTS, NOT ONE OF WHICH I'VE OFFERED. IF YOU ALL THINK THAT BECAUSE I DIDN'T TALK THE WHOLE TIME YESTERDAY ON THE UNL BILL AND, THEREFORE, I WILL NOT TAKE PLENTY OF TIME ON THIS BILL, IT WILL SHOW THAT YOU DON'T KNOW HOW TO JUDGE AND PROPER ASSESS AND EVALUATE WHAT YOU SAW. I DON'T EXPECT THIS VOTE TO GO MY WAY, WHICH WOULD BE THE RIGHT WAY. BUT I SAID THAT I WAS GOING TO GO AFTER EVERYTHING THAT GAME AND PARKS BRINGS. AND THIS IS NOT THE ONLY BILL. THEY ARE GOING...IS SENATOR MELLO HERE? IS THERE ANYBODY HERE FROM THE APPROPRIATIONS COMMITTEE OR DID THEY ALL BAIL? MAYBE THEY'RE ALL HAVING A SESSION. BUT THEY...I THINK SOMEBODY WILL TELL YOU THAT GAME AND PARKS HAS A SLOT IN THE BUDGET BILL WHERE THEY ARE GOING TO WANT SOME MONEY. THEY DON'T JUST GET ALL THEIR MONEY FROM FEES. AND I'M GOING TO DO SOMETHING WITH THE BUDGET BILL. AND SINCE THEY ARE WILLING TO DESTROY THESE

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ANIMALS, THE BUDGET BILL IS THE HABITAT AND YOU HAVE YOUR VERSION OF THE MOUNTAIN LION THERE AND YOU'RE GOING TO GET FROM ME THE SAME THING YOU GIVE TO THESE ANIMALS. AND WE ARE IN THE POSTERIOR PORTIONS OF THE LEGISLATIVE SESSION NOW. SENATOR HADLEY EVEN GAVE YOU THE EXACT NUMBER OF HOURS WE HAVE FOR DEBATING ON GENERAL, SELECT, AND FINAL READING. WHEN YOU GET THROUGH SUBTRACTING THE AMOUNT OF TIME I'M GOING TO TAKE NOT JUST ON THIS BILL, BUT ON OTHER BILLS, WE'RE GOING TO HAVE LESS AND LESS TIME TO TRY TO DO MORE AND MORE. AND I'M GOING TO GET GREAT PLEASURE OUT OF WATCHING YOU ALL SCRAMBLE AND THERE WILL BE PEOPLE COMING TO MY DESK THEN PAYING ME COURT. ERNIE, THIS IS THE BUDGET DEAL. YOU KNOW WHAT I'LL TELL THEM? WE CAN COME BACK IN A SPECIAL SESSION. WE'VE DONE IT BEFORE. AND MAYBE IT WON'T COME TO THAT. BUT SENATOR McCOLLISTER MAY BEGIN TO SEE BEFORE IT'S OVER THAT MAYBE HE DIDN'T GET PUT IN THE ROLE OF THE HERO BUT GOT PUT IN THE ROLE OF THE FALL GUY. BUT MAYBE HE WON'T. MAYBE HE AGREES WITH WHAT SENATOR WILLIAMS SAID. WHEN YOU GET THUMPED UPSIDE THE HEAD AND GET ALL THOSE KNOTS AND BUMPS ON YOUR HEAD FROM BEING KNOCKED AROUND, IF IT DOESN'T KILL YOU, IT MAKES YOU STRONGER. BUT REMEMBER THAT IF, IF IT DOESN'T KILL YOU, IT WILL MAKE YOU STRONGER. AND I LIKE SENATOR McCOLLISTER AND IF I'LL DO THIS TO SOMEBODY I LIKE, IMAGINE WHAT I'LL DO TO THOSE THAT I MAY NOT LIKE QUITE AS MUCH. [LB745]

SENATOR KRIST: ONE MINUTE. [LB745]

