

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
March 17, 2016

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FORTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR MIKE WING OF THE GRACE COMMUNITY BIBLE CHURCH IN NORTH PLATTE, NEBRASKA, SENATOR GROENE'S DISTRICT. PLEASE RISE.

PASTOR WING: (PRAYER OFFERED.)

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

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

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

CLERK: I HAVE NO CORRECTIONS.

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

CLERK: NEW RESOLUTION, SENATOR BURKE HARR OFFERS LR492, MR. PRESIDENT. THAT WILL BE LAID OVER. ATTORNEY GENERAL OPINION, SENATOR KOLTERMAN, TO BE INSERTED IN THE JOURNAL (RE LB975). THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1019-1037.) [LR492 LB975]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. (VISITORS INTRODUCED.) MR. CLERK, WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, LEGISLATIVE CONFIRMATION REPORTS.

CLERK: MR. PRESIDENT, THE GOVERNMENT COMMITTEE CHAIRED BY SENATOR MURANTE REPORTS ON TWO APPOINTMENTS TO THE STATE EMERGENCY RESPONSE COMMISSION. (LEGISLATIVE JOURNAL PAGE 983.)

PRESIDENT FOLEY: SENATOR MURANTE, YOU'RE WELCOME TO OPEN ON THE FIRST OF THE CONFIRMATION REPORTS.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. I AM HERE TODAY TO INTRODUCE THE CONFIRMATION REPORTS TO THE STATE EMERGENCY RESPONSE COMMISSION. THE STATE EMERGENCY RESPONSE COMMISSION CONSISTS OF 19 MEMBERS FROM STATE AND LOCAL GOVERNMENT, INCLUDING FIRE, LAW, PUBLIC HEALTH, SCHOOLS, INDUSTRY, TRANSPORTATION, AND THE PUBLIC. THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE HAS UNANIMOUSLY CONFIRMED THE GOVERNOR'S APPOINTMENT OF POLLY JORDENING TO THE STATE EMERGENCY RESPONSE COMMISSION OR SERC. SERC CONSISTS OF 19 MEMBERS, AS I PREVIOUSLY STATED. MS. JORDENING HAS OVER 25 YEARS OF EXPERIENCE IN OCCUPATIONAL SAFETY. HER TENURE IS THE SAFETY FIELD...IN THE SAFETY FIELD HAS RANGED FROM WORK WITH AMMONIA REFRIGERANT SYSTEMS TO EXTENSIVE OSHA REGULATION COMPLIANCE. IN HER CURRENT POSITION, MS. JORDENING IS RESPONSIBLE FOR COORDINATING THE EMERGENCY RESPONSE ACTIVITIES FOR LARGE FACILITIES WITH UP TO 2,500 EMPLOYEES. THE COMMITTEE HAS ALSO UNANIMOUSLY CONFIRMED THE GOVERNOR'S REAPPOINTMENT OF KEITH DEIML. MR. DEIML IS A RETIRED EDUCATOR FROM PAPIILLION, NEBRASKA. MR. DEIML HAS EXTENSIVE EXPERIENCE SERVING ON VARIOUS EMERGENCY PLANNING AND RESPONSE COMMISSIONS. MR. DEIML'S PREVIOUS SERVICE HAS INCLUDED TIME AS THE PROGRAM MANAGER FOR EASTERN NEBRASKA'S CERT AS AN INSTRUCTOR FOR THE NATIONAL INCIDENT MANAGEMENT SYSTEM. MR. DEIML HAS SERVED ON THE NEBRASKA STATE EMERGENCY RESPONSE COMMISSION SINCE 2004. ALL OF THE...BOTH OF THE CONFIRMATIONS YOU HAVE HEARD THUS FAR WERE APPROVED UNANIMOUSLY BY THE GOVERNMENT COMMITTEE, AND I WOULD ENCOURAGE YOUR APPROVAL OF THEM TODAY. THANK YOU, MR. PRESIDENT.

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PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SEEING NO SENATORS WISHING TO SPEAK, SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 1037-1038.) 27 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF THE REPORT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE CONFIRMATION REPORT IS ADOPTED. I NOW RECOGNIZE SPEAKER HADLEY FOR ANNOUNCEMENT.

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I JUST WANT TO TAKE A COUPLE OF MINUTES. I HAVE PUT OUT THE CONSENT AGENDA. I WANT TO TALK FOR A COUPLE MINUTES ABOUT IT. I'M TELLING YOU RIGHT NOW JUST BECAUSE A BILL COMES OUT 8-0 FROM A COMMITTEE DOES NOT MAKE IT CONSENT. JUST BECAUSE A BILL DOESN'T HAVE ANYBODY TESTIFY AGAINST IT DOESN'T MAKE IT CONSENT. I WAS VERY CLEAR, BILL IS NONCONTROVERSIAL. TWO, TOPIC THE BILL OPENS UP IS NONCONTROVERSIAL. THREE, THE BILL DOES NOT ADD A LOT OF CHANGES. WE HAD ONE BILL THAT WAS 157 PAGES THAT WANTED TO BE ON CONSENT. BILL DOES NOT HAVE A GENERAL FUND IMPACT AND BILL HAS BEEN REPORTED TO GENERAL FILE. NOW, I WAS TRYING TO FIGURE OUT--I THINK I HAD TOTAL THIS TIME AND THE LAST TIMES 130 BILLS. AND EVERYBODY COMES UP AND SAYS, OH, IT GOT OUT OF COMMITTEE WITH NO DISSENTING VOTES, SO OBVIOUSLY IT IS CONSENT. FOLKS, WE CAN GO BACK AND HAVE ANOTHER CONSENT. IF YOU WANT TO SPEND THE REST OF THIS SESSION DEALING WITH CONSENT BILLS, WE CAN. WE COULD DO THAT. BUT I THINK WE GOT SOME PRETTY IMPORTANT THINGS THAT WE NEED TO DO HERE. SO NEXT YEAR, THINK ABOUT THAT. THE SPEAKER DOESN'T MAKE A DECISION BECAUSE THEY LIKE THE BILL, DON'T LIKE THE BILL; WHETHER...FIRST OF ALL, IF IT'S ON CONSENT, MY FIRST THOUGHT IS IT MUST NOT BE VERY IMPORTANT BECAUSE YOU DIDN'T PRIORITIZE IT. THE COMMITTEE DIDN'T PRIORITIZE IT. THE SPEAKER DIDN'T PRIORITIZE IT. SO ALL I'M SAYING IS NEXT YEAR YOU BETTER THINK ABOUT HOW YOU WANT TO HANDLE CONSENT. AND IF YOU WANT TO DO THAT, IF YOU WANT THE SPEAKER TO HAVE THE ABILITY TO DECIDE WHAT IS PASSED FOR 150 BILLS ON THIS FLOOR, GO RIGHT AHEAD--CONTINUE DOING THIS BECAUSE IT'S GONE UP EXPONENTIALLY: 20, 40, 130, 140. I KNOW YOU GET A LOT OF PRESSURE FROM PEOPLE BACK HERE. I'M GOING TO SAY THE SAME THING SOME OTHER PEOPLE HAVE SAID. THEY GET PAID TO GET THEIR BILLS

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THROUGH. THEY DON'T EVALUATE THEM ON THIS. THEIR EVALUATION IS GETTING THE BILL HEARD ON THE FLOOR AND GETTING THE BILL PASSED. THE SECOND THING--AND I'M NOT TRYING TO PREACH--BUT YOU WATCH TOMORROW. EVERY BILL WILL SLIDE RIGHT THROUGH BECAUSE YOU'RE GOING TO HAVE TO LOOK AT WHAT, 60, 70 BILLS AND MAKE A DECISION WHETHER THAT'S A BILL THIS LEGISLATURE SHOULD BE PASSING INTO STATUTE? THAT'S A LOT. SO DO YOU ERR BY NOT HEARING A BILL THIS YEAR AND COMING UP NEXT YEAR WHERE IT CAN HAVE MORE FULL AND FAIR DEBATE? OR DO YOU SPEND 15 MINUTES WITH AN OPEN FOR 5 MINUTES, 1 QUESTION AND YOU VOTE? AND I'M GOING TO BE HONEST AND SAY I WAS JUST LIKE YOU. I DIDN'T HAVE THE TIME TO LOOK THROUGH 20 BILLS, 40 BILLS A FEW YEARS AGO. SO IF YOU WANT TO COME UP AND TELL ME WHY YOUR BILL SHOULD HAVE BEEN ON, I WILL GIVE YOU THE REASON, GIVEN THESE THREE ITEMS THAT I TALKED ABOUT. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. CONTINUING NOW WITH CONFIRMATION REPORTS. MR. CLERK.

CLERK: MR. PRESIDENT, GOVERNMENT COMMITTEE REPORTS ON THE APPOINTMENT OF BRIAN TESSMAN TO THE STATE PERSONNEL BOARD. (LEGISLATIVE JOURNAL PAGE 983.)

PRESIDENT FOLEY: SENATOR MURANTE, AS CHAIR OF THE COMMITTEE, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. THE COMMITTEE HAS UNANIMOUSLY CONFIRMED THE GOVERNOR'S REAPPOINTMENT OF BRIAN TESSMAN TO THE STATE PERSONNEL BOARD. BRIAN TESSMAN HAS SERVED ON THE STATE PERSONNEL BOARD FOR 15 YEARS. HE'S A GRADUATE OF HASTINGS COLLEGE WHERE HE RECEIVED HIS BACHELOR OF ARTS IN HUMAN RESOURCE MANAGEMENT. HE IS CURRENTLY A SALES SUPERVISION ANALYST AT SECURITIES AMERICA IN LA VISTA. MR. TESSMAN HAS ALSO SERVED ON THE JUDICIAL NOMINATING COMMISSION AND WAS A MEMBER OF THE HASTINGS CITY COUNCIL FROM 1996 TO 2000. I ENCOURAGE YOUR APPROVAL OF BRIAN TESSMAN TO THE STATE PERSONNEL BOARD. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. DEBATE IS NOW OPEN ON THE SECOND CONFIRMATION REPORT. SEEING NO MEMBERS WISHING TO SPEAK,

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SENATOR MURANTE WAIVES CLOSE. THE QUESTION IS THE ADOPTION OF THE SECOND CONFIRMATION REPORT OF THE GOVERNMENT COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 1038-1039.) 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

PRESIDENT FOLEY: THE CONFIRMATION REPORT IS ADOPTED. MR. CLERK.

CLERK: MR. PRESIDENT, THE GOVERNMENT COMMITTEE REPORTS ON THE APPOINTMENT OF EDWARD TONER AS CHIEF INFORMATION OFFICER. (LEGISLATIVE JOURNAL PAGE 983.)

PRESIDENT FOLEY: SENATOR MURANTE, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; AND MEMBERS, GOOD MORNING. THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE HAS AGAIN UNANIMOUSLY CONFIRMED THE GOVERNOR'S APPOINTMENT OF EDWARD TONER TO BE THE CHIEF INFORMATION OFFICER FOR THE STATE OF NEBRASKA. MR. TONER IS A GRADUATE OF TEXAS A&M UNIVERSITY WHERE HE RECEIVED HIS BACHELOR'S OF SCIENCE IN INDUSTRIAL DISTRIBUTION. HE HAS EXTENSIVE EXPERIENCE IN THE I.T. SECTOR AND MOST RECENTLY HE SERVED AS THE DIRECTOR FOR I.T. GLOBAL INFRASTRUCTURE AND OPERATIONS AT FIRST DATA. MR. TONER HAS SERVED IN HIS CURRENT ROLE AS CHIEF INFORMATION OFFICER FOR THE STATE OF NEBRASKA SINCE JUNE OF 2015. I ENCOURAGE YOUR SUPPORT OF MR. TONER. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SENATOR KINTNER, YOU'RE RECOGNIZED.

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. I VOTED FOR EVERY ONE OF THE GOVERNOR'S APPOINTEES, AND I THINK THEY'VE ALL BEEN OUTSTANDING. I HAVE FOUND MR. TONER TO BE EVERYTHING THAT YOU WANT IN A STATE EMPLOYEE. I MEAN, HE'S GOT EXPERIENCE. HE'S RECEPTIVE TO IDEAS. HE LISTENS. HE REPORTS BACK. HE THINKS OUTSIDE THE BOX. HE TRIES TO DO THINGS NEW WAYS. HE'S BRINGING IN NEW IDEAS. HE'S EXACTLY THE KIND OF

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GUY THAT WE WANT IN GOVERNMENT. I AM GLAD THAT HE'S ON THE TEAM, TEAM NEBRASKA. AND I WHOLEHEARTEDLY ENDORSE HIM; ENTHUSIASTICALLY, WILL CAST A YES VOTE WITH MY GREEN LIGHT. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR SCHUMACHER.

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I DON'T KNOW THIS PARTICULAR INDIVIDUAL AND I'M TRUSTING THE GOVERNOR'S GOOD JUDGMENT IN MAKING THIS APPOINTMENT. BUT THE POSITION OF CHIEF INFORMATION OFFICER IS A VERY IMPORTANT POSITION. AND IT'S ONE THAT IF EXECUTED PROPERLY CAN SAVE THIS STATE A LOT OF MONEY. RIGHT NOW THERE HAS BEEN OVER THE LAST FEW YEARS A PATTERN OF NOT UTILIZING THE INTERNET AS IT SHOULD BE FOR COMMUNICATION BETWEEN COURTHOUSES AND THE STATE OFFICES, OF PUTTING IN SPECIAL DEDICATED LINES THAT ARE VERY EXPENSIVE COMPARED TO THE WAY NORMAL BUSINESS DOES IT TO COMMUNICATE BETWEEN VARIOUS OUTPOSTS IN THE STATE AND THE LINCOLN CENTRAL COMMANDS. THIS IS A JOB THAT IF DONE RIGHT AND PROPERLY UTILIZING TECHNOLOGY RATHER THAN TRYING TO BUILD NOMINALLY BECAUSE IT'S MORE SECURE OR IT'S MORE RELIABLE, SOMETHING THAT AMOUNTS TO A MERCEDES BENZ WHEN EVERY OTHER BUSINESS ENTITY AND OPERATIONAL ENTITY IS DRIVING VERY GOOD BUICKS IN THE INTERNET SYSTEM, THIS PARTICULAR OFFICE CAN SAVE US A LOT OF MONEY IF FOCUSED. AND I WISH HIM THE BEST OF LUCK AND I WILL BE VERY HOPEFUL THAT WE HAVE A MORE EFFICIENT INTERNET AND STATE COMMUNICATION SYSTEM WITH LESS WASTE, LESS FAVORITISM AND "PATRONISM" THAN WE'VE HAD IN THE PAST. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 1039.) 27 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF THE REPORT.

PRESIDENT FOLEY: THE CONFIRMATION REPORT IS ADOPTED. MR. CLERK.

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CLERK: MR. PRESIDENT, THE GOVERNMENT COMMITTEE REPORTS ON THE APPOINTMENT OF JEFFERY PEETZ TO THE ACCOUNTABILITY AND DISCLOSURE COMMISSION. (LEGISLATIVE JOURNAL PAGE 983.)

PRESIDENT FOLEY: SENATOR MURANTE, AS CHAIR OF THE COMMITTEE, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD MORNING. ONCE AGAIN THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE HAS UNANIMOUSLY CONFIRMED THE SECRETARY OF STATE'S APPOINTMENT OF JEFFERY PEETZ TO THE ACCOUNTABILITY AND DISCLOSURE COMMISSION. MR. PEETZ RECEIVED HIS BACHELOR OF SCIENCE IN BUSINESS ADMINISTRATION FROM THE UNIVERSITY OF NEBRASKA AND HIS JD FROM CREIGHTON LAW SCHOOL. HE IS CURRENTLY AN ATTORNEY AT THE LAW FIRM ENDACOTT, PEETZ, AND TIMMER WHERE HE HAS SERVED AS A SHAREHOLDER AND PRESIDENT SINCE 2014. IN ADDITION TO HIS LEGAL CAREER, MR. PEETZ HAS BEEN INVOLVED IN THE COMMUNITY SERVING ON MULTIPLE COMMITTEES FOR THE NEBRASKA STATE BAR ASSOCIATION, THE BOARD OF DIRECTORS FOR THE LINCOLN PUBLIC SCHOOLS FOUNDATION, AND THE CHAIRPERSON FOR THE LINCOLN COMMUNITY FOUNDATION. I ENCOURAGE YOUR CONFIRMATION OF THE SECRETARY OF STATE'S APPOINTMENT OF JEFFERY PEETZ TO THE ACCOUNTABILITY AND DISCLOSURE COMMISSION. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR MURANTE WAIVES CLOSE. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT OF THE GOVERNMENT COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 1039-1040.) 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

PRESIDENT FOLEY: THE CONFIRMATION REPORT IS ADOPTED. MOVING ON TO THE AGENDA, SELECT FILE APPROPRIATION BILL. MR. CLERK.

CLERK: MR. PRESIDENT, LB722A IS ON SELECT FILE. I HAVE NO AMENDMENTS TO THE BILL. [LB722A]

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PRESIDENT FOLEY: SENATOR HOWARD, YOU'RE RECOGNIZED FOR A MOTION.
[LB722A]

SENATOR HOWARD: I MOVE TO ADVANCE THE BILL FOR E&R AND ENGROSSING.
[LB722A]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE THE
BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB722A
ADVANCES. CONTINUING WITH THE AGENDA, GENERAL FILE, 2016 SENATOR
PRIORITY BILLS. MR. CLERK. [LB722A]

CLERK: MR. PRESIDENT, RETURNING TO LB900 INTRODUCED BY SENATOR
BLOOMFIELD, HAS BEEN DISCUSSED A COUPLE OF TIMES. THE COMMITTEE
AMENDMENTS ARE PENDING, AS IS AN AMENDMENT BY SENATOR MORFELD TO
THE BILL. (AM2343, LEGISLATIVE JOURNAL PAGE 933.) [LB900]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. BEFORE WE PROCEED TO THE
SPEAKING QUEUE, SENATOR BLOOMFIELD, WOULD YOU LIKE TO TAKE A
MOMENT JUST TO REFRESH US ON WHERE WE ARE ON THE BILL? [LB900]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I INTRODUCED LB900
WHICH WOULD ALLOW ADULTS OVER THE AGE OF 21 TO DECIDE WHETHER OR
NOT THEY WANT TO RIDE WITHOUT A HELMET. IT ALSO CREATES A TRAUMATIC
BRAIN INJURY TRUST FUND WHICH WOULD BE FUNDED BY THE MOTORCYCLE
RIDERS WITH AN INCREASED REGISTRATION FEE. IT WOULD BRING IN PROBABLY
A LITTLE OVER A MILLION DOLLARS A YEAR INTO THAT TRUST FUND THAT
WOULD BE USED TO HELP NEBRASKANS WITH TRAUMATIC BRAIN INJURY. IT
ALSO WOULD FUND A SAFETY PROGRAM, NOT AS HEAVILY, BUT THERE WOULD
BE SOME FUNDING THERE FOR SOME SAFETY ISSUES AS WELL. IT HAS BEEN
AMENDED BY THE TRANSPORTATION COMMITTEE AND THEIR AMENDMENT
BECOMES THE BILL. AND I ASSUME YOU'LL LET SENATOR MORFELD TALK
ABOUT HIS AMENDMENT IF HE'S, IN FACT, HERE. NOT SEEING HIM THERE, AM2343
WOULD MOVE THE BRAIN TRUST FROM THE DMV OVER TO HHS. THANK YOU,
MR. PRESIDENT. [LB900]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. I DO NOT SEE SENATOR
MORFELD ON THE FLOOR. SENATOR SMITH, WOULD YOU LIKE A MOMENT JUST
TO REFRESH US ON THE COMMITTEE AMENDMENT? [LB900]

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SENATOR SMITH: YES. YES, THANK YOU, MR. PRESIDENT; AND GOOD MORNING, COLLEAGUES. THE AMENDMENT REVISES THE BOARD PROPOSED BY SENATOR BLOOMFIELD TO ADDRESS BRAIN INJURY CASES. THE NAME HEALTH ADVISORY SAFETY AND BRAIN INJURY BOARD IS CHANGED TO MOTORCYCLE SAFETY AND BRAIN INJURY BOARD. THE COMMITTEE AMENDMENT ADDRESSES A REQUEST MADE BY THE DEPARTMENT OF MOTOR VEHICLES AND REPEALS THE EXISTING AUTHORITY FOR THE DEPARTMENT'S HEALTH ADVISORY BOARD. THE NEW MOTORCYCLE SAFETY AND BRAIN INJURY BOARD WOULD CONSIST OF NINE MEMBERS, AND THE AMENDMENT SPECIFIES THE MEMBERSHIP MAKEUP OF THE BOARD. AND FINALLY, THE AMENDMENT RESTRUCTURES EXISTING LANGUAGE STATING THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ENSURE INDIVIDUALS RECEIVING AN OPERATOR'S LICENSE SHALL BE PHYSICALLY AND MENTALLY CAPABLE OF OPERATING A MOTOR VEHICLE SAFELY. THANK YOU.
[LB900]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. DEBATE NOW PROCEEDING ON LB900 AND RELATED AMENDMENTS. SENATOR BOLZ, YOU'RE RECOGNIZED.
[LB900]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I GOT A PHONE CALL EARLY THIS MORNING WANTING TO LEARN MORE ABOUT THE CITES OF MY SOURCES FOR THE DATA THAT I SHARED YESTERDAY. AND SO GOOD MORNING, NEBRASKA, AND THANK YOU FOR YOUR QUESTION. AND FOR THE SAKE OF THE BODY AND FOR THE SAKE OF THOSE LISTENING, LET ME ILLUSTRATE FOR YOU THE RESEARCH, POLICY, AND DATA-RELATED FOUNDATION FOR MY OPPOSITION TO THIS BILL. THE FIRST IS THAT 41 PERCENT OF MOTORCYCLISTS INJURED IN NEBRASKA LACKED HEALTH INSURANCE OR RECEIVED MEDICAID OR MEDICARE. THAT'S A LITTLE BIT OF AN OLDER CITATION, BUT IT IS FROM THE JOURNAL OF EMERGENCY MEDICINE. A SIMILAR STUDY ILLUSTRATED THAT UNHELMETED RIDERS INVOLVED IN CRASHES ARE LESS LIKELY TO HAVE INSURANCE AND MORE LIKELY TO HAVE HIGHER HOSPITAL COSTS THAN HELMETED RIDERS IN SIMILAR CRASHES, WHICH IS FROM THE NATIONAL HIGHWAY SAFETY ADMINISTRATION, A 2013 NATIONAL SAFETY STUDY. I ALSO WANT TO SHARE WITH YOU THAT THE COST ESTIMATES FOR THE MOTORCYCLE CRASHES, INCLUDING THE ESTIMATE OF THE \$1.5 MILLION COST FOR DEATH, WHICH INCLUDES VEHICLE DAMAGE, EMPLOYER COST, ADMINISTRATIVE EXPENSES, AND MEDICAL EXPENSES, AS WELL AS THE COST FOR INJURY AT \$80,000, IS FROM THE NATIONAL SAFETY COUNCIL INJURY FACTS 2013 EDITION. AND FINALLY, COLLEAGUES, I WANT TO SHARE THAT THE CITATION FOR THE 2013 STATEMENT THAT TOTAL CHARGES FOR ALL RIDERS HOSPITALIZED AS A RESULT

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OF A MOTORCYCLE INJURY WAS OVER \$11 MILLION AND 9 PERCENT WAS PAID FOR BY MEDICARE OR MEDICAID, THAT IS FROM THE NEBRASKA VITAL STATISTICS AND NEBRASKA HOSPITAL DISCHARGE DATA. COLLEAGUES AND NEBRASKA, I WANT TO REITERATE TO YOU THAT THIS IS NOT A BIAS. THIS IS NOT A LACK OF UNDERSTANDING OF WHO POPULATION OF MOTORCYCLE RIDERS IS. THIS IS THE FACTS AND THE DATA THAT HAS BEEN OFFERED TO ME FROM RELIABLE SOURCES THAT DO RESEARCH ON THESE ISSUES. I HAVE YET TO HEAR COUNTER DATA OR COUNTER RESEARCH THAT TELLS ME ANYTHING DIFFERENT THAN THAT HAS BEEN OFFERED TO ME FROM THE NEBRASKA SAFETY COUNCIL, FROM THE NEBRASKA HIGHWAY ADMINISTRATION, FROM THE JOURNAL OF EMERGENCY MEDICINE, FROM THE BRAIN INJURY ASSOCIATION OF NEBRASKA, FROM THE NEBRASKA COUNCIL (SIC--BUREAU) OF VITAL STATISTICS. COLLEAGUES, I BELIEVE THAT IT IS IMPORTANT THAT WE BASE OUR POLICY DECISIONS ON A FOUNDATION OF RESEARCH, DATA, AND LOGIC, AND THAT'S WHAT I OFFER TO YOU AS WE BEGIN TO CONSIDER THIS BILL AGAIN THIS MORNING. SO, NEBRASKA, I'M PLEASED THAT YOU'RE FOLLOWING OUR DEBATE. I THINK IT'S IMPORTANT. I'M GLAD THAT YOU'RE A PART OF THE DIALOGUE AND THE DISCUSSION. BUT I REASSURE YOU THAT, AT LEAST IN MY WORK IN THE BODY, I BASE MY VOTES AND MY DECISIONS TO THE GREATEST DEGREE I CAN ON RESEARCH AND POLICY. THANK YOU, MR. PRESIDENT. [LB900]

PRESIDENT FOLEY: THANK YOU, SENATOR BOLZ. SENATOR EBKE, YOU'RE RECOGNIZED. [LB900]

SENATOR EBKE: THANK YOU, MR. PRESIDENT; AND GOOD MORNING, COLLEAGUES AND NEBRASKA. I WANT TO JUST REITERATE A FEW OF THE THINGS THAT I MADE MENTION OF YESTERDAY. AGAIN, I THINK THAT IF YOU ASKED MOST OF THE MEMBERS WHO ARE IN SUPPORT OF LB900, MOST OF US WOULD SAY THAT, YES, PEOPLE OUGHT TO WEAR HELMETS. WE THINK IT'S A GOOD IDEA. WE DON'T, YOU KNOW, WE AREN'T SAYING THAT EVERYBODY OUGHT TO JUST TOSS THEIR HELMETS AWAY. BUT THE QUESTION IS WHETHER OR NOT THE POWER OF THE STATE OUGHT TO BE INVOLVED ENFORCING THAT BEHAVIOR. IT IS A PERSONAL BEHAVIOR. AND HOW FAR DO WE WANT TO GO IN TERMS OF STATE POWER? I'D ASK MY COLLEAGUES TO THINK ABOUT WHAT THINGS DO YOU DO THAT MIGHT BE DANGEROUS? JAYWALKING? SENATOR RIEPE AND I DID THAT THE OTHER DAY AND, FORTUNATELY, WE WEREN'T TAKEN OUT. DO WE THINK THAT DRINKING IS DANGEROUS? IT COULD BE. EATING FATTY FOODS IS DANGEROUS. EATING LOTS OF DOUGHNUTS, SENATOR KINTNER, COULD BE DANGEROUS. AND YET THE QUESTION IS, HOW FAR DO WE GO IN TERMS OF DATA AND STATISTICS AND HAVING THE GOVERNMENT SAY THAT YOU

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CANNOT DO THIS? I KNOW THE ARGUMENT, AND WE TALKED ABOUT THIS YESTERDAY IN EXCESS, I THINK, THAT PEOPLE WHO FAIL TO WEAR HELMETS HAVE HIGHER RATES OF BRAIN TRAUMA. WE KNOW THAT THEY MAY BECOME A BURDEN ON SOCIETY AND THAT MAY INDEED BE TRUE. BUT WE HAVE LOTS OF OTHER PEOPLE WHO, THROUGH NO FAULT OF THEIR OWN, OR PERHAPS THROUGH FAULT OF THEIR OWN, ARE BURDENS ON SOCIETY AS WELL. WHAT IS IT THAT THE GOVERNMENT OUGHT TO BE LIMITING IN TERMS OF PERSONAL BEHAVIOR? SENATOR CHAMBERS MADE MENTION OF HIS BILL THE OTHER DAY, LB1056, I BELIEVE IT IS, THE PHYSICIAN PRESCRIBED SUICIDE BILL, IF YOU WILL. I THINK THERE IS A DIFFERENCE, THOUGH. WHILE THE DECISION WHETHER OR NOT TO COMMIT SUICIDE IS CERTAINLY A PURELY PERSONAL ONE, SENATOR CHAMBERS' BILL WOULD BRING OTHERS INTO THAT MIX AS WELL AND FORCE THEM TO MAKE THE DECISION OF WHETHER OR NOT THEY WILL COOPERATE WITH THAT DECISION. ULTIMATELY, ALL WE NEED TO DO IS LOOK AT THE QUESTION OF LIBERTY, I THINK, AND WHETHER OR NOT GOVERNMENT OUGHT TO BE ENGAGED IN MORE AND MORE AND MORE RESTRICTIONS OF OUR LIBERTY. I BELIEVE IN PERSONAL LIBERTY. I THINK PEOPLE HAVE THE RIGHT TO BE STUPID. I BELIEVE THAT WE HAVE THE FREEDOM TO MAKE MISTAKES AND TO LEARN FROM OUR MISTAKES. AND I THINK THAT THAT IS PART OF THE HUMAN CONDITION. I AM TAKEN BY SECOND PRESIDENT, ONE OF THE AUTHORS OF THE DECLARATION OF INDEPENDENCE, AND MEMBER OF THE 1787 CONSTITUTIONAL CONVENTION'S QUOTE, PRESIDENT JOHN ADAMS, WHO SAID: LIBERTY, ONCE LOST, IS RARELY RECOVERED. I WOULD...I APPLAUD SENATOR BLOOMFIELD FOR BRINGING LB900 AND ATTEMPTING TO RECOVER JUST A PIECE OF LIBERTY FOR THOSE WHO CHOOSE TO RIDE MOTORCYCLES. THANK YOU, MR. PRESIDENT. [LB900 LB1056]

PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. SENATOR GROENE, YOU'RE RECOGNIZED. [LB900]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. WE TALKED A LITTLE BIT ABOUT, I DID, TOURISM, ECONOMIC OF THE MOTORCYCLE TOURIST. SO I GOT TO THINKING ABOUT SOME OF THE THINGS THAT WERE SAID YESTERDAY BY SENATOR HILKEMANN ABOUT DAYTONA. FIRST, I CALLED SOME OF MY...PERSON WHO...FROM A MOTORCYCLE ADVOCATE: WHAT'S THE BIGGEST RALLY IN NEBRASKA, MOTORCYCLE RALLY? OH, HE SAID, WE GOT ONE, ABOUT 200 OF BIKERS SHOW UP IN A TOWN IN WESTERN NEBRASKA. I'M NOT TALKING ABOUT MOTORCYCLE SHOWS IN THE WINTERTIME. AND HE SAID, WELL, WE'RE GOING TO HAVE ONE THIS YEAR, OUR GROUP IS, IN WYOMING. SO 300 TO 400 NEBRASKA BIKERS ARE GOING TO GO TO WYOMING FOR THEIR RALLY THIS YEAR OF THEIR

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ORGANIZATION, THE ABATE GROUP--TOURISM FOR WYOMING. KEPT THINKING ABOUT THE STATISTICS THAT SENATOR HILKEMANN SAID ABOUT FLORIDA, SINCE THEY GOT RID OF THE HELMET LAW, AND THE DAYTONA BIKE RALLY. WELL, FOLKS, ALL THE STATES, IT WAS MENTIONED, AROUND FLORIDA HAVE HELMET LAWS. SO GUESS WHERE THE BIKE RIDERS IN ALL THOSE STATES ARE GOING TO GO ON THEIR WEEKEND CRUISES--FLORIDA. LET ME EXPLAIN SOMETHING TO YOU. I WAS PRETTY GOOD WITH STATISTICS BUT DECIDED NOT TO BE AN ACTUARY BECAUSE I DIDN'T WANT TO SIT, SPEND MY LIFE IN A CUBICLE. IF YOU HAVE TEN CHICKENS--AND YOU'RE A FARMER--AND ONE DIES, YOU HAVE A 10 PERCENT MORTALITY RATE. HERE'S WHERE STATISTICS COMES IN. NOW YOU HAVE 20 CHICKENS THE NEXT YEAR AND 2 CHICKENS DIE. AS A STATISTICIAN, YOU COULD LOOK AT THAT TWO WAYS. YOU STILL HAVE A 10 PERCENT MORTALITY RATE, OR YOU HAD 100 PERCENT INCREASE IN MORTALITY RATE. STATISTICS LIE, AND POLITICIANS USE STATISTICS. SO FLORIDA NOW HAS NO HELMET LAW SINCE 2000. WHERE DO THE BIKE RIDERS GO? NOW YOU HAVE A MILLION MILES SPENT ON THE ROAD WITH BIKERS. NOW YOU HAVE 5 MILLION MILES SPENT ON THE ROAD BY BIKERS. I'M SURE IT'S A LOT MORE THAN THAT. YOU'RE GOING TO HAVE MORE ACCIDENTS. BUT STATISTICALLY, PER RIDER, THEY'RE NOT ANY HIGHER. I HEARD SENATOR BOLZ TALK ABOUT ACCIDENTS AND COSTS OF MOTORCYCLE ACCIDENTS. HAVE YOU COMPARED THAT TO CAR ACCIDENTS, SENATOR BOLZ? HAVE YOU COMPARED THAT TO CAR ACCIDENTS WITH PEOPLE WEARING HELMETS IN THEIR CAR AND THOSE NOT WEARING HELMETS IN THEIR CAR? IT'S CALLED TRANSPORTATION. IT'S A RISK WE TAKE IN LIFE IN A MODERN SOCIETY AND A FREE MARKET SOCIETY TO GET FROM POINT A TO POINT B, AND SOME PEOPLE CHOOSE TO USE MOTORCYCLES. AND THEY DO IT FREELY. AGAIN, TO SENATOR BOLZ'S COMMENT--I GOT THINKING ABOUT THAT LAST NIGHT, TOO--ABOUT HUNTERS WEARING ORANGE, BICYCLES HAVING FLASHING LIGHTS ON THEM. WELL, FOLKS, THAT FLASHING LIGHT IS FOR ME, SO WHEN I HIT THAT BIKER WITHOUT A LIGHT, HE DOESN'T DENT MY CAR. THE ORANGE IS WORN BY THE INDIVIDUAL SO THE OTHER HUNTER DON'T SHOOT YOU. YOU HAVE STILL NOT EXPLAINED TO ME WHERE THE BETTERMENT OR THE GOOD OF THE OTHER INDIVIDUAL IS HARMED BY A BIKER NOT WEARING A HELMET. THE ONLY PERSON HARMED...NOBODY IS HARMED. I THINK POSITIVE. BIKERS AREN'T GOING TO DIE. THEY DIE IN CAR ACCIDENTS IF THEY HAVE A HELMET ON. I HAD AN INSTANCE WHERE I HAD SOME PEOPLE IN MY AREA KEEP CALLING ME... [LB900]

PRESIDENT FOLEY: ONE MINUTE. [LB900]

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SENATOR GROENE: ...WHO HAD THIS GUY IN INTENSIVE CARE, IN TRAUMA, AS A VEGETABLE FOR 30 YEARS, IN A MOTORCYCLE ACCIDENT. SO I KEPT ASKING AND ASKING, DID HE HAVE A HELMET ON? DID HE NOT HAVE A HELMET ON? NEVER GOT AN ANSWER. NEVER HEARD BACK FROM THEM. MY CONCLUSION IS HE HAD A HELMET ON BECAUSE THEY COULDN'T PROVE OTHERWISE. STATISTICS LIE. POLITICIANS USE STATISTICS. NOBODY IS HARMED IN SOCIETY IF SOMEBODY CHOOSES NOT TO WEAR A HELMET. SOMEBODY IS HARMED IF I DON'T WEAR HUNTER ORANGE BECAUSE THAT PERSON SHOOTS ME AND HE HAS A PROBLEM. SOMEBODY IS HARMED IF I DON'T HAVE A LIGHT ON MY BICYCLE BECAUSE I...BOY, I'LL TELL YOU ABOUT DRIVING NORMAL BOULEVARD WHEN THE LIGHTS AREN'T ON A BICYCLIST JUMPING CURBS. I WISH THEY HAD LIGHTS ON, MOST OF THEM DON'T. BUT THEN AGAIN, THEY'RE SAVING THE PLANET. THEY'RE NOT BURNING FOSSIL FUEL, SO THEY CAN DO WHAT THEY WANT. WE ARE TALKING... [LB900]

PRESIDENT FOLEY: TIME, SENATOR. [LB900]

SENATOR GROENE: THANK YOU. [LB900]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. (DOCTOR OF THE DAY INTRODUCED.) CONTINUING NOW WITH DEBATE, SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB900]

SENATOR CRAIGHEAD: THANK YOU, LIEUTENANT GOVERNOR. GOOD MORNING, COLLEAGUES. SENATOR BLOOMFIELD, I FIRST WANT TO SAY TO YOU, I COMMEND YOU FOR ALL OF YOUR WORK OVER THE YEARS AND YOUR PASSION FOR THIS ISSUE. YOU AND I HAVE HAD A COUPLE REAL COMPELLING DISCUSSIONS ON THE MOTORCYCLE HELMET ISSUE. ONE THING THAT'S NEVER LEFT ME IS WHEN I WAS IN COLLEGE I WAS DRIVING HOME FROM LINCOLN TO NEBRASKA CITY AND I CAME UPON A STATE TROOPER AND I SAW THIS GENTLEMAN SCOOP UP A CRUSHED SKULL, SCRAMBLED BRAINS, AND A BROKEN BODY OF A YOUNG WOMAN FROM A NO-HELMET MOTORCYCLE CRASH. I STILL TO THIS DAY CANNOT GET THAT VISION OUT OF MY HEAD. I DO BELIEVE THAT WE OWE SENATOR BLOOMFIELD A CLOTURE VOTE AND THEN AN UP OR DOWN VOTE ON THE BILL. AGAIN, I WANT TO THANK SENATOR BLOOMFIELD FOR HIS PASSION. AND I WILL YIELD THE REST OF MY TIME TO SENATOR HILKEMANN IF HE WOULD LIKE IT. [LB900]

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PRESIDENT FOLEY: THANK YOU, SENATOR CRAIGHEAD. SENATOR HILKEMANN,
4:00. [LB900]

SENATOR HILKEMANN: THANK YOU, SENATOR CRAIGHEAD. I APPRECIATE THAT. WELL, ROUND TWO OF DEBATE ON THIS ISSUE AND YESTERDAY'S COMMENTS WERE RATHER INTERESTING AND SO I WANT TO KEEP THE CONVERSATION TODAY, AT LEAST THE INPUT THAT I'M GOING TO GIVE, I WANT TO ADDRESS SOME OF THE ISSUES. I WANT TO ADDRESS THIS ISSUE ABOUT FREEDOM. I'M GOING TO SHARE ONE OF THE TESTIMONIES FROM LAST YEAR FROM A MEMBER OF ABATE. WE'RE GOING TO TALK ABOUT SENATOR GROENE JUST SAYS THAT WE CAN'T RELY ON STATISTICS. WELL, I'VE BEEN A PRACTITIONER OF PODIATRY AND MEDICINE FOR MY ENTIRE LIFE. WE DEPEND UPON STATISTICS. AND IF WE'RE GOING TO... WE HAVE TO LOOK AT SCIENTIFIC STUDIES. IF WE DIDN'T LOOK AT SCIENTIFIC STUDIES, WHAT WOULD IT MEAN? AND SO YESTERDAY IT WAS CHALLENGED THAT I WAS... THAT I'M NOT A CONSERVATIVE, THAT I'M NOT A REPUBLICAN BECAUSE I'M OPPOSING, THAT I'M LEADING THIS FILIBUSTER. WELL, FOLKS, I'VE BEEN IN THE HEALTHCARE PROFESSION. I HAVE SEEN THE DAMAGES OF HEAD INJURIES AND I KNOW WHAT THE COST OF HEAD INJURIES ARE AND I THINK IT'S RESPONSIBLE AS CITIZENS OF THE STATE OF NEBRASKA THAT IF WE CAN REDUCE OUR MEDICAID COSTS, WE KNOW THE COST TO THE PUBLIC, THAT THIS IS A VITAL THING. SO WE'RE GOING TO TALK ABOUT THAT TODAY. AND THEN I ALSO, I'M GOING TO... IT'S BEING PASSED OUT. THERE'S BEEN A STUDY. AND YET WE TALK ABOUT BEING IN TOUCH WITH THE PEOPLE OF THE STATE OF NEBRASKA. WELL, THERE WAS A SURVEY DONE AND THE PAGES WILL BE PASSING IT OUT SOON. OVER 80 PERCENT OF NEBRASKANS BELIEVE THAT WE SHOULD KEEP THIS HELMET BILL IN PLACE. AND SO I AM... I... AND THAT IS DONE BY A RESEARCH FIRM. SENATOR GROENE, I'M ASSUMING IT WAS STATISTICALLY SOUND, OTHERWISE IT WOULD NOT BE DONE BY A RESEARCH ORGANIZATION OF THAT CALIBER. SO AT EITHER RATE, THAT'S WHAT I'M GOING TO DO. I WANT TO GIVE A SHOUT OUT TO MY MOM. I WAS PLEASSED THAT THE OMAHA WORLD-HERALD RECOGNIZED HER. SHE'LL BE WATCHING AGAIN THIS MORNING. AND ALSO, SHE'S GOING TO BE WATCHING WITH MY BROTHER, WHO FOUR YEARS AGO WAS IN A VERY SERIOUS MOTORCYCLE ACCIDENT. HE SPENT WEEKS IN THE HOSPITAL AND WE'RE VERY FORTUNATE TO HAVE HIM. AND HE REMINDED ME THIS MORNING, HE SAID, ROBERT, IF I HADN'T HAD MY MOTORCYCLE HELMET ON DURING THAT ACCIDENT, I WOULDN'T BE HERE THIS MORNING. AND IT WAS JUST SIMPLY A MATTER, A PERSON DIDN'T SEE HIM AND TURNED RIGHT IN FRONT OF HIM. AND THAT'S ONE OF THE BIG PROBLEMS THAT WE HAVE WITH MOTORCYCLE ACCIDENTS. [LB900]

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PRESIDENT FOLEY: ONE MINUTE. [LB900]

SENATOR HILKEMANN: HE WAS NOT IN THE WRONG, BUT HE WAS ALMOST DEAD WRONG. AND THANK GOODNESS HE HAD HIS HELMET ON OR HE WOULD NOT BE WITH US TODAY. SO ANOTHER LITTLE THING I PASSED OUT THIS MORNING IS THAT I LOVE THE FREEDOM OF BEING OUT IN THE OPEN. I'VE DONE THE BRAN RIDE FOUR TIMES. THIS SUMMER I'M TAKING A NEW CHALLENGE. I'M GOING TO RIDE HALFWAY ACROSS THE UNITED STATES. I'M LEAVING JUNE 10 FROM SEATTLE, WASHINGTON, AND I'LL ARRIVE BACK HERE IN LINCOLN ON JULY 17 WITH A GROUP CALLED THE FULLER CENTER FOR BIKE ADVENTURES. SHOWS YOU KIND OF THE ROUTE THAT WE'RE GOING TO DO. I HAD TO SIGN A PLEDGE WHEN I WENT ON THIS THAT I WOULD ABSOLUTELY WEAR MY HELMET THE ENTIRE TIME. AND IT'S A WONDERFUL GROUP. IT'S SIMILAR TO HABITAT FOR HUMANITY. SO WE RIDE ABOUT SIX HOURS EACH DAY... [LB900]

PRESIDENT FOLEY: TIME, SENATOR. [LB900]

SENATOR HILKEMANN: AND THEN IN THE AFTERNOONS WE WORK ON...THANK YOU, MR. SPEAKER. [LB900]

PRESIDENT FOLEY: THANK YOU, SENATOR HILKEMANN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB900]