SENATOR CHAMBERS: NOW THERE WAS SOME COMMENTS SENATOR SCHILZ MADE WHICH I DON'T TAKE UMBRAGE AT IN TERMS OF THEIR BEING UNTRUE OR AGGRESSIVE, BUT THEY OPENED THE WAY FOR ME TO HAVE SOME QUESTIONS FOR HIM WHEN WE GET MORE TIME AND TOMORROW WE SHALL HAVE MORE TIME. BUT I WILL ASSURE EVERYBODY HERE THAT ONE DAY I HAD SAID IF THINGS DON'T GO MY WAY, THERE WILL BE NO MORE CONSENT CALENDARS. THINGS WENT WHAT I CONSIDERED TO BE THE RIGHT WAY. AND I WILL NOT INTERFERE WITH CONSENT CALENDAR THE REST OF THE SESSION. I DON'T CARE WHAT HAPPENS. I DON'T CARE WHAT I DON'T GET, ANYTHING ELSE. THAT WAS A BARGAIN THAT I MADE. AND LIKE LUCIFER, SATAN, MEPHISTOPHELES OF LITERATURE, SATAN ALWAYS KEPT HIS WORD. WHEN HE SAID SELL ME A SOUL AND I'LL GIVE YOU THIS, HE ALWAYS KEPT HIS WORD, ALWAYS WITHOUT DOUBT, ALWAYS. BUT THEN THE OTHER PEOPLE DIDN'T WANT TO PAY AND KEEP THEIR END. SO... [LB745]

SENATOR KRIST: TIME, SENATOR. [LB745]

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SENATOR CHAMBERS: ...BE...FEEL BETTER DEALING WITH SOMEBODY WHO IS A MINION OF SATAN FROM THE STANDPOINT OF BELIEVING HE OUGHT TO KEEP HIS WORD WHEN HE GIVES IT. [LB745]

SENATOR KRIST: TIME, SENATOR. [LB745]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I WILL ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB745]

SENATOR KRIST: THERE HAS BEEN A REQUEST TO PUT THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE BE UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB745]

ASSISTANT CLERK: 25 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB745]

SENATOR KRIST: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR KINTNER, SENATOR SMITH, SENATORS BAKER AND HANSEN, PLEASE CHECK IN AND RETURN TO THE CHAMBER. SENATOR SMITH, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. WHILE WE'RE WAITING, COLLEAGUES, TOMORROW MORNING THE NEBRASKA WHEAT GROWERS ASSOCIATION WILL BE DELIVERING TO YOUR OFFICE CINNAMON ROLLS IN OBSERVATION OF BAKE AND TAKE DAY. FOR MORE THAN 40 YEARS, WHEAT ORGANIZATIONS ACROSS THE COUNTRY HAVE DESIGNATED BAKE AND TAKE DAY TO CELEBRATE THE STORY OF AGRICULTURE AND WHEAT FARMERS IN PARTICULAR. THE CONCEPT OF BAKE AND TAKE IS SHARE A BAKED ITEM WITH A FRIEND, NEIGHBOR, COMMUNITY LEADER, AND COWORKERS TO CELEBRATE THE FRIENDSHIP, FAMILY, COMMUNITY, AND PROFESSIONAL BOND WE SHARE. THIS YEAR'S CINNAMON ROLLS ARE BEING BAKED BY WHEATFIELDS RESTAURANT OF OMAHA AND SHOULD BE DELIVERED FRESH TO YOUR OFFICE TOMORROW TO START YOUR DAY ON A SWEET NOTE. THANK YOU. WE'LL ALL PRESENT AND ACCOUNTED FOR. MR. CLERK, THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE, REGULAR ORDER. [LB745]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 933-934.) VOTE IS 3 AYES, 29 NAYS, MR. PRESIDENT, ON THE MOTION TO BRACKET. [LB745]

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SENATOR KRIST: THE BRACKET MOTION FAILS. ITEMS FOR THE RECORD. RAISE THE CALL, PLEASE. [LB745]

ASSISTANT CLERK: MR. PRESIDENT, NEW A BILL: LB698A BY SENATOR MELLO (READ LB698A BY TITLE FOR THE FIRST TIME.) AMENDMENT TO BE PRINTED TO LB745 FROM SENATOR CHAMBERS. NAME ADDS: SENATOR KINTNER TO LB975; SENATORS GARRETT, GLOOR, EBKE, KEN HAAR, AND MORFELD TO LB886. (LEGISLATIVE JOURNAL PAGES 934-935.) [LB698A LB745 LB975 LB886]

AND I HAVE A PRIORITY MOTION. SENATOR SULLIVAN WOULD MOVE TO ADJOURN UNTIL THURSDAY, MARCH 10, AT 9:00 A.M.

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