SENATOR SCHNOOR: THANK YOU, SIR. BEFORE WE GET STARTED, I WOULD LIKE TO...EVERYBODY TO BE AWARE THAT SENATOR KRIST'S MOTHER-IN-LAW PASSED AWAY EARLY THIS MORNING. SO WHEN HE DOES GET HERE, IF YOU COULD EXTEND YOUR SYMPATHY TO HIM, I'M SURE HE WOULD APPRECIATE THAT. OKAY, BACK TO THE BUSINESS AT HAND. I'M NOT SURE WHAT KIND OF TIME WE GOT LEFT, HOUR AND A HALF MAYBE. BUT WE'LL HEAR SOME MORE HEATED DISCUSSION, SOME MORE STATISTICS, A LOT MORE INFORMATION. THIS IS ABOUT THE FREEDOM OF CHOICE. AS SENATOR HILKEMANN SAID, HIS BROTHER WOULD HAVE DIED HAD HE NOT HAD A HELMET ON, YOU KNOW, NOBODY CAN DENY THAT. BUT HE STILL HAS THAT CHOICE. AND I'M SURE HIS CHOICE WILL BE TO WEAR A HELMET. AND THAT'S WHAT IT COMES DOWN TO, GIVING THE FOLKS IN THE STATE THE ABILITY TO MAKE A DECISION WITHOUT A MANDATE HELD OVER THEIR HEAD. WE CAN TALK STATISTICS FOREVER. YOU'VE HEARD ARGUMENTS ON BOTH SIDES THAT ONE OF THE STATISTICS SAYS THAT IT REDUCES THE DEATH RATE, IT REDUCES THE INJURY RATE. ANOTHER STATISTIC SHOWS US JUST THE OPPOSITE. SO WHICH ONES DO YOU BELIEVE? THE ONES I

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HAVE IN FRONT OF ME SAY THAT IT DOESN'T HELP. BUT IT'S PRETTY HARD TO ARGUE WHEN AN INDIVIDUAL IS IN AN ACCIDENT AND THE HELMET HAS SAVED HIS LIFE. CAN'T DENY THAT. BUT WHY DO WE ALWAYS ADD MORE LAWS EVERY YEAR? LAST YEAR WE HAD 654 PIECES OF LEGISLATION, I THINK. THIS YEAR I HAVE NO IDEA, MAYBE 500, 500 NEW LAWS, 500 THINGS THAT NEED TO BE FIXED, OR SO WE THINK, 500 THINGS SUPPOSEDLY BROKEN IN THE STATE. SO WE JUST ADD MORE PILES OF PAPER. WE ADD MORE RED TAPE. WE ADD THIS AND WE ADD THAT AND WE NEVER TAKE ANYTHING AWAY. WE SPEND MORE MONEY, WE TAX MORE. WE NEVER GIVE ANY RELIEF. IT GETS WORSE EVERY YEAR. SO THIS IS ONE SMALL CHANGE WE CAN MAKE TO GIVE A SMALL PERCENTAGE OF THE PEOPLE IN THIS STATE AND THOSE PASSING THROUGH A LITTLE BIT OF FREEDOM, A LITTLE BIT OF FREEDOM TO MAKE A CHOICE. WHAT WILL THE CONSEQUENCES BE? IT'S OUT OF OUR CONTROL. IT'S UP TO THE GOOD LORD, BECAUSE IT DOESN'T MATTER HOW PROTECTED YOU ARE. YOU COULD BE RIDING A MOTORCYCLE IN FULL HELMET, PADS, AND THEY DO... [LB900]

PRESIDENT FOLEY: ONE MINUTE. [LB900]

SENATOR SCHNOOR: ...MAKE ALL THAT, SO MAYBE WE SHOULD MAKE THAT MANDATORY, THAT YOU WEAR SHOULDER PADS, THAT YOU WEAR FULL PADS ON YOUR LEG, KNEE PADS, ELBOW PADS, BECAUSE THAT WOULD...WOULD THAT SAVE LIVES? WOULD THAT SAVE INJURIES? WOULD THAT SAVE MEDICAL COSTS? SURE. LET'S ADD ALL OF THAT. WHY DON'T WE JUST GIVE SOME PEOPLE SOME FREEDOM ONCE BECAUSE THAT IS WHAT THIS COUNTRY IS ALL ABOUT, ABOUT BEING FREE. SO LET'S REPEAL THIS. LET'S MOVE ON. THANK YOU, SIR. [LB900]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR KINTNER, YOU'RE RECOGNIZED, TO BE FOLLOWED BY SENATORS BRASCH, BLOOMFIELD, GLOOR, HILKEMANN, AND OTHERS. SENATOR KINTNER. [LB900]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I WAS SITTING HERE THINKING AS WE WERE TALKING THAT WHEN CONSERVATIVES FILIBUSTER, WE FILIBUSTER TO STOP HIGHER TAXES, WE FILIBUSTER TO STOP MORE REGULATION, WE FILIBUSTER TO STOP NEW PROGRAMS. WHEN MY FRIENDS ON THE LEFT FILIBUSTER, THEY FILIBUSTER TO STOP US FROM CUTTING GOVERNMENT, THEY FILIBUSTER TO STOP US FROM GETTING RID OF REGULATIONS, WHICH I THINK REVEALS...AND THEY FILIBUSTER...I DON'T KNOW IF THEY FILIBUSTERED A TAX CUT BECAUSE WE CAN'T EVER GET A GOOD TAX CUT ON THE FLOOR. SO I DON'T THINK THEY'VE EVER FILIBUSTERED THAT SINCE

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I'VE BEEN HERE. I THINK IT'S VERY TELLING AS TO OUR PRIORITIES. AND I TELL THE PEOPLE AT HOME, AS YOU'RE WATCHING THIS, THERE IS A DIVIDE HERE BETWEEN THOSE WHO WANT TO REGULATE AND CONTROL OUR LIVES, WHO HAVE A PROGRESSIVE LIBERAL AGENDA. AND THEY HAVE EVERY RIGHT TO HAVE AN AGENDA. THAT IS A LEGITIMATE PHILOSOPHY TO HAVE. AND I CAN'T BEGRUDGE THEM FOR FIGHTING FOR THEIR PHILOSOPHY. BUT THAT'S NOT A PHILOSOPHY THAT I BROUGHT HERE WITH ME. IT'S NOT ONE THAT REPRESENTS THE MAJORITY OF MY DISTRICT. SO AS YOU'RE WATCHING AT HOME, IT'S VERY INSTRUCTIVE TO SEE YOUR PEOPLE THAT WANT BIG GOVERNMENT SO MUCH THAT THEY WILL FILIBUSTER TO KEEP A BIG GOVERNMENT, NANNY STATE LAW ON THE BOOKS. AND THEY HAVE THE RIGHT TO DO...THEY HAVE THE RULES ON THEIR SIDE, THEY CAN DO THAT. I DON'T WANT TO USE "RIGHTS" BECAUSE WE GOT INTO THAT THE OTHER DAY. IT'S NOT A RIGHT. BUT YOU HAVE THE RULES ON YOUR SIDE IF YOU THINK YOU WANT TO DO THAT. BUT YOU'LL NEVER SEE ME STAND UP AND FILIBUSTER FOR MORE REGULATION. YOU'LL NEVER STAND UP FOR ME TO FILIBUSTER TO KEEP GUN REGULATIONS AND RULES ON THE BOOKS. WHEN YOU SEE ME FILIBUSTERING, I'M TRYING TO STOP THEM FROM IMPLEMENTING MORE REGULATIONS, MORE USELESS, BURDENSOME LAWS, MORE TAXES, AND BILLS AND LAWS THAT WILL ACTUALLY HURT PEOPLE, IN MY OPINION. SO YOU SEE THE BIG PHILOSOPHICAL DIVIDE RIGHT HERE ON DISPLAY AND IT'S WHAT THIS BODY IS ABOUT. THAT'S WHAT DIVIDES US. TWO PHILOSOPHIES: ONE THAT THINKS THAT YOU CAN RUN YOUR LIFE BETTER THAN 49 FOOLS DOWN HERE IN LINCOLN. I USE THAT TERM "FOOLS" LOOSELY, AND I'M IN THAT GROUP. I'LL REPHRASE THAT: 49 LEGISLATORS DOWN HERE IN LINCOLN. YOU CAN LIVE YOUR LIFE BETTER AND WITH MORE AUTHORITY AND IN A WAY THAT BENEFITS YOU BETTER THAN THE PEOPLE DOWN HERE. THAT'S WHAT WE'RE TALKING ABOUT TODAY, IS WHO'S GOING TO RUN YOUR LIFE? WHO'S GOING TO MAKE DECISIONS IN YOUR LIFE? I THINK YOU CAN DO IT. I TRUST YOU TO SPEND YOUR MONEY. I TRUST YOU TO DECIDE WHAT'S BEST FOR YOUR FAMILY. I THINK THIS IS A GREAT ILLUSTRATION OF WHAT DIVIDES US DOWN HERE. BUT WE'RE NOT DIVIDED REPUBLICAN, DEMOCRAT. THAT'S NOT OUR PROBLEM. IT'S A PHILOSOPHICAL DIVISION AND IT'S ON DISPLAY FOR THE STATE AND FOR EVERYBODY TO SEE RIGHT HERE. AND I AM VERY, VERY PROUD...
[LB900]

PRESIDENT FOLEY: ONE MINUTE. [LB900]

SENATOR KINTNER: ...THAT I AM ON THE SIDE OF LIBERTY AND I'M ON THE SIDE OF THE INDIVIDUAL. I'M ON THE SIDE OF FAMILIES MAKING THEIR DECISIONS TO LIVE THEIR LIFE THE WAY THEY SEE FIT. YOU CAN DO THAT ON YOUR OWN. YOU

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DON'T NEED US TELLING YOU HOW TO LIVE YOUR LIFE. I'M GLAD THIS IS ON DISPLAY FOR THE PEOPLE OF OUR STATE TO SEE. THANK YOU, MR. PRESIDENT. [LB900]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB900]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT; AND GOOD MORNING, COLLEAGUES. THIS IS THE FIRST TIME I HAVE STOOD TO SPEAK ON THIS, YES, VERY IMPORTANT BILL OF GOOD PUBLIC POLICY. THOSE OF YOU WHO KNOW I'VE BEEN HERE SIX YEARS, AT ONE TIME I DID OPPOSE THIS BILL. HOWEVER, I HAVE BEEN VERY CLEAR WITH ALL THE MOTORCYCLISTS THAT HAVE SPOKEN TO ME, WITH SENATOR BLOOMFIELD. WHAT MATTERS TO ME IS THAT WE KEEP CHILDREN FROM BEING PASSENGERS ON THE BACK OF A MOTORCYCLE. AND SENATOR BLOOMFIELD HAS DONE THIS. OTHERS, THEY ARE 21 OR OVER, THEY'RE GOING TO MAKE A DECISION ON THE RISKS THEY TAKE, WHETHER IT'S ON THE BACK OF A BIKE OR WHETHER IT'S SKY DIVING, BUNGEE JUMPING, WHAT OTHER ACTIVITIES, PEOPLE MAKE DECISIONS ON WHAT RISKS. BUT THOSE KIDS, THEY'RE NOT MAKING THAT DECISION. WITH THE HELMET, WITHOUT A HELMET, MOTORCYCLES ARE RISKY, PERIOD. BUT WE ARE ADULTS AT 21 OR OVER. WE ARE ABLE TO DETERMINE WHAT WE WANT TO DO, BUT I AM SUPPORTING THIS BILL SOLELY BASED ON THE FACT THAT CHILDREN AGE EIGHT AND UNDER WILL NOT BE ALLOWED ON THE BACK OF A MOTORCYCLE. WE SEE HUNDREDS IF NOT THOUSANDS OF 4TH GRADERS THAT COME THROUGH HERE. I BELIEVE THEY'RE BUT NINE YEARS OLD GENERALLY. BUT TO THINK THAT THOSE KIDS MAY BE PUT ON THE BACK OF A BIKE WITH A HELMET THAT DOESN'T TRULY FIT THEM, WITH THEIR FEET THAT DON'T FIT INTO THE GEAR PROPERLY, AND THIS BILL, SHOULD IT BE PASSED, WE ARE GOING FOR THE SAFETY OF THOSE KIDS AND WELL-BEING. I DON'T KNOW, YOU KNOW, FREEDOM, NOT FREEDOM, ECONOMICS, ECONOMIC DEVELOPMENT, BUT THIS IS A GOOD BILL BECAUSE I BELIEVE THOSE KIDS HAVE A LOT OF LIVING LEFT TO DO. AND BY VOTING FOR THIS BILL, YOU'RE LETTING ADULTS KNOW THAT THEY ARE IN CHARGE OF THEIR OWN WELL-BEING, AS THEY SHOULD BE, OF THEIR PUBLIC SAFETY, BUT YOU MUST KEEP THOSE KIDS OFF. THE QUESTION HAS BEEN ASKED, HOW DO YOU KNOW IF SOMEONE IS EIGHT YEARS OLD OR UNDER? YOU DON'T. BUT I APPLAUD THE OFFICER THAT WILL PULL THEM OVER AND MAKE SURE THAT THAT CHILD IS OLD ENOUGH TO BE ON THE BACK OF THE BIKE. ON SOCIAL MEDIA, I'VE SEEN PICTURES OF AN ADULT WITH A CHILD ON THE BACK SAYING IT'S A BEAUTIFUL DAY, WE'RE GOING TO TOWN. AND I JUST CRINGE WHEN I SEE THE KID ON THE BACK OF THE BIKE. THAT IS RISK, IN MY VIEW. AND

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I ALSO WANT TO SAY THAT THE PEOPLE WHO STAND IN OPPOSITION TO THIS BILL, I KNOW YOU'RE NOT HATERS OF ANY TYPE. YOU BELIEVE IN RESTRICTION, BUT I THINK YOU ALSO BELIEVE IN THE SAFETY OF CHILDREN. AND IT IS MY HOPE THAT WITH THIS BILL MOVING FORWARD, THAT WE THINK ABOUT THE KIDS AND THOSE WHO WILL NOT BE ALLOWED ON THE BIKE. WHEN I WAS...IT'S BEEN YEARS, BUT WE HAD A BILL INTRODUCED BY SENATOR AVERY THEN AND IT WAS SPECIFICALLY TO CHILDREN BEING NOT ALLOWED ON THE BACK OF A MOTORCYCLE. AND I WAS SO COMPELLED BY TESTIMONY OF ONE... [LB900]

PRESIDENT FOLEY: ONE MINUTE. [LB900]

SENATOR BRASCH: ...ADULT AFTER ANOTHER TALKING ABOUT SOMEONE WHO HAS PUT THEIR CHILD ON THE BACK OF A BIKE JUST TO SPITE THE OTHER PARENT IN A DIVORCE SITUATION AND OTHERS. KIDS SHOULD NOT BE GAMBLERED WITH. WE BUCKLE THEM UP IN CAR SEATS. WE DO EVERYTHING WE CAN TO PROTECT THEM. WE SHOULD DO THE SAME ON A MOTORCYCLE. THIS BILL WILL DO IT. THANK YOU, MR. PRESIDENT; AND THANK YOU, COLLEAGUES. [LB900]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. (VISITORS INTRODUCED.)
SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB900]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I JUST CHECKED WITH THE CLOCK KEEPER. WE WILL BE GOING TO A VOTE AT 11:14. SO WE GOT A LITTLE OVER AN HOUR YET, HOUR AND 20 MINUTES BEFORE WE CAN ACTUALLY MAKE A DECISION ON THIS. I WANT TO READ INTO THE RECORD AN E-MAIL I GOT YESTERDAY FROM A GENTLEMAN IN IMPERIAL, NEBRASKA. YOU GUYS PROBABLY GOT IT, TOO, BUT I THINK IT'S A WELL-WRITTEN LETTER AND SHOULD BE READ INTO THE RECORD. DEAR SENATOR, HAVE YOU EVER ASKED YOURSELF WHAT KIND OF PERSON VOTES FOR A LAW THAT FINES AND/OR JAILS HARD-WORKING, TAXPAYING, PROUD TO BE AMERICAN CITIZENS FOR FAILURE TO WEAR A HOT, UNCOMFORTABLE, HEAVY, SOUND-BLOCKING HELMET IN A FREE COUNTRY, ESPECIALLY WHEN THE PERSON VOTING DOES NOT PASS LAWS REQUIRING THEMSELVES TO ENDURE THE SAME TORTURE WHEN THEY'RE INVOLVED IN DANGEROUS ACTIVITIES SUCH AS RIDING IN CARS, RIDING HORSES, OR EVEN WALKING DOWN THE STREET? I'M 67 YEARS OLD AND HAVE BEEN DRIVING MOTORCYCLES...OR MOTOR SCOOTERS AND MOTORCYCLES SINCE I WAS SIX YEARS OLD GOING 3.5 MILES TO COUNTRY GRADE SCHOOL. MOTORCYCLES SAVE FUEL, HIGHWAYS, BRIDGES, PARKING, AND HAVE MANY PRACTICAL USES AND CAN BE FUN. SO WHY WOULD ANYONE VOTE FOR LAWS

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TO DISCOURAGE THEIR USE? I AM NOT ANTIHELMET AT ALL BECAUSE AT TIMES THEY MAY BE USEFUL. BUT I AM VERY OPPOSED TO A SOCIALISTIC LAW THAT IS PREJUDICED AGAINST ME BY REMOVING MY RIGHTS TO USE MY 61 YEARS OF HANDS-ON EXPERIENCE AND COMMON SENSE ON HOW TO DRESS. I COULD CARRY ON AND ON BUT I KNOW YOUR TIME IS VALUABLE AND I NEED TO GET BACK TO WORK MAKING A LIVING. PLEASE VOTE FOR LB900 SO WE CAN BEGIN TO PUT OUR EFFORTS INTO SOLVING REAL PROBLEMS, SUCH AS PREVENTING ACCIDENTS. THANK YOU FOR YOUR TIME AND CONSIDERATION. I REALLY DO APPRECIATE IT. SINCERELY, JERRY GROFF, IMPERIAL, NEBRASKA. AND I DID CONTACT JERRY THIS MORNING TO MAKE SURE IT WAS OKAY TO READ THAT INTO THE RECORD, AND HE WAS FINE WITH THAT, SO THERE IT IS. WE ALSO RECEIVED A GOOD NUMBER, 15, 20 MAYBE, E-MAILS FROM MINNESOTA, ALL CYCLISTS TELLING US WHY THEY RIDE AROUND NEBRASKA. AND THEIR REASONS ALL COME DOWN TO THE HELMET LAW. WE DID A ROUGH ESTIMATE BASED ON STURGIS LAST YEAR AND WE FIGURED WE LOST ABOUT \$7 MILLION IN REVENUE OR IN MONEY BEING SPENT IN THE STATE OF NEBRASKA JUST DURING THE STURGIS RALLY. OUR BIG EMPHASIS IS TO INCREASE TOURISM, TO INCREASE INCOME, TO INCREASE BUSINESSES IN NEBRASKA. MORE TRAFFIC WILL DO ALL THAT. LAST YEAR, IT WAS RATHER HUMOROUS IN COMMITTEE TESTIMONY. THE OPPOSITION CAME IN AND SAID IF WE GOT ALL THESE TOURISTS... [LB900]

PRESIDENT FOLEY: ONE MINUTE. [LB900]

SENATOR BLOOMFIELD: ...COMING THROUGH, THE MOTEL INFRASTRUCTURE AND THE CAFES MIGHT NOT BE ABLE TO KEEP UP. WHAT A WONDERFUL PROBLEM TO HAVE. COLLEAGUES, I DON'T KNOW IF I'LL GET BACK ON THE MIKE FOR THIS AGAIN. THE QUEUE WILL DECIDE THAT. I WILL PUSH MY BUTTON AS SOON AS I GET OFF OF THIS. BUT WE NEED TO PASS THIS LEGISLATION. AS I SAID BEFORE, I WON'T BE HERE TO BRING IT AGAIN. BUT IF WE DON'T PASS IT THIS YEAR, IT WILL BE BACK NEXT YEAR AND THE YEAR AFTER AND THE YEAR AFTER. BUT WHAT WE WON'T HAVE IS WHAT THEY HAVE OFFERED US AS A GIFT THIS YEAR, AND THAT'S A TRAUMATIC BRAIN INJURY TRUST FUND, CREATED FOR ALL OF NEBRASKA AND PAID FOR BY THE MOTORCYCLE RIDERS OF NEBRASKA. THANK YOU, MR. PRESIDENT. [LB900]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. MR. CLERK, RECOGNIZED FOR AN ANNOUNCEMENT. [LB900]

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CLERK: MR. PRESIDENT, THE PERFORMANCE AUDIT COMMITTEE IS MEETING IN ROOM 2022; PERFORMANCE AUDIT AT 10:00 IN ROOM 2022.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB900]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT; GOOD MORNING, MEMBERS. I'VE HANDED OUT, ONCE AGAIN, IN RESPONSE TO COMMENTS MADE, ONCE AGAIN, THAT WE'VE NOT DONE ANYTHING WITH TAXES. CONSTITUENTS APPROACH SENATORS AND SAY, WHEN ARE YOU GOING TO DO SOMETHING ABOUT TAXES? AND SO YOU HAVE, ONCE AGAIN, THE DOCUMENT THAT WE PASSED OUT SEVERAL TIMES BEFORE, TIME LINE OF MAJOR TAX CHANGES--AND THAT DOESN'T INCLUDE WHAT WE MIGHT DO THIS YEAR--2012 THROUGH 2015. THOSE OF YOU WHO ARE CAMPAIGNING SHOULD HAVE THIS TATTOOED ON YOUR PALM SO THAT YOU CAN--ALTHOUGH IT WOULD BE VERY SMALL PRINT, I ADMIT--HAVE SOMETHING TO LOOK AT WHEN THAT QUESTION COMES UP AGAIN. BECAUSE THIS BODY, TO ITS CREDIT, HAS DONE A CONSIDERABLE AMOUNT, INVOLVING A CONSIDERABLE AMOUNT OF MONEY IN TAX RELIEF OVER RECENT YEARS. AND THE ARGUMENT THAT WHEN ARE WE GOING TO DO SOMETHING ISN'T MET WITH YOU TAKING SOME CREDIT FOR THE WORK DONE IS JUST AN EXCUSE THAT GETS USED WHENEVER YOU FEEL IT BENEFICIAL TO SAY WE HAVE TO DO THIS BECAUSE WE HAVEN'T DONE ANY TAX RELIEF. WE HAVE DONE CONSIDERABLE TAX RELIEF. LET ME TOUCH NOW ON THE BILL ITSELF, WHICH I THINK THE BODY KNOWS I'M NOT IN FAVOR OF AND HAVEN'T BEEN IN THE EIGHT YEARS THAT I'VE BEEN DOWN HERE AND IN THOSE MULTIPLE TIMES I'VE DEBATED IT. AND I HAVE NO DOUBT IT WILL COME BACK AND BACK AND BACK. AND HOPEFULLY, IT WILL BE DEFEATED EVERY TIME IT COMES BACK AND BACK AND BACK. BUT, MEMBERS, WHEN IT COMES TO HEALTHCARE EXPENSES--AND THERE ARE HEALTHCARE CLINICIANS AND PEOPLE INVOLVED IN THE HEALTHCARE INDUSTRY IN THIS BODY WHO CAN ATTEST TO THIS--NEBRASKANS SPEND MORE ON THEIR HEALTHCARE THAN THEY SPEND ON TAXES. A MAJORITY OF NEBRASKANS SPEND MORE ON THEIR HEALTHCARE THAN THEY SPEND ON TAXES. INCLUDE YOUR PREMIUMS, INCLUDE YOUR ACTUAL COSTS, INCLUDE YOUR DENTAL CARE, EYEGASSES. TAKE ALL THE THINGS THAT YOU SPEND ON HEALTHCARE AS A NEBRASKAN AND YOUR FAMILY, AND YOU WILL SPEND FAR MORE ON HEALTHCARE EXPENSES THAN YOU WILL SPEND PAYING TAXES. YET WE TALK ABOUT TAXES ALL THE TIME. AND WHEN WE TALK ABOUT HEALTHCARE, IT'S AN EPISODIC DISCUSSION ABOUT HEALTHCARE IN THIS BODY, AND USUALLY IT'S A CONTENTIOUS DISCUSSION ABOUT HEALTHCARE IN THIS BODY BECAUSE WE'RE SETTING UP PROGRAMS, WE'RE SETTING UP FEES, WE'RE

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SETTING UP A BUREAUCRACY. EXCEPT, INTERESTINGLY ENOUGH, THIS BILL-- AND AS SENATOR KINTNER HAS SAID--SPENDS, LET'S SEE, I'LL GET THE QUOTE FAIRLY RIGHT, SUPPOSEDLY CERTAIN MEMBERS OF THE BODY FIGHT AGAINST MORE REGULATION AND NEW PROGRAMS. EXCEPT, THIS PROVIDES MORE REGULATION, MORE OVERSIGHT FROM A RECONSTITUTED COMMITTEE, AND MORE REGULATIONS. WHEN IT APPEALS TO US, WE WRAP OURSELVES IN THE FLAG OF INDEPENDENCE AND SAY THIS STRIPS AWAY INDEPENDENCE. AND IT'S OKAY IN THAT CASE TO TAKE PHYSICIANS, INTERNAL MEDICINE SPECIALISTS AND OTHERS THAT ARE PART OF THIS RECONSTITUTED BODY, PULL THEM TOGETHER AND ASK THEM TO LEAVE THEIR PRACTICES WHERE THEY'RE PROVIDING CARE TO PATIENTS TO BE INVOLVED IN A NEW ORGANIZATION AND ENTITY. AND IT MAKES SENSE TO US, APPARENTLY, TO CHARGE \$19 TO ALL OF THOSE HELMET-WEARING MOTORCYCLE RIDERS WHO RECOGNIZE THE IMPORTANCE AND THE CHALLENGES INVOLVED WITH NOT WEARING A HELMET WHEN RIDING A MOTORCYCLE. INDEPENDENCE AND NOT HAVING THE GOVERNMENT TELL YOU MAKES IT OKAY THEN FOR US TO CHARGE SPECIAL TAXES, WHICH WE CALL FEES IN THIS CASE, AND FORM SPECIAL COMMITTEES, ADDITIONAL ADVISORY BOARDS OR EXPAND THEIR RESPONSIBILITIES TO OVERSEE THAT INDIVIDUAL INDEPENDENCE FOR A TINY MINORITY OF PEOPLE WHO RIDE MOTORCYCLES AND WILL CHOOSE NOT TO WEAR THEIR HELMETS. [LB900]

PRESIDENT FOLEY: ONE MINUTE. [LB900]

SENATOR GLOOR: WE ALL WILL SUFFER AS A RESULT OF THAT. WE HAVE AN INTERESTING PERSPECTIVE ON HEALTHCARE AND HEALTHCARE EXPENSES IN THIS BODY. WE ARGUE ABOUT THESE THINGS, BUT WHEN THE MEDICAID BUDGET POPS UP WHEN WE'RE DOING BUDGETING, WE JUST WRITE THE CHECK, BECAUSE WE EXPECT IT TO GO UP AND WE DON'T LOOK AT THE REASONS WHY OUR MEDICAID BUDGET CONTINUES TO GO UP. AND IF THIS PASSES IT WILL GO UP AGAIN, TINY AMOUNT PERHAPS. BUT IT ULTIMATELY WILL GO UP BECAUSE THE AMOUNT BEING CHARGED ISN'T GOING TO COME CLOSE TO PROVIDING THE COVERAGE NECESSARY TO COVER THE EXPENSES ASSOCIATED WITH THE INJURIES THAT COME FROM NONHELMET RIDERS. (LAUGH) I'M NOT GOING TO HAVE TIME TO GO INTO THE DETAILS BEHIND THAT. MOST OF YOU KNOW, I WAS IN THE HEALTHCARE INDUSTRY. I KNOW. IT'S GOOD TO HAVE THIS DISCUSSION IF FOR NO OTHER REASON THAN REMIND US WE HAVE SHORT-TERM MEMORIES WHEN IT COMES TO LONG-TERM HEALTHCARE EXPENSES. IT'S PROBLEMATIC FOR US. REMEMBER, WE SPEND MORE ON HEALTHCARE AS NEBRASKANS FOR OURSELVES INDIVIDUALLY... [LB900]

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SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: TIME, SENATOR. [LB900]

SENATOR GLOOR: ...THAN WE DO ON TAXES. THANK YOU. [LB900]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS HILKEMANN, GROENE, KEN HAAR, HUGHES, KOLOWSKI, AND OTHERS. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB900]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. LET'S TALK ABOUT WHAT HAPPENS WHEN THESE LAWS ARE REPEALED. LET'S LOOK AT MICHIGAN, AND I'M GOING TO BE READING A GOOD PORTION OF THIS. AND THIS COMES FROM THE MOST RELIABLE OF SOURCES. IT WAS ACTUALLY ON FOX NEWS, SO HOW COULD WE EVER REFUTE THAT THIS IS NOT STATISTICALLY SOUND, SENATOR GROENE? IN THE THREE YEARS AFTER MICHIGAN REPEALED A MANDATORY MOTORCYCLE HELMET LAW, DEATHS AND HEAD INJURIES AMONG BIKERS ROSE SHARPLY, ACCORDING TO A RECENT STUDY. DEATHS AT THE SCENE OF THE CRASH MORE THAN QUADRUPLED, WHILE DEATHS IN THE HOSPITAL TRIPLED FOR MOTORCYCLISTS. HEAD INJURIES HAVE INCREASED OVERALL, AND MORE OF THEM ARE SEVERE, THE RESEARCHERS REPORT IN AN AMERICAN JOURNAL OF SURGERY MAGAZINE. THE SENIOR AUTHOR IS DR. CARLOS RODRIGUEZ, WHO DECIDED TO DO THE STUDY AFTER NOTICING AN ABRUPT CHANGE IN THE TRAUMA UNIT AT SPECTRUM HEALTH HOSPITAL IN GRAND RAPIDS, MICHIGAN, WHERE HE WORKS. THE FIRST WEEK AFTER THE LAW WAS REPEALED IN APRIL OF 2012, HE TOLD REUTERS HEALTH, I JUST COULD NOT HELP BUT NOTICE THE NUMBER OF PATIENTS THAT HAD BEEN IN MOTORCYCLE CRASHES WITH NO HELMET ON, WHICH WAS ENORMOUSLY DIFFERENT IN NUMBER AND VOLUME THAN WE HAD EXPERIENCED THE WEEKEND BEFORE. THE STUDY TEAM LOOKED AT RECORDS FOR PATIENTS ADMITTED TO SPECTRUM HEALTH HOSPITAL AND AT STATE TRANSPORTATION DEPARTMENT RECORDS OF FATALITIES AT CRASH SCENES FOR THE SEVEN-MONTH MOTORCYCLE SEASON, BASICALLY APRIL TO NOVEMBER, IN THE YEAR 2011, BEFORE THE LAW WAS REPEALED, AND THE SAME PERIOD 2012, 2013, AND 2014. AMONG THE ACCIDENT VICTIMS BROUGHT TO THE HOSPITAL, THE PROPORTION OF RIDERS WHO HAD NOT BEEN WEARING A HELMET ROSE FOURFOLD FROM 7 PERCENT TO 28 PERCENT, THE RESEARCH FOUND. ABOUT 10 PERCENT OF NONHELMETED RIDERS BROUGHT TO THE HOSPITAL DIED THERE, COMPARED TO 3 PERCENT OF THOSE WHO HAD BEEN WEARING HELMETS IN THE STUDY. AMONG RIDERS WHO

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DIED AFTER THE CRASH...OR AT THE CRASH SCENE, THE PROPORTION NOT WEARING HELMETS ROSE 14 PERCENT BEFORE THE LAW WAS REPEALED AND 68 PERCENT AFTERWARD. THESE ARE THE KINDS OF THINGS THAT WE WANTED TO LOOK TO HOPEFULLY TO MAKE LEGISLATORS REALIZE THAT THIS...REPEALING THIS WAS A MISTAKE. OVERALL, HOSPITAL COSTS AVERAGED \$27,760 FOR NONHELMETED RIDERS, AS \$20,970 FOR PATIENTS WHO WERE WEARING HELMETS. HOW LONG IS THAT TRUST FUND GOING TO LAST WITH THAT TYPE OF DISPARITY? SO THAT'S THE...THAT WAS THE RESULTS OF MICHIGAN HAVING REDUCED IT. AND THE REPORT GOES ON ABOUT THE FACT OF THE MATTER IS WE'RE SAFER TO KEEP HELMETS ON. WE KNOW THAT WE WILL, IF WE REPEAL THIS, WE WILL HAVE MORE SERIOUS INJURIES. THEY'RE GOING TO INVOLVE NOT ONLY FATALITIES, THEY'RE ALSO GOING TO INVOLVE THE GREATER HUMAN COST OF BRAIN INJURIES. THIS... [LB900]

SPEAKER HADLEY: ONE MINUTE. [LB900]

SENATOR HILKEMANN: I WILL GET TO IT AT ANOTHER TIME POSSIBLY. THE SAME...WE'VE GOT AN INTERESTING THING. THE SAME THING HAPPENED IN PENNSYLVANIA. AN INTERESTING THING HAPPENED IN THE STATE OF LOUISIANA, AND I CAN REPORT TO THAT IF I GET TO THAT. LOUISIANA HAD A SITUATION WHERE THEY HAD THE HELMET BILL, THEN THEY REMOVED THE HELMET BILL. AND BECAUSE OF THE EXPENSE, THEY WENT BACK AND THEY OVERDID THE REPEAL OF THIS, AND THEY PUT THE HELMET BACK...THE LAW BACK IN PLACE. IF I GET ANOTHER OPPORTUNITY TO SPEAK ON THAT, MR. SPEAKER, I WILL. THANK YOU VERY MUCH. [LB900]

SPEAKER HADLEY: THANK YOU, SENATOR HILKEMANN. SENATOR GROENE, YOU'RE RECOGNIZED. [LB900]

SENATOR GROENE: THANK YOU, MR. SPEAKER. AGAIN, I WOULD LIKE TO TALK ABOUT STATISTICS. YOU KNOW I'VE SEEN THAT OMAHA ARTICLE IN THE PAPER THE OTHER DAY THAT A LOT OF CONSTRUCTION PROJECTS AND A LOT OF CONSTRUCTION CRANES ARE OVER THE CITY. I WILL MAKE A BOLD ASSUMPTION AND SAY WE'RE GOING TO HAVE MORE CONSTRUCTION INJURIES IN OMAHA. WE SHOULD BAN CONSTRUCTION IN OMAHA BECAUSE WE'RE GOING TO HAVE MORE CONSTRUCTION INJURIES. DO YOU SEE THE IDIOCY OF THIS, TO RESTRICT PEOPLE'S RIGHTS THAT DOESN'T HARM YOU? AGAIN, I WILL TELL YOU THE STATE IS...I SEE SENATOR GLOOR ISN'T HERE. I WAS GOING TO ASK HIM A QUESTION BECAUSE YESTERDAY HE MADE A POINT ABOUT MEDICAID IN THE

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STATE OF NEBRASKA. AND I MADE THE POINT EARLIER I TALKED TO ONE OF THE ABATE BRANCH'S GROUPS AND THEY'RE GOING TO TAKE THEIR RALLY TO WYOMING THIS YEAR OUT OF NEBRASKA. IF A CITIZEN OF NEBRASKA IS AT STURGIS AND HAS A MOTORCYCLE ACCIDENT, WITH A HELMET ON, WHOSE MEDICAID COVERS THAT? NEBRASKA'S. SO REALLY, FOLKS, THAT ARGUMENT DOESN'T HOLD WATER. THEY'RE COMING BACK HOME. AND THE CHANCE OF HAVING AN ACCIDENT IN NORTH PLATTE IF WE HAD A RALLY, A PRE-RALLY, IMAGINE THAT, NORTH PLATTE, RIGHT ON THE ROAD, HAVING A PRE-RALLY FOR STURGIS, PEOPLE STOPPING THERE, NEBRASKANS STAYING THERE. IF SOMEBODY HAD AN ACCIDENT, THEY'RE GOING BACK HOME, HELMET OR NO HELMET. BUT, MY GOSH, THE ECONOMIC ACTIVITY WE WOULD GATHER FROM THAT. IT HAPPENS, FOLKS. YOU CAN'T STOP IT. REMINDS ME OF PROHIBITION. "PURITANISTIC" I GUESS IS WHAT SENATOR CHAMBERS CALLED IT. WE'RE GOING TO STOP YOU FROM DOING THAT. WE'RE GOING TO SAVE YOUR LIFE IF YOU LIKE IT OR NOT. WE'RE GOING TO CHAIN YOU TO THE BED. WE'RE NOT GOING TO LET YOU OUT OF BED IN THE MORNING BECAUSE WE KNOW WHAT'S RIGHT FOR YOU. WE'RE GOING TO PAT YOU ON THE HEAD AND WE'RE GOING TO TAKE CARE OF YOU. THAT'S WHY MY ANCESTORS FLED EUROPE, BECAUSE PEOPLE KNEW HOW TO TAKE CARE OF THEM. WE'RE GOING TO LET YOU FARM THIS LITTLE PIECE OF GROUND AND WE'RE GOING TO GIVE YOU 5 PERCENT OF IT AND THE REST OF IT GOES TO THE KING. BUT WE'RE TAKING CARE OF YOU. SOMEHOW THAT ATTITUDE SNUCK OVER TO THIS COUNTRY AND IT FLOATS AROUND IN SOME OF OUR GENETIC MAKEUP THAT WE NEED TO TAKE CARE OF OTHER PEOPLE. QUITE FRANKLY, A HOSPITAL IS A BUSINESS. THAT'S THE ONLY THING THEY HAVE A RIGHT TO TELL US. I CHOOSE THE DOCTOR I GO TO. I CHOOSE THE HOSPITAL. IF I WALK IN THERE AND I'M PAYING MY BILLS, AND I HAVE HEAD TRAUMA, THEN TAKE CARE OF ME BECAUSE YOU'RE A BUSINESS. DON'T TELL ME HOW TO LIVE MY LIFE. BUNCH OF KNOW-ALLS BECAUSE THEY GOT Ph.D.s AND THEY WORK IN THE TRAUMA UNIT. WHO CARES? IF YOU DON'T LIKE IT, GET A JOB DIGGING DITCHES. BUT DON'T TELL ME HOW TO LIVE MY LIFE OR MY FRIENDS TO LIVE THEIR LIFE BECAUSE YOU DON'T LIKE TO WORK ON CERTAIN INDIVIDUALS, HELMET OR NO HELMET, ACCIDENT OR CAR. I HAD A NEIGHBOR ONE TIME WAS BUILDING A HOUSE AND FELL SEVEN FEET ON A PLANK AS HE WAS BUILDING HIS HOUSE OVER HIS FOUNDATION, AND HAD SEVERE HEAD TRAUMA. SHOULD HE HAVE BEEN WEARING A HELMET? IT'S LIFE. LIFE IS A RISK. IT'S WHY WE GOT...THE GOOD LORD GAVE US ADRENALINE, TO OVERCOME DEATH, TO TAKE THE THRILL. SENATOR SCHUMACHER MADE A GOOD POINT. LOOK AT THOSE FOLKS ON THE PICTURES UP THERE, THOSE SETTLERS. DID THEY CARE ABOUT HELMETS? DID THEY HAVE SAFETY GLASSES ON? THEY HAVE WORKMEN COMP? THAT'S WHAT FLOWS THROUGH MY BLOOD,... [LB900]

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SPEAKER HADLEY: ONE MINUTE. [LB900]

SENATOR GROENE: ...IS THE PEOPLE THAT CAME HERE, AS SETTLERS, DIDN'T EVEN KNOW THEY WERE GOING. THEY DIDN'T HAVE A CHANCE TO LOOK UP ON THE INTERNET WHAT STATISTICS WERE. THEY LIVED LIFE. YOU GUYS OUGHT TO TRY IT SOMETIME. IT'S FUN. IT'S OKAY TO GET OUT OF BED. IT'S OKAY NOT TO PEEK THROUGH THE WINDOW SHADE TO SEE IF YOUR NEIGHBOR IS STILL IN BED OR IF HE'S OUT DOING SOMETHING DANGEROUS. IT'S NONE OF YOUR BUSINESS. SO GIVE SENATOR BLOOMFIELD HIS CLOTURE, LET THE BIKERS DO WHAT THEY WANT TO DO. YOU KNOW, JERRY FROM IMPERIAL, THE MAN STARTED A BUSINESS, STARTED A FACTORY, EMPLOYED A BUNCH OF PEOPLE IN IMPERIAL, NEBRASKA. HE'S A BUSINESSMAN. HE'S NOT SOME RADICAL. GOOD, DECENT INDIVIDUAL, SUPPLIED A LOT OF JOBS IN SOUTHWEST NEBRASKA. THESE BIKERS ARE BUSINESS PEOPLE, COMMON-SENSE INDIVIDUALS. I KNOW JERRY PRETTY WELL THAT SENATOR BLOOMFIELD TALKED ABOUT HIS E-MAIL. DOCTORS, LAWYERS, PEOPLE WHO LIVE LIFE DON'T FEAR IT. THANK YOU. [LB900]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR GROENE. (VISITORS INTRODUCED.) SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB900]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I THINK YOU ALL HEARD ABOUT THE EVENT AT THE DEMOCRATIC SALUTES TO STATE SENATOR AND MANY OF US COMING AWAY. THERE IS A RUMOR THAT SENATOR SMITH WAS LURKING IN THE KITCHEN THAT THURSDAY EVENING. JUST A RUMOR, JUST A RUMOR, SO I WANTED TO CLEAR THAT UP. I ALSO CLEARED IT WITH HIM. HE DENIES IT, SO. FIRST OF ALL, I'LL PROBABLY TALK JUST ONCE ON THIS. IN THE PAST I'VE TALKED MANY TIMES. FIRST OF ALL, CARING FOR OTHER HUMAN BEINGS IS GENETIC, SCIENTISTS WILL TELL YOU, THANK GOODNESS. I THINK IT'S ALSO CHRISTIAN AND IT'S HINDU AND IT'S MUSLIM AND ALL THOSE KINDS OF THINGS. CARING FOR OTHER PEOPLE IS GENETIC, THANK GOODNESS, AND THAT'S WHY, IF SOMEBODY HAS ANY KIND OF ACCIDENT ANYWHERE, MOST PEOPLE WILL RUSH UP AND TRY TO HELP, THANK GOODNESS. MOTORCYCLE RIDING, I HAD A HONDA CX500 SHAFT-DRIVEN, AIR-COOLED...I'M SORRY, LIQUID-COOLED. IT WAS A GREAT MACHINE. I PUT ABOUT 50,000 MILES ON THAT. AND ONE OF MY BEST MEMORIES IS A GOAL THAT I MET OF A LABOR DAY WEEKEND, TOUCHING TEN STATES WITH MY MOTORCYCLE IN THREE DAYS. WHEN I GOT DONE WITH THAT THREE DAYS, I CAN'T REMEMBER WHETHER OR NOT I FORGOT TO...WHETHER I REMEMBERED TO PUT MY FEET DOWN WHEN I STOPPED, BUT I WAS VERY TIRED. THERE'S NOTHING BETTER THAN GETTING OUT ON A

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MOTORCYCLE ON A HOT SUMMER EVENING OR ON A WARM DAY IN FEBRUARY OR JUST TO GO OUT FOR A RIDE. BUT PART OF MY RECORD, TOO, IS THAT ONE NIGHT YEARS AGO, AND IT WAS DUSK AND IT WAS ACTUALLY MISTING A LITTLE BIT, I WAS GOING TO A CAMPAIGN MEETING FOR COLEEN SENG WHEN SHE WAS RUNNING FOR MAYOR. SHE GOT ELECTED THAT TIME. AND I WASN'T GOING VERY FAST. AND SOMEONE HAD HAD A LET'S GET DIVORCED DISCUSSION WITH THEIR SPOUSE, AND WENT RIGHT THROUGH A YIELD SIGN AND T-BONED ME, PUT MY BIKE DOWN, PUT ME DOWN. AND I STILL HAVE A WEATHER INDICATOR IN MY LEFT WRIST WHEN THE WEATHER IS GOING TO GET BAD AS A LEFTOVER FROM THAT ACCIDENT. AND LOOKING AT ALL, IT TOTALED MY BIKE, OF COURSE, AND LOOKING AT ALL THE SCRATCHES ON MY HELMET, IT SAVED MY LIFE. SO HELMETS SAVE LIVES. FOR ME, THAT'S THE END OF THE STORY. I JUST TALKED ABOUT...I JUST TALKED TO A FRIEND IN DENVER WHO I HADN'T BEEN ABLE TO GET A HOLD OF FOR QUITE SOME TIME. CALLED ME THE OTHER DAY AND HE HAD JUST GOTTEN OUT OF THE HOSPITAL. HAD BEEN OUT ON HIS GOLD WING, WENT OVER A HILL AND THERE WAS A DEER RIGHT IN FRONT OF HIM. HE WAS IN THE HOSPITAL FOR EIGHT MONTHS. HE WAS WAY MORE...HAD WAY MORE DAMAGE TO HIMSELF THAN I DID. I ASKED HIM ABOUT HIS HELMET AND HE SAID, WITHOUT THE HELMET, IT WOULD HAVE COST HIM HIS LIFE. SO WE DO LOTS OF THINGS, SEAT BELTS. I HAVE A NEIGHBOR WHO DOESN'T USE SEAT BELTS WHEN SHE IS BY HERSELF AND...BUT THAT'S AGAINST THE LAW AND SO ON. BUT WE HAVE A LAW ABOUT SEAT BELTS BECAUSE IT SAVES LIVES. I ALSO JUST WANTED TO TALK A LITTLE BIT. I REALLY GET KIND OF SICK AND TIRED OF THE LABELS THAT THE LIBERALS ARE AGAINST... [LB900]

SPEAKER HADLEY: ONE MINUTE. [LB900]

SENATOR HAAR: THANK YOU...THE LIBERALS ARE...WANT HELMETS; THE CONSERVATIVES DON'T. WELL, MY FRIEND SITTING RIGHT IN FRONT OF ME, SENATOR MORFELD, IS NOT EXACTLY A CONSERVATIVE OR A LIBERAL, WHATEVER YOU WANT TO...BUT HE'S ON THE OTHER SIDE ON THIS ISSUE. AND I'D JUST LIKE TO SAY TO SENATOR KINTNER, I LOOK FORWARD TO GETTING THE TRANSCRIPT OF YOUR DISCUSSION ABOUT GOVERNMENT INTERFERENCE WHEN THE NEXT ABORTION DISCUSSION COMES UP, BECAUSE, WOW, I...THAT WAS A GREAT DISCUSSION YOU HAD ABOUT THE GOVERNMENT STAYING OUT OF INTERFERING WITH OTHER PEOPLE'S LIVES. THANK YOU VERY MUCH. [LB900]

SPEAKER HADLEY: THANK YOU, SENATOR HAAR. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB900]

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SENATOR HUGHES: THANK YOU, MR. PRESIDENT; GOOD MORNING, COLLEAGUES. A LOT OF THE DISCUSSION WE'RE TALKING ABOUT TODAY IS HEAD INJURIES. AND I THINK SENATOR BLOOMFIELD HAS MADE ALLOWANCES FOR THE EXPENSE OF BRAIN INJURIES WHEN MOTORCYCLE RIDERS ARE IN THAT POSITION. BUT I WANT TO TALK A LITTLE BIT ABOUT A COUPLE OF FRIENDS OF MINE AND SENATOR NELSON, GOVERNOR NELSON'S DAUGHTER WHO JUST PASSED AWAY FROM A BRAIN INJURY. I MEAN, SHE WAS ON CRUTCHES, FELL AND HIT HER HEAD--TRAGIC, TRAGIC ACCIDENT. MY TWO FRIENDS, ONE OF THEM SLIPPED IN THE BATHROOM, HIT HIS HEAD. HE'S NOW A QUADRIPLAGIC. ANOTHER FRIEND OF MINE SLIPPED IN THE BATHROOM, HIT HIS HEAD. HE'S DEAD. SHOULD WE REQUIRE HELMETS IN OUR BATHROOMS? OR HELMETS WHEN WE'RE ON CRUTCHES? HELMETS DO SAVE LIVES, THERE'S NO QUESTION ABOUT THAT. BUT HOW FAR ARE WE WILLING TO GO? HOW MUCH REGULATION ARE WE WILLING TO PUT ON OUR FELLOW CITIZENS? SENATOR BLOOMFIELD READ THE LETTER FROM JERRY GROFF, A FRIEND OF MINE FROM IMPERIAL--VERY SUCCESSFUL. FOUND A NEED, BEGAN MANUFACTURING ATTACHMENTS FOR AGRICULTURE EQUIPMENT, BUILT IT, SOLD IT FOR A LOT OF MONEY. THAT'S THE TYPE OF DRIVE THAT GOT HIM WHERE HE'S AT. BUT THAT'S THE WAY HE LIVES HIS LIFE. HE RIDES A MOTORCYCLE. HE ALWAYS WEARS HIS HELMET. HE MAKES GOOD DECISIONS. WE CAN'T PREVENT PEOPLE FROM MAKING BAD DECISIONS. WE CAN WHEN GOVERNMENT WANTS TO CONTROL YOUR LIFE COMPLETELY. WE CAN STOP YOU FROM MAKING BAD DECISIONS. WE ALL HAVE RISKY BEHAVIOR. SENATOR HILKEMANN IS A VERY AVID BICYCLE RIDER AND I COMMEND HIM FOR THAT, BUT THAT'S RISKY BEHAVIOR AS WELL. LOTS OF BICYCLE RIDERS GET HIT BY CARS AND THEY'RE KILLED OR SEVERELY INJURED. SHOULD WE OUTLAW BICYCLE RIDERS? OR DO WE MAKE ROADS SPECIFICALLY FOR THEM WHEREVER THEY WANT TO GO? WHERE IS THE COMPROMISE? I THINK PEOPLE SHOULD BE ABLE TO RIDE THEIR BIKES. IF THEY WANT TO RIDE THEM IN TRAFFIC, THAT'S RISKY BEHAVIOR. TALKING ABOUT RISKY BEHAVIOR, SMOKING AND DRINKING. THAT'S RISKY BEHAVIOR. SHOULD WE OUTLAW THOSE THINGS? LOOK AT THE COST TO OUR SOCIETY FOR PEOPLE WHO ABUSE TOBACCO PRODUCTS AND ALCOHOL. THERE'S A TREMENDOUS COST TO OUR SOCIETY. HOW IS THAT NOT DIFFERENT THAN SOMEONE WHO WANTS TO RIDE WITHOUT A HELMET? IF THEY BECOME INJURED, IT'S A COST TO OUR SOCIETY. IT'S PERSONAL RESPONSIBILITY AND PERSONAL ACCOUNTABILITY. AND THOSE ARE THINGS THAT I'M NOT WILLING TO GIVE UP. LIKE I SHARED YESTERDAY, THERE IS A FINE LINE FOR EACH OF US. AT WHAT LINE DO YOU HAVE TO CROSS? THAT'S SOMETHING EACH OF US HAS TO DECIDE. AND I GENERALLY AM ON THE SIDE OF PERSONAL FREEDOM, BUT THAT DOES COME WITH A COST, PERSONAL ACCOUNTABILITY. BUT THERE ARE, LIKE MY FRIEND JERRY GROFF, YOU KNOW,

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THAT'S PART OF THE DRIVE. THAT'S WHAT MADE THIS COUNTRY GREAT, IS THE ABILITY... [LB900]

SPEAKER HADLEY: ONE MINUTE. [LB900]

SENATOR HUGHES: ...TO MAKE THOSE PERSONAL DECISIONS. IT'S VERY IMPORTANT. BUT RISKY BEHAVIOR, WE CAN'T...WE CAN PASS LAWS TO MAKE IT ILLEGAL, BUT WE'RE NOT GOING TO STOP IT. LET'S BE REALISTIC. WE'RE HUMANS. WE'RE FALLIBLE. PROVIDE SOME GUIDELINES, BUT NOT MAKE IT MANDATORY. THANK YOU, MR. PRESIDENT. [LB900]

SPEAKER HADLEY: THANK YOU, SENATOR HUGHES. THOSE IN THE QUEUE ARE SENATORS KOLOWSKI, SCHUMACHER, KINTNER, GARRETT, BRASCH, AND OTHERS. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB900]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I WANT TO THANK SENATOR GLOOR FOR HIS COMMENTS JUST A LITTLE EARLIER. IT'S AMAZING THE SHORT MEMORIES WE HAVE UNTIL WE ARE SLAPPED ACROSS THE FACE WITH THE REALITY OF THE MAJOR TAX CHANGES THAT HAVE BEEN IMPLEMENTED SINCE 2012 THROUGH 2015. I THINK IT'S AN IMPORTANT SHEET OF PAPER THAT WE OUGHT TO PLACE ON OUR DESK AND KEEP BEFORE OURSELVES AS WE GO THROUGH ALL THE DISCUSSIONS THAT WE'RE GOING THROUGH CONCERNING ANY ASPECT OF THIS SESSION. I ALSO WANT TO LOOK BACK ON SOME OF THE COMMENTS THAT HAVE BEEN MADE THIS MORNING. I FIND IT RATHER INTERESTING OR SOMETIMES AMAZING SOME OF THE COMMENTS THAT ARE MADE AND THE THINGS THAT ARE ASSUMED, THAT IT'S EITHER THIS WAY OR IT'S NO OTHER WAY. SENATOR KINTNER'S COMMENTS ABOUT ALL OF US BEING IN, BASICALLY, TWO CAMPS--IF YOU'RE NOT IN THIS ONE YOU'RE IN THE OTHER ONE, AND YOU MUST BELIEVE THIS PARTICULAR WAY OR YOU MUST BELIEVE THAT PARTICULAR WAY, DEPENDING ON THE CAMP THAT YOU'RE IN. I FIND THAT SO DIFFICULT TO BELIEVE. IN REALITY, THERE ARE 49 CAMPS ON THIS FLOOR, 49 INDIVIDUALS THAT HAVE DIFFERENT HISTORIES, DIFFERENT BACKGROUNDS, DIFFERENT EXPERIENCES IN LIFE, AND NO ONE IN HERE KNOWS OF MINE. NO ONE IN HERE HAS A COMPLETE LISTING OF THE BACKGROUND, KNOWLEDGE, AND EXPERIENCES THAT EACH ONE OF US HAVE GONE THROUGH. YET I FIND IT ALSO VERY AMAZING AND POSITIVE IN THE SENSE THAT WE DO HAVE OVERLAPPING SECTIONS OF AGREEMENT THAT BRINGS US TO COMMONALITY ON VOTES AND ALSO VETO OVERRIDES, AS WE DID LAST YEAR. WE HAD THREE EXAMPLES OF THAT, WHERE

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GREAT COMBINATIONS OF PEOPLE COMING TOGETHER MOVED US FORWARD AND WE OVERCAME SOME OF THE THINGS THAT WE WERE FACING AT THAT TIME. ANOTHER COMMENT BY SENATOR GROENE, HE WAS TALKING ABOUT CONSTRUCTION ACCIDENTS. AND IF WE DON'T HAVE SOMETHING IN THE WAY OF...IF WE DIDN'T HAVE CONSTRUCTION TAKING PLACE, WITH ALL THE CRANES AND ALL THE RESTS IN OMAHA, WE WOULD...WE WOULDN'T HAVE ACCIDENTS. THAT...I'M HAVING A HARD TIME PUTTING THAT TOGETHER BECAUSE YOU START WITH OSHA, AND YOU START WITH RULES THAT ARE EXPLICIT IN THE CONSTRUCTION INDUSTRY THAT PROVIDE FOR THE SAFETY AND SECURITY OF ALL WHO ARE BUILDING THOSE BUILDINGS. PERHAPS SENATOR GROENE HASN'T BEEN INVOLVED IN OR RESPONSIBLE FOR A MAJOR PROJECT. I HAD THE OPPORTUNITY OF A \$60 MILLION HIGH SCHOOL BEING BUILT AND HAD DIRECT DAILY IMPACT UPON THE CONSTRUCTION WORKERS AND THE ARCHITECTS IN THAT PARTICULAR ENDEAVOR. IT JUST DOESN'T CONNECT AS FAR AS WHAT HE WAS TRYING TO POINT OUT OR DIRECTIONS HE WAS HEADING ON THAT AS FAR AS CONSTRUCTION ACCIDENTS AND BANNING CONSTRUCTION. TWO DIFFERENT WORLDS, TWO DIFFERENT ISSUES, TWO DIFFERENT PLACES, NO CONNECTIONS. AGAIN, WE ARE 49 PEOPLE. WE HAVE 49 DIFFERENT STORIES, 49 DIFFERENT HISTORIES. I DO NOT LIKE TO BE GROUPED OR THOUGHT OF AS BEING IN ONE PARTICULAR AREA, AND I HOPE WE CAN STOP THAT KIND OF RHETORIC BECAUSE WE'RE MUCH BROADER THAN ALL OF THAT. THANK YOU, MR. PRESIDENT. [LB900]

SPEAKER HADLEY: THANK YOU, SENATOR KOLOWSKI. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB900]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. IF THIS YEAR WILL BE REMEMBERED FOR ANYTHING ON THE NATIONAL FRONT, IT IS THE MYSTERY OF DONALD TRUMP. [LB900]

SENATOR KINTNER: DON'T GO THERE. DON'T GO THERE. (LAUGH) [LB900]

SENATOR SCHUMACHER: WELL, WELL, WELL, SENATOR KINTNER, I JUST MIGHT GO THERE. AND THE SLOGAN "MAKE AMERICA GREAT AGAIN," WOW, WHAT IS IT ABOUT THAT MESSAGE THAT STRIKES A CORE SO DEEP IN SO MANY PEOPLE? WHAT IS IT? AND THE POLITICAL PUNDITS SPECULATE AND WE ALL CAN SPECULATE, BUT IT'S TRULY A PHENOMENA THAT SHOULD TELL US SOMETHING. SENATOR GROENE, THEY SAY THAT IMITATION IS ONE OF THE GREATEST COMPLIMENTS, GAVE ME QUITE A COMPLIMENT WHEN HE MENTIONED THE

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MURALS. AND INDEED I DO OFTEN LOOK AT THE MURALS. I CAN'T SEE THOSE ON THE...ON MY LEFT SIDE, BUT I CAN SEE THOSE ON THE RIGHT. AND HE'S RIGHT. THAT DOG DOESN'T HAVE RABIES SHOTS. THOSE COWBOYS AREN'T WEARING HELMETS. THAT GUY COOKING IN THAT PAN...POT, HE PROBABLY DIDN'T DISINFECT THE POT, PROBABLY DIDN'T EVEN WASH HIS HANDS BEFORE HE PUT THE SALTY MEAT IN IT. THE KID RIDING IN THAT CONESTOGA WAGON, NO SEAT BELTS, NO AIR BAGS. THE SOD HOUSE THERE, NO FIRE ALARMS, NO SMOKE SENSORS, NO SPRINKLER SYSTEM. THAT'S A MESSAGE FROM THE PAST WHEN, SUPPOSEDLY, AMERICA WAS GREAT. AND HE CAN'T HELP BUT THINK THAT PART OF THE ECONOMIC MALAISE THAT WE ARE EXPERIENCING TODAY, WHERE INTEREST RATES AROUND THE WORLD ARE AT ZERO, EUROPEANS ARE THINKING ABOUT MAKING THEM LESS THAN ZERO, IS NOT PRODUCING ANY ECONOMIC ACTIVITY. THE RISK OF HAVING TO PAY INTEREST IS GONE. BUT WE AS A SOCIETY HAVE BECOME SO RISK AVERSE THAT WE DON'T WANT ANY OF IT. YOU HAVE TO WONDER WHETHER THAT, AS A SOCIAL PHENOMENA, WATERS DOWN OUR ABILITY TO GO AFTER THE FUTURE. BECAUSE WHEN YOU DO GO AFTER THE FUTURE, WHEN YOU DO TAKE ON RISK, WHEN YOU ARE A LITTLE BIT ACCLIMATED TO IT AND NOT SO RISK AVERSE, YOU CAN BRING A FUTURE INTO BEING. AND TO HAVE DONE AWAY WITH SO MUCH OF THAT, SO MUCH OF IT THAT OUR ECONOMY AROUND THE WORLD IS FALTERING, THAT WE'RE BRINGING ON GREAT EXPENSE AND GREAT PROBLEMS WITH NOT HAVING...BEING ABLE TO MEET OUR RETURNS ON OUR PENSION FUND, WHEN WE'RE SQUABBING BACK AND FORTH BECAUSE WE WANT TO FIND SOME MAGIC WAY TO HAVE SOMEBODY ELSE PAY OUR TAXES, HOW MUCH OF THAT IS TIED TO A FEELING THAT THE GREAT APPRECIATE RISK? YES, THERE MAY BE, THERE WILL BE COLLATERAL DAMAGE... [LB900]

SPEAKER HADLEY: ONE MINUTE. [LB900]

SENATOR SCHUMACHER: ...IF WE ADOPT SENATOR BLOOMFIELD'S BILL. THERE WILL BE SOME HEAD INJURIES, EVEN THOUGH WE KNOW THERE ARE MORE HEAD INJURIES IN VEHICLES DRIVEN BY PEOPLE UNDER 25 YEARS OLD AND WE DON'T PUT THEM ON THE RADAR SCREEN IN THIS DISCUSSION AS HAVING A REQUIREMENT TO WEAR HELMETS IN THE CAR. IT WOULD AFFECT TOO MANY OF US. IT'S MORE RIGHT TO JUST AFFECT A FEW WITH A TAX OR A BURDEN. BUT, FOLKS, I HAVE TO ASK MYSELF, WHAT IS OUR AVERSION TO RISK COSTING US AS A SOCIETY? AND THAT HAS TO ENTER INTO THE SCALES OF JUDGMENT AND BALANCE ON THIS BILL. THANK YOU. [LB900]

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SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB900]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, AS I WAS LOOKING AT TWITTER, ACROSS THE TWITTER FEED, WRIGHT STATE UNIVERSITY JUST FIRED THE COACH OF THE YEAR IN BASKETBALL. AND I'M GETTING DISTRACTED LOOKING AT WHAT'S GOING ON NOW, RECALL EVER A SCHOOL FIRING A COACH WHO WAS NAMED COACH OF THE YEAR FOR THE ATHLETIC CONFERENCE, SO I'M DIGESTING THAT. BUT BACK TO THE ISSUE AT HAND, I KIND OF GET MY FRIENDS ON THE LEFT RILED UP WHEN I TALK ABOUT THE PHILOSOPHICAL DIFFERENCES HERE BETWEEN PEOPLE THAT WANT BIGGER GOVERNMENT AND WANT TO REGULATE YOUR LIFE AND PEOPLE THAT WANT SMALLER GOVERNMENT. I GOT TO AGREE WITH SENATOR HAAR, THIS ISSUE IS NOT CUT AND DRY, LEFT AND RIGHT. WE HAVE PEOPLE ALL OVER THE PLACE. SENATOR MORFELD WILL CONFOUND ME EVERY TIME I TRY TO SAY...PREDICT WHERE HE'S GOING TO GO ON SOMETHING. HE'LL CONFOUND ME, AND THERE'S A FEW OTHERS, TOO. BUT WHAT I WAS DESCRIBING IS, FOR THE MOST PART, WHEN CONSERVATIVES WILL FILIBUSTER, WHICH IS FOR...TO STOP MORE REGULATION, TO STOP HIGHER TAXES, TO STOP MORE GOVERNMENT PROGRAMS. AND GENERALLY, WHEN THE OTHER SIDE--IF YOU DON'T WANT TO CALL THEM LIBERALS WE'LL JUST CALL THEM SUPPORTERS OF BIGGER GOVERNMENT, MY MORE PROGRESSIVE FRIENDS--THEY WILL TEND TO FILIBUSTER TO KEEP GOVERNMENT REGULATIONS, AND TO SUPPORT NEW AND BIGGER GOVERNMENT PROGRAMS. AND THAT'S KIND OF THE WAY IT BREAKS DOWN. NOW WHO GOES TO WHAT SIDE IS THE BIG MYSTERY. BUT THOSE ARE THE TWO PHILOSOPHICAL BELIEF SYSTEMS THAT WE OPERATE UNDER HERE. WE'RE CERTAINLY NOT DIVIDED REPUBLICAN AND DEMOCRAT, RARELY. THE DEMOCRATS AREN'T GIVING US BIG GOVERNMENT HERE. IT'S THE REPUBLICANS. THERE'S ONLY 12 DEMOCRATS HERE. THEY'RE NOT GOING TO GIVE US BIG GOVERNMENT. SO IT'S REALLY WHAT SIDE YOU FALL ON. AND SOME PEOPLE ARE PHILOSOPHICALLY ALWAYS GOING TO BE ON THE SIDE OF LESS GOVERNMENT; SOME PEOPLE ARE ALWAYS GOING TO BE ON THE SIDE OF BIG GOVERNMENT, ALMOST ALWAYS. AND THERE'S THE GROUP IN THE MIDDLE THAT KIND OF BOUNCES BACK AND FORTH. THEY'RE A CANDIDATE FOR BIG GOVERNMENT HERE AND MAYBE NOT HERE. AND THAT'S KIND OF THE WAY LIFE IS. I THINK THAT REPRESENTS THE PEOPLE OUT THERE. BUT ON THIS BILL RIGHT HERE, WHAT WE'RE TALKING ABOUT CLEARLY IS HOW MUCH LIBERTY, FREEDOM, JUST ABILITY TO MAKE YOUR OWN DECISION DO WE WANT TO GIVE UP TO PROTECT PEOPLE FROM THEIR OWN ACTIONS? AND THAT IS THE CENTRAL ISSUE HERE. HOW MUCH REGULATION DO WE WANT TO IMPOSE ON PEOPLE TO PROTECT

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THEM FROM THEIR OWN ACTIONS? AND I SAY CERTAINLY NOT THIS. I TRUST THE PEOPLE TO MAKE UP THEIR MIND IF THEY WILL RIDE A MOTORCYCLE WITH THE PROPER PROTECTION OR NOT. THEY CAN DO THAT. I DON'T FEEL THE NEED TO STEP IN THEIR LIFE AND TELL THEM WHAT THEY MUST DO. ONE OF MY COLLEAGUES TALKED ABOUT...READ A REPORT THAT WAS ON FOX NEWS; IT HAS TO BE RIGHT BECAUSE IT WAS ON FOX NEWS. NO, THEY'RE REPORTING A REPORT. YOU GOT TO LOOK AT WHO DID THE REPORT AND HOW IT WAS DONE. THEY'RE JUST REPORTING WHAT WAS DONE. SO FOX NEWS IS NOT ENDORSING THAT REPORT. THEY'RE NOT SAYING IT'S RIGHT; THEY'RE NOT SAYING IT'S WRONG. THEY'RE REPORTING WHAT SOMEONE ELSE DID. I DON'T BELIEVE ANYONE IN THE MEDIA. I ALWAYS TRY TO LOOK AT IT. EVEN THOUGH I'VE...I DEAL WITH THE MEDIA DOWN HERE EVERY DAY, I STILL WANT TO MAKE SURE THAT I LOOK AT HOW SOMETHING WAS ARRIVED AT AND WHO THEY'RE QUOTING AND WHY THEY'RE QUOTING THEM, SO. [LB900]

SPEAKER HADLEY: ONE MINUTE. [LB900]

SENATOR KINTNER: THERE IS NO ONE THAT I JUST TRUST OUTRIGHT ON THAT STUFF. SO I WANT YOU TO KEEP ASKING YOURSELF, HOW MUCH REGULATION, HOW MUCH GOVERNMENT AM I AS A SENATOR WILLING TO IMPOSE ON PEOPLE? HOW MUCH SMARTER AM I THAN ALL THE PEOPLE OUT THERE? WE COME DOWN HERE, WE GET "SENATOR" IN FRONT OF OUR NAME, AND WE THINK OUR IQ GOES UP 20 POINTS. WELL, I'M NOT SMARTER THAN THE PEOPLE I SERVE; I'M ONE OF THEM. AND I THINK PEOPLE IN MOST OF NEBRASKA JUST WANT TO BE LEFT ALONE TO MAKE THEIR OWN DECISIONS AND LIVE THEIR OWN LIFE. AND I WANT TO DO EVERYTHING I CAN TO MAKE SURE THAT HAPPENS. THANK YOU, MR. PRESIDENT. [LB900]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB900]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. GOOD MORNING, COLLEAGUES. GOOD MORNING, NEBRASKA. THIS IS THE FIRST TIME I'VE RISEN TO SPEAK ABOUT THIS BILL. SOME OF YOU MAY RECALL IN THE LAST TWO YEARS I SPOKE IN OPPOSITION TO THIS BILL. SENATOR BLOOMFIELD HAS GONE A LONG WAYS TO TAKE SOME OF OUR CONCERNS INTO CONSIDERATION, THE TRAUMATIC BRAIN INJURY TRUST FUND, THE THING ABOUT CHILDREN RIDING ON MOTORCYCLES. YOU KNOW, I DON'T WANT IT TO SOUND LIKE I'M WHINING. WE MAKE A LOT OF DECISIONS HERE THAT A LOT OF TIMES THEY'RE NOT CLEAR-

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CUT, BLACK AND WHITE. YOU CAN SIT HERE AND YOU CAN TALK STATISTICS UNTIL THE COWS COME HOME ABOUT HOW DANGEROUS IT IS TO RIDE A MOTORCYCLE WITHOUT A HELMET. YOU KNOW, THAT'S JUST...THAT'S JUST THE RISK WE TAKE. IT'S DANGEROUS, AS SENATOR GROENE WAS POINTING OUT EARLIER, TO RIDE A BICYCLE WITHOUT A HELMET AND TALKED ABOUT BRINGING AN AMENDMENT TO A BILL THAT'S COMING UP THAT REQUIRES BICYCLE RIDERS TO WEAR HELMETS. IT'S DANGEROUS TO HORSEBACK RIDE. YOU GET THROWN FROM A HORSE WITHOUT A HELMET, CHANCES ARE YOU'RE GOING TO BE IN PRETTY SORRY SHAPE. AND AS SENATOR HUGHES WAS MENTIONING EARLIER, PEOPLE SLIPPING IN SHOWERS, PEOPLE FALLING DOWNSTAIRS. YOU KNOW, WHERE DO YOU DRAW THE LIMIT? YOU'RE SAFER IN A CAR IF YOU GOT A HELMET, AND YOU GOT A NOMEX FIRE SUIT, AND YOU GOT A ROLL CAGE, AND A FIVE-POINT HARNESS. YOU JUST...WHERE DO YOU DRAW THE LINE? THERE'S GOT TO BE SOME FREEDOM, AND I'M OPTING TO GO ON THE SIDE OF PERSONAL LIBERTY AND PERSONAL FREEDOM. I'VE BEEN A LONGTIME MOTORCYCLE RIDER SINCE I WAS 11 YEARS OLD. I WON'T GET ON A MOTORCYCLE WITHOUT A HELMET, BUT THAT'S MY CHOICE. AND ALL WE'RE ASKING FOR IS THAT YOU ALLOW PEOPLE TO...ADULTS TO MAKE RESPONSIBLE DECISIONS ABOUT WHETHER THEY WANT TO RIDE A MOTORCYCLE WITHOUT A HELMET. SENATOR GROENE AND OTHERS BROUGHT UP THE FACT THAT FROM AN ECONOMIC DEVELOPMENT PERSPECTIVE THERE'S A LOT OF STATES AROUND US THAT DON'T REQUIRE HELMETS, AND GUYS ARE CIRCUMVENTING THIS STATE AND NOT BRINGING THEIR BUSINESS INTO THE STATE BECAUSE OF THAT. AGAIN, RESPONSIBLE ADULTS OUGHT TO BE ABLE TO MAKE A RESPONSIBLE DECISION. AND THERE'S RISKS INVOLVED WITH EVERYTHING WE DO ON A DAY-TO-DAY BASIS. BUT GOVERNMENT OUGHT NOT BE DICTATING TO US WHAT WE CAN AND CANNOT DO, AS FAR AS THAT CONSIDERATION GOES. OH, BY THE WAY, ANOTHER THING WE SHOULD PUT IN CARS ARE BREATH ANALYZERS THAT THEY DO FOR GUYS WHO HAVE BEEN CONVICTED OF DUIs. WE WOULD BE ALL A LOT SAFER IF EVERYONE HAD A BREATHALYZER IN THEIR CAR THAT'S TIED TO THE IGNITION TO MAKE SURE NO DRUNK DRIVERS GET BEHIND THE WHEEL. BUT WHERE DO YOU DRAW THE LINE, SERIOUSLY? I'M DRAWING THE LINE--PERSONAL FREEDOM AND INDEPENDENCE. LET THE MOTORCYCLISTS DECIDE; THEY KNOW WHAT THE RISKS ARE. AND I'D ASK THAT YOU SUPPORT THE CLOTURE VOTE HERE AND SUPPORT SENATOR BLOOMFIELD'S BILL AND VOTE FOR FREEDOM. THANK YOU, MR. SPEAKER. [LB900]

SPEAKER HADLEY: THANK YOU, SENATOR GARRETT. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB900]

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SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU ONCE AGAIN, COLLEAGUES. I JUST WANTED TO CIRCLE BACK ON WHY I AM SUPPORTING LB900 THIS TIME. AND YES, IT HAS BEEN BEFORE US OTHER TIMES. THE DIFFERENCE IS, THIS BILL AT THIS TIME WILL REMOVE CHILDREN WHO ARE EIGHT YEARS AND YOUNGER FROM BEING RIDERS ON THE BACK OF A MOTORCYCLE. IT WILL MAKE IT AGAINST THE LAW FOR THESE YOUNG CHILDREN WHO ARE GIVEN A LIFE AND DEATH RISKY BEHAVIOR BY THEIR PARENT WHO IS OUT FOR A RIDE. I THINK THERE'S A DIFFERENCE HERE. AND OUR NEBRASKA LAWS, AND I PULLED UP SOME OF THE INFORMATION FOR MOTOR VEHICLES, THEY TELL YOU THAT CHILDREN AGE 12 AND YOUNGER ARE SAFEST WHEN PROPERLY BUCKLED IN THE BACK SEAT OF A MOTOR VEHICLE. BEFORE WE CAN TAKE KIDS HOME FROM THE HOSPITAL, WE HAVE TO CAREFULLY SECURE THEM IN A CAR SEAT. THESE CAR SEATS ANYMORE, THEY LOOK LIKE PROTECTIVE SHELLS AND THEY DO SAVE THE LIVES OF MANY, MANY CHILDREN, AND I SUPPORT THOSE LAWS. AND AS THEY GROW OLDER THE CAR SEATS CHANGE AND THE RESTRICTIONS CHANGE TO PROTECT THESE KIDS. HOWEVER, I DO NOT SUPPORT THE FACT THAT KIDS TODAY ARE BEING PLACED ON THE BACK OF A MOTORCYCLE. THIS WOULD PREVENT THAT. FOR ME, IT'S NOT ABOUT THE FREEDOMS AND ALL OF THE OTHER RESTRICTIONS, BECAUSE I AGREE. SENATOR SCHUMACHER SAID IT VERY ELOQUENTLY. YOU KNOW, WE LOOK ABOUT US AND WE KEEP MANDATING MORE AND MORE RESTRICTIONS ON HOW WE LIVE. YOU KNOW, MOST OF US OR PART OF US ARE A GENERATION THAT DRANK OUT OF THE GARDEN HOSE. YOU KNOW, WE RODE OUR BIKES. IN A DIFFERENT WAY, WE'RE, TODAY, TRULY BICYCLE RIDING AS WE'VE HEARD HAS TREMENDOUS RISKS. AND FOR A MOTORCYCLE RIDER WHO IS OVER THE AGE OF 21, WILL HAVE PROTECTIVE EYE GEAR, THEY WILL MAKE THAT DECISION. BUT THE DECISION WE WILL MAKE IS NOT TO PUT CHILDREN ON THE BACK OF MOTORCYCLES. AND EARLIER A...AND I DO...WE HAVE A RESPONSIBILITY TO HELP SAVE THE LIVES OF KIDS WHENEVER AND WHEREVER POSSIBLE. AND I BELIEVE THAT PARENTS DO MAKE GOOD CHOICES FOR THE MOST PART, BUT ON THE BACK OF A MOTORCYCLE I BELIEVE IS COUNTERINTUITIVE TO EVERYTHING WE DO FROM THE MINUTE WE BRING THEM HOME AS INFANTS. AND AS FAR AS AN EARLIER DIALOGUE, I WOULD LIKE TO ASK SENATOR BLOOMFIELD, IF HE IS HERE, TO YIELD TO A QUESTION. [LB900]

SPEAKER HADLEY: SENATOR BLOOMFIELD, WILL YOU YIELD TO A QUESTION?
[LB900]

SENATOR BLOOMFIELD: YES, I WILL. [LB900]

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SENATOR BRASCH: SENATOR BLOOMFIELD, YOU WORKED WITH MANY ORGANIZATIONS AND ALSO THAT OF THE MOTORCYCLISTS ON THIS BILL, CORRECT? [LB900]

SENATOR BLOOMFIELD: THAT'S CORRECT. [LB900]

SENATOR BRASCH: DO THEY OBJECT TO THE FEE THAT YOU ARE PROPOSING? [LB900]

SENATOR BLOOMFIELD: I HAVE RECEIVED A GRAND TOTAL OF ONE COMPLAINT ABOUT THE FEE INCREASE, AND THAT CAME FROM THE 71-YEAR-OLD INDIVIDUAL IN SENATOR DAVIS' DISTRICT. [LB900]

SENATOR BRASCH: DO THEY SUPPORT THIS FEE? [LB900]

SENATOR BLOOMFIELD: YES. [LB900]

SENATOR BRASCH: THANK YOU. I HAVE NO OTHER QUESTIONS. SO THIS IS A FEE THAT THOSE IN THE RISKY BEHAVIOR DO... [LB900]

SPEAKER HADLEY: ONE MINUTE. [LB900]

SENATOR BRASCH: ...SUPPORT. IT IS NOT ONE THAT WE AS A BODY HAVE DECIDED TO IMPOSE FOR THE GREATER GOOD AND FOR THEIR SAFETY AND PUBLIC HEALTH. THIS IS A FEE SUPPORTED BY THOSE WHO CHOOSE TO TAKE THEIR HELMETS OFF AT AGE 21 AND OLDER. THERE'S A DIFFERENCE HERE. THERE IS A HUGE DIFFERENCE HERE. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB900]

SPEAKER HADLEY: SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB900]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. IS SENATOR GROENE HERE? I WOULD LIKE TO ASK HIM A COUPLE QUESTIONS. [LB900]

SPEAKER HADLEY: SENATOR GROENE, WILL YOU YIELD TO A QUESTION? [LB900]

SENATOR GROENE: YES. [LB900]

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SENATOR HILKEMANN: SENATOR GROENE, THE LAST TIME YOU WERE UP YOU MENTIONED THAT THERE IS GOING TO BE MORE INJURIES IN OMAHA BECAUSE THE CONSTRUCTION IS UP. [LB900]

SENATOR GROENE: GET OFF OF IT. I MADE A MISTAKE. I SAID...I FORGOT ABOUT THE OSHA LAWS. MY POINT WAS WHEN THERE'S MORE ACTIVITY, THERE'S MORE ACCIDENTS. WHEN YOU ELIMINATE HELMET LAWS, THERE'S MORE ACTIVITY, MORE MILES DRIVEN, AND THERE'S MORE ACCIDENTS. STATISTICALLY, IT'S IRRELEVANT. ALL RIGHT? [LB900]

SENATOR HILKEMANN: SENATOR, YOU...THANK YOU. I'LL LEAVE THAT ALONE. THE QUESTION I HAD WAS, IS THAT BECAUSE OF REGULATIONS SUCH AS NEEDING TO WEAR A HELMET WHILE THEY'RE ON A CONSTRUCTION PROJECT, HAVING TO HAVE SAFETY ROPES, HAVING TO HAVE SPECIAL SHOES, WE HAVE IMPROVED. THERE ARE NOT AS MANY SERIOUS INJURIES IN CONSTRUCTION AS THERE WERE AT ONE TIME. AND WHERE DID THOSE HORRIBLE REGULATIONS COME FROM? THEY COME FROM THAT HORRIBLE ORGANIZATION CALLED OSHA. AND WE CAN COMPLAIN A LOT ABOUT IT, BUT WE HAVE TO ADMIT THAT BECAUSE OF THOSE, WE HAVE FEWER...WE HAVE FEWER ACCIDENTS WITH THAT. AND THIS CONVERSATION, WE ARE NOT TALKING ABOUT ELIMINATING THE PERSON'S RIGHT TO RIDE A MOTORCYCLE. I WOULD BE HERE...I WOULD BE JUMPING...I WOULD BE LIKE SENATOR KINTNER ON THIS THING IF WE WERE TRYING TO ELIMINATE PEOPLE FROM THE...THEIR CHOICE TO RIDE A MOTORCYCLE. I HAVE RIDDEN BIKES. MY MOTHER HAS RIDDEN BIKES. MY BROTHER HAS RIDDEN BIKES. I MEAN, THAT IS A CHOICE. BUT WHEN YOU HAVE THAT CHOICE, YOU ALSO...THERE ARE SOME RESPONSIBILITIES THAT WE HAVE IN SOCIETY AND ONE OF THOSE RESPONSIBILITIES THAT WE ASK IS THAT YOU WEAR A HELMET TO MAKE THAT RIDING SO THAT WE PROTECT SOCIETY FROM HAVING TO PAY SOME OF THE DAMAGES THAT CAN OCCUR FROM HEAD INJURIES. YOU KNOW, WE KNOW THAT THIS IS...THAT THIS WHOLE SOURCE OF FREEDOM IS THERE, BUT WE ALSO KNOW THAT BECAUSE OF MOTORCYCLES ARE DIFFICULT TO SEE, SOMETIMES THEY ZOOM IN AND OUT OF TRAFFIC. I ALMOST HIT A MOTORCYCLIST AND I WAS PULLING A MOTORCYCLE AT THE TIME. AND AS A RESULT OF THAT, IF THEY DO NOT HAVE ENOUGH INSURANCE, THAT FALLS DOWN ON TO THE PEOPLE ARE MADE, QUOTE UNQUOTE, FINANCIALLY LIABLE. PEOPLE CAN BE ACTUALLY CHARGED...HAVING NOT SEEN A MOTORCYCLIST, IF THEY PULL OUT IN FRONT OF THEM THEY COULD END UP WITH BEING A MOTOR VEHICLE HOMICIDE ACCIDENT IF THAT PERSON HAPPENED TO DIE BECAUSE THEY HAD A HEAD INJURY OF IT. SO, IT IS NOT A VICTIMLESS THING HERE THAT WE'RE TALKING ABOUT HERE. SO I WANTED TO GET THAT IN. AND SENATOR

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SCHUMACHER, I TELL YOU, YOU ARE ONE OF THE GREAT ORATORS. YOU GOT UP AND YOU TALKED ABOUT THAT AND YOU SAID IN SUCH...THAT WOULD HAVE TAKEN ME THREE WEEKS TO PREPARE A FIVE-MINUTE SPEECH LIKE THAT AND I ENVY PEOPLE THAT HAVE THAT ABILITY TO DO THAT, AND I'M AMAZED. THIS WILL PROBABLY BE MY LAST TIME TO SPEAK BEFORE WE HAVE THE CLOTURE VOTE. I WANT TO REMIND EVERYONE THAT IF YOU FEEL AS I DO, THAT WE OUGHT TO CONTINUE TO ALLOW PEOPLE TO ENJOY MOTORCYCLE RIDING, WE OUGHT TO BE ABLE TO ENJOY BICYCLE RIDING, WE OUGHT TO BE ABLE TO FLY PRIVATE PLANES... [LB900]

SPEAKER HADLEY: ONE MINUTE. [LB900]

SENATOR HILKEMANN: ...WE'RE NOT TALKING ABOUT TAKING ANY OF THAT AWAY FROM YOU. I WOULD ALSO TELL YOU THAT 74 PERCENT OF NEBRASKANS BELIEVE THAT WE SHOULD KEEP THE HELMET BILL IN PLACE. SO I'M GOING TO REMIND YOU WHEN WE COME UP TO THE CLOTURE VOTE, MAKE SURE YOU VOTE NO, OR DON'T VOTE AT ALL ON THE CLOTURE ISSUE. AND LET'S KEEP THE HELMETS SAFE. LET'S KEEP... YOU KNOW, OUR CARS ARE CONTINUING TO GET SAFER. WE'VE PUT SAFETY BELTS, WE'VE GOT ROLL BARS, WE HAVE BLIND SPOT PROTECTORS, WE HAVE...THEY AUTOMATICALLY SLOW DOWN NOW. THEY CAN AUTOMATICALLY STOP. THEY'RE TALKING ABOUT SOME POINT THAT WE'RE GOING TO...THAT WE'RE ACTUALLY GOING TO HAVE DRIVERLESS TYPE OF CARS. I'M SURE THAT...I HAVEN'T LOOKED AT MOTORCYCLES IN A LONG TIME, I'M SURE THEY'VE DONE THINGS TO MAKE THEM SAFER, BUT WE KNOW THAT THE VERY SAFEST THING THAT WE CAN HAVE FOR MOTORCYCLE... [LB900]

SPEAKER HADLEY: TIME, SENATOR. [LB900]

SENATOR HILKEMANN: ...TO PREVENT THEM, IS TO WEAR THAT HELMET. THANK YOU, MR. SPEAKER. [LB900]

SPEAKER HADLEY: THANK YOU, SENATOR HILKEMANN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB900]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS MAY WELL BE MY LAST TIME EVER TO SPEAK ON THIS BILL OR ON THIS SUBJECT ON THE FLOOR OF THE LEGISLATURE. YOU KNOW, WE HEAR THAT IF YOU...IF YOU HAVE A BRAIN INJURY, YOU'RE PROBABLY OUT OF A JOB. COLLEAGUES, THAT'S NOT NECESSARILY SO. MOST OF YOU KNOW ROD KROGH. HE HAD A SEVERE

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BRAIN INJURY AS YOU COULD POSSIBLY EVER HAVE AND SURVIVE, I BELIEVE. AND HE'S FUNCTIONING FABULOUSLY. MY SON-IN-LAW, WHO I MENTIONED YESTERDAY, WAS ENCASED INSIDE OF THE CAB OF A 18-WHEELER WHEN IT WAS HIT FROM BEHIND, SUSTAINED A BRAIN INJURY. HE CAN'T DRIVE ANYMORE, BUT HE'S STILL WORKING FOR THE SAME COMPANY, STILL MAKING A LIVING ON HIS OWN. IT'S NOT A DEATH SENTENCE. SENATOR GLOOR STOOD UP AND TALKED ABOUT HOW MUCH WE SPEND ON INSURANCE AND HEALTHCARE. AND THEN WE HEAR OUT OF THE OTHER SIDE OF THE MOUTH OF THE OPPOSITION THAT MOST OF THESE BIKERS DON'T HAVE INSURANCE. COLLEAGUES, YOU'VE HEARD REPEATEDLY HERE, THESE ARE BUSINESSMEN, REGULAR, ORDINARY, EVERYDAY NEBRASKANS. MOST OF THEM DO HAVE HEALTH INSURANCE. I THINK IT'S AN INSULT TO THEM FOR SOMEBODY TO STAND UP HERE AND LUMP THE WHOLE GROUP BY SAYING THEY'RE NOT SMART ENOUGH TO HAVE HEALTH INSURANCE. THAT'S NONSENSE. THESE ARE, AS I SAID BEFORE, HARD WORKING INDIVIDUALS THAT JUST WANT A LITTLE FREEDOM AND DIGNITY BACK. I RECEIVED ANOTHER E-MAIL. I'M NOT GOING TO USE THE MAN'S NAME BECAUSE I HAVEN'T HAD AN OPPORTUNITY TO ASK HIM PERMISSION. SENATOR BLOOMFIELD, LET ME INTRODUCE MYSELF. MY NAME IS BLANK, BLANK. I AM FROM OMAHA, AND I AM A MOTORCYCLE RIDER. I'M WRITING THIS TO THANK FOR YOUR COMMITMENT ON LB900. FIRST, YES, I DO BELIEVE THAT IT SHOULD BE A PERSONAL FREEDOM TO DECIDE WHETHER TO WEAR A HELMET OR NOT, NOT THE GOVERNMENT'S. SECOND, AND MOST IMPORTANT, JUST A LITTLE BIT OF FAMILY HISTORY. BOTH MY PARENTS WERE VETERANS OF WORLD WAR II. DAD WAS BORN IN DENMARK. AND ALONG WITH THE REST OF THE FAMILY CAME TO AMERICA THROUGH ELLIS ISLAND. HE GREW UP IN COUNCIL BLUFFS. HE WAS GOING TO COLLEGE WHEN HE GOT THE CALL TO SERVE. DAD WAS IN THE ARMY AIR CORPS STATIONED IN THE PHILIPPINES. HE ACTUALLY BECAME A U.S. CITIZEN IN THE PHILIPPINES WITH THE HELP OF HIS CO. HE WAS A VERY PROUD AMERICAN. MOM WAS A NURSE IN THE ARMY, STATIONED IN COLORADO. THEY WERE BOTH STAUNCH REPUBLICANS AND BELIEVED THAT EACH INDIVIDUAL, NOT THE GOVERNMENT, SHOULD DECIDE HOW TO LIVE THEIR LIVES. THAT'S WHAT THEY FOUGHT FOR. ALONG WITH THAT, THEY BOTH ALSO WERE NOT BIG FANS OF MOTORCYCLES. AS A RIDER MYSELF, THEY WERE NOT ALWAYS THE HAPPIEST, BUT THEY KNEW THAT IT WAS MY LIFE. THEY ALSO WOULD ASK IF I WORE A HELMET. WE HAD MANY DISCUSSIONS ABOUT HELMETS, BUT IT ALWAYS CAME DOWN TO THE ARGUMENT THAT EACH RIDER SHOULD BE ABLE TO DECIDE AND NOT BE FORCED. NOW, REMEMBER, MOM WAS A NURSE. THAT'S WHAT SHE DID... [LB900]

SPEAKER HADLEY: ONE MINUTE. [LB900]

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SENATOR BLOOMFIELD: ...OR WAS ASSOCIATED WITH HER WHOLE LIFE. AT THE TIME OF HER RETIREMENT, SHE WAS ASSISTANT DEAN OF NURSING FROM CLARKSON SCHOOL OF NURSING. AND THAT'S AS FAR AS I WILL GO BECAUSE THE REST OF IT GETS TO WHERE IT WOULD IDENTIFY THE INDIVIDUAL. I'M REMINDED OF A QUOTE FROM MY FAVORITE PRESIDENT, NOT EVERYONE'S, RONALD REAGAN, AND I HOPE I HAVE TIME TO FIND IT AND READ IT. IT'S VERY BRIEF. GOVERNMENT EXISTS TO PROTECT US FROM EACH OTHER. WHERE GOVERNMENT HAS GONE BEYOND ITS LIMITS, IS IN DECIDING TO PROTECT US FROM OURSELVES. UNQUOTE. RONALD REAGAN. THANK YOU, MR. PRESIDENT. COLLEAGUES, I WOULD CERTAINLY APPRECIATE YOUR GREEN LIGHT VOTE ALL THE WAY THROUGH THIS. [LB900]

SPEAKER HADLEY: TIME, SENATOR. [LB900]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. [LB900]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB900]

SENATOR SCHNOOR: THANK YOU, SIR. SO, OBVIOUSLY, WE'VE BEEN TALKING ABOUT HELMETS FOR THE LAST DAY AND A HALF, IT SEEMS. AND WE'RE TALKING ABOUT BRAIN INJURIES AND IT GOT ME TO THINKING OF SOME STUFF THAT HAPPENED TO ME. I'VE JUMPED OUT OF AN AIRPLANE 675 TIMES AND ON SEVERAL OF THEM WAS WITH THE ARMY RANGERS AND WE WOULD JUMP ON AIRFIELDS. AND SOMETIMES YOU LANDED RIGHT ON THE RUNWAY. AND I'VE CLEANED MY CLOCK SO MANY TIMES THAT I CAN'T EVEN IMAGINE, BUT I NEVER HIT MY HEAD BECAUSE YOU WOULD LAND SO HARD THAT YOU WOULD JUST SEE STARS, BUT YOU LITERALLY SHAKE IT OFF AND GET UP AND MOVE ON. AND WE WORE HELMETS. I'VE DONE A LOT OF OTHER CRAZY STUFF THAT THE MILITARY ALLOWED ME TO DO, AND A LOT OF IT WAS A BIG RUSH. I LOVED IT. SOMETIMES WE WORE HELMETS, SOMETIMES WE DIDN'T. A FEW YEARS AGO, OH, I DON'T KNOW WHO SAID IT IN HERE, BUT TALKING ABOUT RIDING A HORSE. I GOT BUCKED OFF A HORSE WHEN I WAS SORTING CATTLE, AND THERE'S ABOUT A WEEK IN MY LIFE THAT IS MISSING BECAUSE I DON'T REMEMBER ANY OF IT BECAUSE I HAD A SEVERE CONCUSSION. BUT I GOT THAT CONCUSSION, AND I NEVER HIT MY HEAD, BELIEVE IT OR NOT. THERE WAS NO MARK ON ME. BUT I GOT A FREE RIDE TO THE HOSPITAL IN A HELICOPTER THAT I DIDN'T GET TO ENJOY BECAUSE I DIDN'T REMEMBER ANY OF IT. MY POINT BEING IS WE CAN PUT ALL THE REGULATIONS IN PLACE THAT WE WANT. WE CAN CONTROL

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EVERYBODY'S LIFE AS MUCH AS WE WANT, AND WE'RE NOT GOING TO PREVENT ALL ACCIDENTS FROM HAPPENING. IT'S STILL GOING TO HAPPEN. PEOPLE ARE STILL GOING TO HAVE MOTORCYCLE ACCIDENTS. THEY'RE STILL GOING TO GET HURT. UNFORTUNATELY, SOME OF THEM ARE GOING TO DIE. THAT'S JUST THE WAY IT IS. LET'S GIVE THOSE FOLKS SOME FREEDOM. IT'S A CHOICE THAT THEY HAVE. LET'S GIVE IT TO THEM. FREEDOM IS A WONDERFUL THING. BECAUSE WHEN YOU SEE...WHEN YOU GO TO COUNTRIES WHERE THEY DON'T HAVE IT, IT REALLY MAKES YOU APPRECIATE HOME. WHEN YOU SEE HOW OTHER PEOPLE HAVE TO LIVE AND YOU SEE WHAT WE HAVE, IT IS PRETTY AWESOME BECAUSE WE ARE THE MOST FREE SOCIETY AROUND IN THIS COUNTRY, SO IN THIS STATE WE HAVE THIS OPPORTUNITY TO EXPAND THAT FREEDOM. [LB900]

SPEAKER HADLEY: ONE MINUTE. [LB900]

SENATOR SCHNOOR: THANK YOU, SIR. SO LET'S GIVE IT TO THEM. LET'S GIVE THEM THE FREEDOM TO MAKE A CHOICE. LET'S NOT SAY, WE KNOW BETTER, WE'RE GOING TO MAKE THE CHOICE FOR YOU. WE KNOW HOW YOU NEED TO LIVE YOUR LIFE. WE KNOW HOW TO MAKE YOUR LIFE BETTER, JUST TRUST US. TRUST ME, I'M FROM THE GOVERNMENT. I'M HERE TO HELP. THAT'S WHAT WE TEND TO DO HERE. SO THIS IS ABOUT FREEDOM, FREEDOM OF CHOICE. LET'S GIVE THAT TO THEM. THANK YOU, SIR. [LB900]

SPEAKER HADLEY: TIME, SENATOR. SENATOR EBKE, YOU'RE RECOGNIZED. [LB900]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. SEEMS TO ME THAT IN THIS DEBATE WE HAVE A SPLIT, AND THE SPLIT HERE IS NOT SO MUCH AMONGST PARTISAN LINES, NOR IS IT EVEN AMONGST LIBERALS VERSUS CONSERVATIVES, BUT IT'S BETWEEN A VISION ABOUT WHAT THE APPROPRIATE USE OF GOVERNMENT IS IN OUR PRIVATE LIVES. THIS REMINDED ME OF A QUOTE. A FRIEND ACTUALLY SENT THIS TO ME JUST TO REMIND ME OF IT, BY CHRISTIAN APOLOGIST C.S. LEWIS. MANY OF YOU KNOW HIM AS THE AUTHOR OF THE CHRONICLES OF NARNIA. LITTLE BIT OF SIDE NOTE--C.S. LEWIS DIED ON THE SAME DAY THAT JOHN F. KENNEDY WAS ASSASSINATED AND SO HIS DEATH DIDN'T GET A LOT OF ATTENTION. BUT HERE'S THE QUOTE. HE SAYS, "OF ALL TYRANNIES, A TYRANNY SINCERELY EXERCISED FOR THE GOOD OF ITS VICTIMS MAY BE THE MOST OPPRESSIVE. IT WOULD BE BETTER TO LIVE UNDER ROBBER BARONS THAN UNDER OMNIPOTENT MORAL BUSYBODIES. THE ROBBER BARON'S CRUELTY MAY SOMETIMES SLEEP, HIS CUPIDITY MAY AT SOME POINT BE

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SATIATED; BUT THOSE WHO TORMENT US FOR OUR OWN GOOD WILL TORMENT US WITHOUT END FOR THEY DO SO WITH THE APPROVAL OF THEIR OWN CONSCIENCE. THEY MAY BE MORE LIKELY TO GO TO HEAVEN, YET AT THE SAME TIME LIKELIER TO MAKE A HELL OF EARTH. THIS VERY KINDNESS STINGS WITH INTOLERABLE INSULT. TO BE 'CURED' AGAINST ONE'S WILL AND CURED OF STATES WHICH WE MAY NOT REGARD AS DISEASE IS TO BE PUT ON A LEVEL OF THOSE WHO HAVE NOT YET REACHED THE AGE OF REASON OR THOSE WHO NEVER WILL; TO BE CLASSED WITH INFANTS, IMBECILES, AND DOMESTIC ANIMALS." IT SEEMS TO ME, COLLEAGUES, THAT WE NEED TO RESIST, WHENEVER POSSIBLE, THIS NOTION OF CARING FOR OTHERS THROUGH THE FORCE OF GOVERNMENT. WE'VE MENTIONED YOUTH AND CHILDREN, AND CERTAINLY I THINK THAT CAR SEATS ARE APPROPRIATE AND THE FORCE OF GOVERNMENT FOR THAT IS APPROPRIATE BECAUSE THOSE ARE CHILDREN. THOSE ARE PEOPLE WHO HAVE NOT REACHED THE AGE OF REASON, WHO HAVE NOT REACHED THE LEGAL AGE OF MATURITY TO BE ABLE TO MAKE THAT DECISION ON THEIR OWN. I APPRECIATED SENATOR SCHUMACHER'S COMMENTS ABOUT RISK, AND THE RISK ADVERSENESS THAT WE SEEM TO HAVE THESE DAYS. LIFE IS RISK. GETTING OUT OF BED IN THE MORNING IS A RISK, ESPECIALLY IN MY HOUSE WITH MY KIDS WHO STREW THINGS ALL OVER THE FLOOR. LET ME JUST ASK SENATOR GROENE A QUESTION. [LB900]

SPEAKER HADLEY: SENATOR GROENE, WILL YOU YIELD? [LB900]

SENATOR GROENE: YES. [LB900]

SENATOR EBKE: SENATOR GROENE, WE WERE TALKING ABOUT THIS A FEW MINUTES AGO. DO YOU SEE ANYTHING IN THIS BILL THAT WILL PREVENT PEOPLE OR CAUSE PEOPLE TO STOP USING HELMETS IF THAT'S WHAT THEY SO CHOOSE TO DO? [LB900]

SENATOR GROENE: NO. AND HERE'S A POINT ABOUT THE OSHA THING, TOO, AND THE BIGGER COMPANIES AS AN EMPLOYEE. THE COMPARISON HERE IS CLOSER TO ME WORKING ON MY HOUSE. SO FAR THE GOVERNMENT HAS NOT TOLD ME I HAVE TO WEAR A HARD HAT OR A HARNESS, OR A PRIVATE CONTRACTOR. HE DOESN'T HAVE TO, AS THE OWNER, FOLLOW THOSE RULES. A MOTORCYCLIST IS CLOSER TO ME WORKING ON MY HOUSE, ME ALONE. SO FAR, THE PROTECTIONIST HAS NOT FORCED ME TO WEAR A HARD HAT, BUT YET WE HAVE FORCED THE MOTORCYCLIST TO WEAR A HELMET, A PRIVATE INDIVIDUAL. NO,

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NOTHING IN THIS BILL STOPS ANYBODY FROM WEARING A HELMET IF THEY WISH TO. THANK YOU. [LB900]

SENATOR EBKE: THANK YOU, SENATOR GROENE. MR. PRESIDENT, I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR MURANTE IF HE COULD USE IT. [LB900]

SPEAKER HADLEY: SENATOR MURANTE, YOU'RE YIELDED 1:09 AND YOU'RE NEXT IN THE QUEUE. [LB900]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. I HAVE ALWAYS SUPPORTED SENATOR BLOOMFIELD IN HIS EFFORTS TO REPEAL THE HELMET LAW. AS HAS BEEN ARTICULATED NUMEROUS TIMES ON THE FLOOR, AND I WILL REITERATE RIGHT NOW, I DID NOT RUN FOR THE LEGISLATURE SO THAT I COULD IMPOSE MY WILL UPON THE PEOPLE OF NEBRASKA. I DON'T FEEL THAT I'M HERE BECAUSE I'M SOMEHOW MORE ENLIGHTENED THAN THE PEOPLE OF NEBRASKA. I'M CERTAINLY NOT HERE TO TELL THEM WHEN THEY MUST AND WHEN THEY SHOULD NOT WEAR MOTORCYCLE HELMETS. PERHAPS, IF WE WERE DEBATING A LEGISLATIVE RESOLUTION ENCOURAGING THE PEOPLE OF NEBRASKA TO WEAR MOTORCYCLE HELMETS, I WOULD POTENTIALLY VOTE FOR THAT. I'D PROBABLY OFFER A FRIENDLY AMENDMENT TO SAY THEY SHOULDN'T RIDE MOTORCYCLES, BUT I'M PROBABLY MORE RISK ADVERSE THAN THE BULK OF THE BODY. BUT I'VE HAD CHALLENGES WITH LB900. AND MY CHALLENGES WITH LB900 STEM FROM THE FACT THAT A LOT OF THE MORAL HIGH GROUND THAT SENATOR BLOOMFIELD HAS WITH HIS ARGUMENT ARE CHALLENGED BY PROVISIONS... [LB900]

SPEAKER HADLEY: SENATOR MURANTE, YOU'RE ON YOUR OWN TIME NOW. [LB900]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT...ARE CHALLENGED BY PROVISIONS WITHIN THIS BILL, AND WE'RE NOW FIVE MINUTES AWAY FROM A CLOTURE VOTE. BUT I TELL YOU, I HEARD SENATOR BLOOMFIELD SPEAK PREVIOUSLY, AND IT SEEMS TO ME THAT WHAT IS IN THIS BILL IS IN IT BECAUSE HE HAS TRIED VERY HARD OVER A PERIOD OF YEARS TO PUT THIS BILL IN A FORM THAT THE OPPONENTS COULD SUPPORT. AND SOMETIMES THOSE COMPROMISES MAKE A FINISHED PRODUCT, NOT CERTAINLY WHAT HE WOULD WANT AND PROBABLY NOT WHAT I WOULD WANT, IT'S NOT THE IDEAL SET OF

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CIRCUMSTANCES, BUT PERHAPS IT'S A STEP IN THE RIGHT DIRECTION. AND AS WE APPROACH THE CONCLUSION OF THIS LEGISLATIVE SESSION AND WE SEE FILIBUSTER AFTER FILIBUSTER, I DO NOT WANT TO CONTRIBUTE TO THE ONGOING DELAY OF US GETTING TO THE IMPORTANT ISSUES IN THIS BODY. SO I AM GOING TO VOTE TO INVOKE CLOTURE ON THIS BILL EVEN THOUGH I DON'T FIND THE BILL TO BE IN AN IDEAL FORM, BUT BECAUSE SENATOR BLOOMFIELD HAS WORKED SO HARD FOR SO MANY YEARS TO PUT...TO GET THIS BILL IN AS GOOD A SHAPE AS HE POSSIBLY CAN, I'M NOT GOING TO STAND IN THE WAY. AND IN LIGHT OF THE FACT THAT THIS WILL PROBABLY BE THE LAST FLOOR SPEECH ON THIS BILL BEFORE WE GET TO A MOTION TO INVOKE CLOTURE, I WILL YIELD THE REMAINDER OF MY TIME TO SENATOR BLOOMFIELD TO CLOSE. THANK YOU, MR. PRESIDENT. [LB900]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE YIELDED 3:20. [LB900]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR MURANTE. COLLEAGUES, THE GOOD SENATOR THAT JUST SPOKE AND I HAVE DISCUSSED THIS MANY, MANY TIMES BECAUSE I HAVE OPPOSED FEE INCREASES SO VIGOROUSLY ON THIS FLOOR. IT...THIS LARGE FEE INCREASE DID NOT GO DOWN EASILY WHEN I BROUGHT IT. IT WAS TOUGH FOR ME TO DO. SENATOR MURANTE WAS ABSOLUTELY CORRECT. IT WAS SOMETHING THAT I HOPED THAT THE OPPONENTS WOULD TAKE. WE'RE LOOKING AT A GIFT OF A MILLION DOLLARS FROM THE BIKE RIDERS OF NEBRASKA TO THE STATE OF NEBRASKA TO CREATE A TRAUMATIC BRAIN INJURY TRUST FUND THAT WE HAVE BEEN TOLD WE NEED SO BADLY. THE BIKERS HAVE STEPPED UP. IT'S TIME NOW FOR THE LEGISLATURE TO STEP UP. DON'T SCOFF AT THIS GIFT THAT IS BEING PRESENTED. YOU CAN VOTE NO ON CLOTURE. THAT'S CERTAINLY YOUR RIGHT, BUT WHAT ARE YOU GIVING AWAY? THE BIKERS WILL BE BACK IF WE LOSE THIS. THEY'LL BE BACK ANOTHER YEAR ATTEMPTING TO GET THE HELMET TO BE A MATTER OF CHOICE. WHAT WON'T BE BACK, I'M RELATIVELY SURE, IS THE TRAUMATIC BRAIN INJURY TRUST FUND BOUGHT AND PAID FOR ON THE BACKS OF THE MOTORCYCLISTS OF NEBRASKA. COLLEAGUES, THE CHOICE IS YOURS. I THANK SENATOR MURANTE FOR GIVING ME ONE MORE CHANCE TO SPEAK ON THIS ISSUE. IT WILL CERTAINLY BE MY LAST NOW. WHAT WE NEED, AS I SAID BEFORE, IS A GREEN VOTE ON SENATOR MORFELD'S AM2343, AND I WANT TO THANK SENATOR MORFELD FOR BRINGING THAT AMENDMENT. WE NEED A GREEN VOTE ON AM1957 FROM THE TRANSPORTATION COMMITTEE, AND THAT BECOMES THE BILL. BUT BEFORE WE CAN DO ANY OF THAT, IT IS ESSENTIAL THAT WE HAVE A GREEN VOTE ON CLOTURE. LET US MOVE THIS FORWARD. I

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THINK THE HOUR AND THE MOMENT IS AT HAND. HOW MUCH TIME DO I HAVE LEFT, MR. SPEAKER? [LB900]

SPEAKER HADLEY: TEN SECONDS. [LB900]

SENATOR BLOOMFIELD: THANK YOU, MR. SPEAKER, FOR YOUR PATIENCE IN THIS PROCESS, AND THE SAME TO YOU, COLLEAGUES. [LB900]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. (VISITORS INTRODUCED.) MR. CLERK, YOU HAVE A MOTION ON THE DESK. [LB900]

CLERK: MR. PRESIDENT, SENATOR BLOOMFIELD WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB900]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE'S BEEN FULL AND FAIR DEBATE ACCORDED TO LB900. SENATOR BLOOMFIELD, FOR WHAT PURPOSE DO YOU RISE? [LB900]

SENATOR BLOOMFIELD: MR. SPEAKER, I'D LIKE A CALL OF THE HOUSE AND A ROLL CALL VOTE IN REVERSE ORDER. [LB900]

SPEAKER HADLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER ALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB900]

CLERK: 39 AYES, 0 NAYS ON THE MOTION TO PLACE THE HOUSE UNDER CALL. [LB900]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR McCOLLISTER, IF YOU WOULD CHECK IN. SENATOR MORFELD, WOULD YOU CHECK IN. SENATOR SMITH, IF YOU WOULD CHECK IN. SENATOR KINTNER. FOR A ROLL CALL VOTE IN REVERSE ORDER, MEMBERS THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE. MR. CLERK. [LB900]

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CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1040-1041.) 30 AYES, 17 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB900]

SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE IS DEFEATED. I RAISE THE CALL. MR. CLERK, FOR ITEMS. [LB900]

CLERK: AT THIS TIME, MR. PRESIDENT, I'M FINE. THANK YOU.

SPEAKER HADLEY: MR. CLERK, WE WILL GO TO SELECT FILE.

CLERK: MR. PRESIDENT, THE FIRST BILL, LB803. SENATOR HANSEN, I HAVE NO AMENDMENTS TO THE BILL, SENATOR. [LB803]

SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED FOR A MOTION. [LB803]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB803 TO E&R FOR ENGROSSING. [LB803]

SPEAKER HADLEY: YOU'VE HEARD THE QUESTION. SHALL LB803 BE ADVANCED? ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL IS ADVANCED. MR. CLERK. [LB803]

CLERK: LB1033, SENATOR. I DO HAVE ENROLLMENT AND REVIEW AMENDMENTS PENDING. (ER183, LEGISLATIVE JOURNAL PAGE 956.) [LB1033]

SPEAKER HADLEY: SENATOR HANSEN, FOR A MOTION. [LB1033]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1033. [LB1033]

SPEAKER HADLEY: THERE'S BEEN A MOTION TO ADOPT THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB1033]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB1033]

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SPEAKER HADLEY: SENATOR HANSEN, FOR A MOTION. [LB1033]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1033 TO E&R FOR ENGROSSING. [LB1033]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADVANCE. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION ADVANCES. [LB1033]

CLERK: MR. PRESIDENT, LB83. SENATOR, I DO HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER176, LEGISLATIVE JOURNAL PAGE 805.) [LB83]

SPEAKER HADLEY: SENATOR HANSEN, FOR A MOTION. [LB83]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB83. [LB83]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION. THERE HAS BEEN AN A REQUEST FOR AN ADVANCEMENT...MACHINE VOTE ON THE ADVANCEMENT OF LB83 TO E&R ENGROSSING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THERE'S BEEN A REQUEST TO PUT THE HOUSE UNDER CALL. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB83]

CLERK: 39 AYES, 1 NAY, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB83]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR GROENE, SENATOR KOLTERMAN, SENATOR LARSON, THE HOUSE IS UNDER CALL. ARE YOU WILLING TO ACCEPT CALL-INS? [LB83]

CLERK: SENATOR GLOOR VOTING YES. SENATOR SULLIVAN VOTING YES. [LB83]

SENATOR KINTNER: I'D LIKE A ROLL CALL VOTE. [LB83]

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SPEAKER HADLEY: REQUEST FOR A ROLL CALL VOTE, YES. MR. CLERK. NOT HERE? [LB83]

SENATOR CHAMBERS: HAS EVERYBODY CHECKED IN? [LB83]

SPEAKER HADLEY: YES. MR. CLERK. [LB83]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1041-1042.) 25 AYES, 13 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB83]

SPEAKER HADLEY: LB83 ADVANCES TO E&R ENGROSSING. RAISE THE CALL. [LB83]

CLERK: MR. PRESIDENT, THE NEXT BILL, LB1009. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL. (ER179, LEGISLATIVE JOURNAL PAGE 953.) [LB1009]

SPEAKER HADLEY: SENATOR HANSEN, FOR A MOTION. [LB1009]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1009. [LB1009]

SPEAKER HADLEY: THE MOTION BEFORE YOU IS THE ADOPTION OF THE E&R ENROLLMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION PASSES. [LB1009]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB1009]

SPEAKER HADLEY: SENATOR HANSEN, FOR A MOTION. [LB1009]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1009 TO E&R FOR ENGROSSING. [LB1009]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. MR. CLERK. [LB1009]

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CLERK: MR. PRESIDENT, LB934. I HAVE E&Rs, FIRST OF ALL, SENATOR. (ER178, LEGISLATIVE JOURNAL PAGE 953.) [LB934]

SPEAKER HADLEY: SENATOR HANSEN, FOR A MOTION. [LB934]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB934. [LB934]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES. MR. CLERK. [LB934]

CLERK: SENATOR COASH WOULD MOVE TO AMEND WITH AM2544. (LEGISLATIVE JOURNAL PAGE 989.) [LB934]

SPEAKER HADLEY: SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB934]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING STILL, COLLEAGUES. THIS IS A TECHNICAL CLEANUP AMENDMENT WE RECEIVED FROM THE BILL DRAFTERS. IT DOES THREE THINGS. FIRST, IT STRIKES THE DUPLICATE LANGUAGE FOUND ON PAGE 2, LINES 11 AND 12 AND 13 AND 14. IT ADDS SENIOR ADULT TO THREE SECTIONS IN ORDER TO HARMONIZE WITH THE REST OF THE BILL, AND FINALLY ADDS AN E CLAUSE. THOSE ARE THE AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB934]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR COASH WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF AM2544. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB934]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR COASH'S AMENDMENT. [LB934]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB934]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB934]

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SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED. [LB934]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB934 TO E&R FOR ENGROSSING. [LB934]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES. (VISITORS INTRODUCED.) MR. CLERK. [LB934]

CLERK: LB934A. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB934A]

SPEAKER HADLEY: SENATOR HANSEN, FOR A MOTION. [LB934A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB934A TO E&R FOR ENGROSSING. [LB934A]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE MOTION CARRIES. MR. CLERK. [LB934A]

CLERK: LB817. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB817]

SPEAKER HADLEY: SENATOR HANSEN, FOR A MOTION. [LB817]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB817 TO E&R FOR ENGROSSING. [LB817]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES. MR. CLERK. [LB817]

CLERK: MR. PRESIDENT, LB1109. NO E&Rs. SENATOR CHAMBERS WOULD MOVE TO AMEND THE BILL. SENATOR, I HAVE FA93 IN FRONT OF ME. (LEGISLATIVE JOURNAL PAGE 899.) [LB1109]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR FLOOR AMENDMENT. [LB1109]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, IN EFFECT, ALL THAT AMENDMENT SAYS, AND IT'S SOMETHING LIKE A PLACEHOLDER, THAT AFTER THEY GO THROUGH THE DOG AND PONY SHOW DURING THAT 30-DAY PERIOD AFTER THE BOARD OF REGENTS HAS SELECTED THEIR PARAMOUNT CANDIDATE, OR WHATEVER THEY CALL THE PERSON, THAT THEY WOULD HAVE TO TAKE INTO CONSIDERATION WHAT IS PRESENTED DURING THAT SESSION. BUT RATHER THAN GO THROUGH ALL OF THAT, I HAVE ANOTHER MOTION I'M GOING TO OFFER, SO I WILL...TO CLEAN UP EVERYTHING, I WILL WITHDRAW THAT AMENDMENT. [LB1109]

SPEAKER HADLEY: SO ORDERED. [LB1109]

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO BRACKET LB1109 UNTIL APRIL 20, 2016. [LB1109]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR BRACKET MOTION. [LB1109]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN WE WERE DISCUSSING THIS BILL ON GENERAL FILE, I DIDN'T GET A MOTION UP THERE SOON ENOUGH TO COUNTERACT SENATOR McCOLLISTER'S VERY ASTUTE CALLING OF THE QUESTION. AND WHEN IT WAS MENTIONED THAT THAT'S NOT NECESSARY BECAUSE NOBODY ELSE IS IN, TO USE THAT TERM, THE QUEUE, I COULDN'T GET UP THERE QUICKLY ENOUGH. SO HERE'S WHAT I HAVE TO CONCEDE: HE WHO LIVES BY THE RULES DIES BY THE RULES. SO EVEN THOUGH ALL OF THE VOTING HAD NOT BEEN TOTALLY TERMINATED IN THE SENSE THAT WE HADN'T DONE EVERYTHING ON THE BILL THAT COULD BE DONE, I WAS OF A MIND TO TRY TO OFFER A RECONSIDERATION MOTION, WHICH WAS NOT APPROPRIATE BECAUSE THAT VOTE WAS NOT THE FINAL VOTE THAT COULD BE TAKEN ON THIS BILL. HAD IT BEEN A FAILURE IN TERMS OF MOVING THE BILL, IT WOULD HAVE BEEN A HORSE OF A DIFFERENT COLOR, SO TO SPEAK; BUT SINCE THE BILL WOULD STILL BE AVAILABLE, AS IT IS NOW ON SELECT FILE, WE ARE HERE TO DISCUSS IT--AT LEAST I AM--AND I DO NOT HAVE ANY DIMINISHMENT OF MY OPPOSITION. BUT BEFORE I PROCEED, I WOULD LIKE TO ASK SENATOR MURANTE A QUESTION OR TWO. [LB1109]

SPEAKER HADLEY: SENATOR MURANTE, WOULD YOU YIELD? [LB1109]

SENATOR MURANTE: ABSOLUTELY. [LB1109]

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SENATOR CHAMBERS: SENATOR MURANTE, FOR THE RECORD, YOU ARE THE CHAIRPERSON OF THE GOVERNMENT COMMITTEE WHICH HELD THE HEARING ON THIS BILL AND ADVANCED IT. IS ALL OF THAT CORRECT? [LB1109]

SENATOR MURANTE: YES. [LB1109]

SENATOR CHAMBERS: WHEN YOU AND I WERE HAVING AN EXCHANGE AND I KEPT REFERRING TO THIS AS MR. HAWKS'S OR REGENT HOWARD HAWKS'S BILL, DID YOU SAY THAT THE BOARD OF REGENTS UNANIMOUSLY VOTED TO SUPPORT THIS BILL? [LB1109]

SENATOR MURANTE: YES. [LB1109]

SENATOR CHAMBERS: SENATOR MURANTE, DID YOU CHECK THE AGENDA OR THE MINUTES OF THE BOARD OF REGENTS OR WAS A DOCUMENT PRESENTED MEMORIALIZING A VOTE HAVING ACTUALLY BEEN TAKEN BY THE BOARD OF REGENTS? [LB1109]

SENATOR MURANTE: I RECEIVED A LETTER ARTICULATING THEIR UNANIMOUS SUPPORT. [LB1109]

SENATOR CHAMBERS: WHO SIGNED THE LETTER? [LB1109]

SENATOR MURANTE: THE LETTER IS DOWN IN MY OFFICE. I'LL CHECK ON THAT FOR YOU. [LB1109]

SENATOR CHAMBERS: WAS IT SIGNED BY ALL THE BOARD MEMBERS? [LB1109]

SENATOR MURANTE: I DON'T RECALL WHO SIGNED IT. I RECALL THE CONTENT OF THE LETTER BEING THAT THE BOARD OF REGENTS UNANIMOUSLY SUPPORTS LB1109. [LB1109]

SENATOR CHAMBERS: WELL, HERE IS INFORMATION I WANT TO READ INTO THE RECORD, AND I STAND...I HOPE SOMEBODY WILL CHALLENGE IT. THE MINUTES AND THE AGENDAS OF THE BOARD OF REGENTS WERE EXAMINED IN THE YEARS 2014, 2015, 2016. THEY NEVER VOTED TO SUPPORT THIS BILL. IF THEY TOOK A VOTE, IT SHOULD HAVE BEEN RECORDED. IT WAS NOT ON THE AGENDA. IT IS NOT

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IN ANY OF THE AMENDMENTS...I MEANT IN ANY OF THE MINUTES. SENATOR MURANTE, DO YOU REMEMBER IF A SPOKESPERSON FOR THE BOARD OF REGENTS WROTE THAT LETTER? AND IF YOU DON'T REMEMBER, I'LL WAIT UNTIL THE LETTER COMES BECAUSE I DON'T WANT YOU TO HAVE TO SPECULATE ABOUT SOMETHING WHERE WE'LL HAVE THE DOCUMENT ITSELF. [LB1109]

SENATOR MURANTE: SURE. MY RECOLLECTION IS THAT IT WAS SIGNED BY KENT SCHROEDER, WHO IS THE CHAIRMAN OF THE BOARD OF REGENTS, BUT I'LL GET THE LETTER FOR YOU AND I'LL READ IT INTO THE RECORD. [LB1109]

SENATOR CHAMBERS: OKAY, BECAUSE THEY DID NOT TAKE A VOTE. SENATOR MURANTE, DIDN'T HOWARD HAWKS REQUEST THAT THIS BILL BE INTRODUCED? [LB1109]

SENATOR MURANTE: YES. [LB1109]

SENATOR CHAMBERS: AND HOWARD HAWKS IS THE CHAIRPERSON OF THE BOARD OF REGENTS, ISN'T THAT CORRECT? [LB1109]

SENATOR MURANTE: NO. [LB1109]

SENATOR CHAMBERS: WHAT IS HE? [LB1109]

SENATOR MURANTE: HE'S A MEMBER OF THE BOARD OF REGENTS. [LB1109]

SENATOR CHAMBERS: AND WHO IS THE CHAIRPERSON? [LB1109]

SENATOR MURANTE: I BELIEVE IT'S STILL KENT SCHROEDER. [LB1109]

SENATOR CHAMBERS: SO IT'S INTERESTING THAT HOWARD HAWKS WOULD BE THE ONE TO OFFER THE BILL WHEN HE'S NOT THE DIRECT...WHEN HE'S NOT THE CHAIRPERSON OF THE BOARD. [LB1109]

SENATOR MURANTE: I'VE RECEIVED COMMUNICATION FROM SEVERAL OF THE MEMBERS OF THE BOARD OF REGENTS AND, AS I STATED PREVIOUSLY, THEY ALL SUPPORT IT. [LB1109]

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SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, THERE IS NO RECORD WHERE A RECORD SHOULD BE KEPT OF ACTION BY THE BOARD OF REGENTS. IT'S NOT IN ANY AGENDA, ON ANY AGENDA. IT'S NOT IN ANY MINUTES. AND A PERSON OTHER THAN THE CHAIRPERSON OF THE BOARD, HE'S THE POWER BEHIND THE THRONE, SO TO SPEAK. THIS IS HOWARD HAWKS'S BILL. THIS IS HOWARD HAWKS'S WILL. AND HOWARD HAWKS WANTS TO WORK HIS WILL ON THIS LEGISLATURE, AND HOWARD HAWKS'S WILL IS THAT THE PUBLIC BE SHUT OUT FROM RECEIVING INFORMATION THAT IT IS ENTITLED TO HAVE, ANY CITIZEN OF THIS STATE--IN FACT, ANY RESIDENT OF THIS STATE, WHETHER CITIZEN OR NOT. I SAID OF THIS STATE NOT OF THIS COUNTRY. THERE ARE PEOPLE WHO ARE RESIDENTS OF THIS STATE WHO ARE NOT CITIZEN OF THIS STATE. THEY VOTE IN THE STATE THEY CAME FROM, AND THEY MIGHT ATTEND THE UNIVERSITY OR WORK HERE OR ANY OTHER THING. AND I DO THAT BECAUSE PEOPLE OFTEN DON'T MAKE A DISTINCTION BETWEEN A RESIDENT AND A CITIZEN OF A STATE. THE U.S. CONSTITUTION DISTINGUISHES BETWEEN PERSONS AND CITIZENS, AND THERE ARE CERTAIN RIGHTS THAT ARE GRANTED TO, AND THOSE INALIENABLE RIGHTS THAT ARE NOT GRANTED BY A GOVERNMENT, BUT THOSE RIGHTS ARE PROTECTED WHERE CITIZENS ARE CONCERNED AND WHERE PERSONS ARE CONCERNED. AND WHEN IT COMES TO THE FUNDAMENTAL RIGHTS, THE BASIC RIGHTS, THE LANGUAGE OF THE U.S. CONSTITUTION IS "NO PERSON," NOT "NO CITIZEN." THERE ARE RIGHTS WHICH UNDER THE U.S. CONSTITUTION ANY PERSON WOULD HAVE. SO WHEN SOME OF THESE IGNORANT POLITICIANS AND IGNORANT CANDIDATES WILL SAY THAT THIS PERSON IS NOT A CITIZEN, THEREFORE, THE U.S. CONSTITUTION DOESN'T APPLY, THEY OBVIOUSLY HAVEN'T READ THE CONSTITUTION OR THEY DON'T UNDERSTAND IT. BUT WHAT I WANT TO EMPHASIZE IS THAT EVERY CITIZEN, EVERY RESIDENT OF THIS STATE HAS A RIGHT TO BE INFORMED OF WHAT IS BEING DONE IN BEHALF OF, ON BEHALF OF, AND SUPPOSEDLY IN THE BEST INTEREST OF THE PEOPLE OF THIS STATE. I HAVE READ FROM A CASE THAT THE NEBRASKA SUPREME COURT HANDED DOWN WHERE A DISCUSSION WAS HAD ABOUT THE DUTIES OF A PERSON WHO IS A PUBLIC OFFICIAL, AND THE CASE MENTIONED WHETHER ELECTED OR APPOINTED. THE THING THAT CHARACTERIZES THE DUTIES OF THIS INDIVIDUAL IS THAT HE OR SHE OR THEY HAVE WHAT IS KNOWN AS A FIDUCIARY RELATIONSHIP TO THE PUBLIC. IT IS LIKE THAT OF A TRUSTOR, OF THE TRUSTEE, WHO IS LOOKING OUT FOR THE INTEREST OF THE BENEFICIARY. IN THIS CASE, THE PUBLIC CONSTITUTES THE BENEFICIARY. PUBLIC OFFICIALS ARE THE TRUSTEES. THEY HAVE BEEN ENTRUSTED WITH CERTAIN RESPONSIBILITIES THAT REDOUND TO THE BENEFIT OF THE PEOPLE. AND THE SUPREME COURT IN THAT DECISION STATED THAT ALL SUCH OFFICIALS, ELECTED OR APPOINTED, HAVE A DUTY TO CARRY OUT THE

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FUNCTIONS OF THEIR OFFICE TO THE BEST OF THEIR ABILITY WITH NO CONFLICT OF INTEREST AND WITH ABSOLUTE INTEGRITY, AND THEIR WORK SHOULD BE DONE IN PUBLIC. THEIR WORK SHOULD BE DONE IN PUBLIC. AND A STATEMENT WAS GIVEN AS TO WHY, SO THAT THE PUBLIC WILL KNOW WHAT IS BEING DONE AND THEY WILL BE ABLE TO JUDGE WHETHER OR NOT THAT OFFICIAL IS KEEPING THE FAITH, SO TO SPEAK. THESE REGENTS DO NOT OWN THE UNIVERSITY. [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: THE UNIVERSITY IS NOT A FIEFDOM THAT BELONGS TO HOWARD HAWKS. AND FOR ANYBODY TO THINK THAT I, MAYBE THE REST OF THE LEGISLATORS--THEY CAN SPEAK FOR THEMSELVES--WILL SIT HERE AND LET THE UNIVERSITY BE CONVERTED INTO A PLAYTHING AND ALL THE CITIZENS SHUT OUT FROM AWARENESS AND KNOWLEDGE OF WHAT IS BEING DONE SUPPOSEDLY IN THEIR NAME, A PERSON WHO HOLDS TO THAT OPINION IS MISTAKEN AND I'M GOING TO DEMONSTRATE IT THIS MORNING AND ON INTO THE AFTERNOON. THANK YOU, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) YOU'VE HEARD THE OPENING ON THE BRACKET MOTION. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB1109]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. I RISE IN OPPOSITION TO THE BRACKET MOTION AND IN CONTINUED SUPPORT OF LB1109. I'LL BRIEFLY TOUCH ON, AGAIN, THIS IS THE UNIVERSITY HIRING BILL. THIS IS THE BILL THAT PERTAINS TO THE HIRING OF THE PRESIDENT AND CHANCELLOR OF THE UNIVERSITY OF NEBRASKA-LINCOLN, UNIVERSITY OF NEBRASKA SYSTEM. WHAT WE ARE DOING IS REFORMING OUR SYSTEM AND CREATING A PROCESS BY WHICH THE PRESIDENT AND THE CHANCELLORS OF THE UNIVERSITY OF NEBRASKA ARE HIRED IN A WAY THAT IS COMPETITIVE WITH OTHER STATES AND WHICH REMAINS OPEN AND TRANSPARENT. WHAT WE ARE DOING IS CREATING AN ENHANCED PUBLIC SCRUTINY HIRING PROCESS WHEREBY THE PRIORITY CANDIDATE SELECTED BY THE BOARD OF REGENTS WILL HAVE A MONTH-LONG VETTING PERIOD. THERE WILL BE PUBLIC HEARINGS CONDUCTED ON EACH OF THE UNIVERSITY CAMPUSES. THE PRIORITY CANDIDATE WILL MAKE THEMSELVES AVAILABLE TO THE MEDIA, THE FACULTY, THE STUDENTS, THE STAFF OF THE UNIVERSITY AND, OF COURSE, THE TAXPAYERS OF THIS STATE. AND AT THE END OF THAT VETTING PERIOD, A VOTE

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WILL BE TAKEN ON WHETHER OR NOT TO CONFIRM THAT PRIORITY CANDIDATE. I THANK THE MEMBERS OF THIS LEGISLATURE FOR THE OVERWHELMING SUPPORT THAT WE RECEIVED ON GENERAL FILE. I URGE YOU TO CONTINUE TO SUPPORT THE BILL HERE ON SELECT FILE. I ANTICIPATE THAT WE WILL BE DISCUSSING THIS FOR APPROXIMATELY FOUR HOURS, WITH A BRIEF LUNCH BREAK IN BETWEEN, THAT WE'LL BE GETTING TO A VOTE. SO AS FAR AS THE PROCESS GOES, IF ANYONE IS PLANNING ON NOT BEING IN THE LEGISLATURE THIS AFTERNOON, I'D ASK THAT YOU LET ME KNOW ABOUT THAT. I LOOK FORWARD TO A CONTINUED DISCUSSION WITH SENATOR CHAMBERS AND OTHERS ON THIS BILL. I THINK IT'S AN IMPORTANT BILL. IT'S A GOOD BILL. IT'S ONE THAT HAS THE SUPPORT OF MANY MEMBERS OF THIS LEGISLATURE, AND I WOULD ENCOURAGE YOU TO CONTINUE YOUR ONGOING SUPPORT OF LB1109 AND OPPOSE THE BRACKET MOTION THAT WE HAVE BEFORE US. THANK YOU, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1109]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. CITIZENS OF NEBRASKA, DO NOT MISUNDERSTAND WHAT LB1109 DID. THIS IS NOT A CHANGE JUST TO HOW WE HIRE THE UNIVERSITY OF NEBRASKA, FIVE PRIVILEGED EMPLOYEES. THIS IS A CHANGE TO OUR OPEN RECORDS LAW WHERE EVERYBODY WHO WORKS IN GOVERNMENT--YOUR FIRE CHIEFS, YOUR POLICE CHIEFS, YOUR COUNTY ROADS DEPARTMENT HEAD, YOUR VILLAGE CLERK--IF THE PRESS WANTS TO SEE THEIR RESUME, THEIR BACKGROUND, AND WHO APPLIED, THEY CAN DO IT. WHAT WE ARE DOING HERE, IF THIS PASSES, IS TO GIVE ONE ORGANIZATION, GOVERNMENT ORGANIZATION--YES, IT'S GOVERNMENT, WE OWN IT, BEEN CREATED BY THE PEOPLE, UNIVERSITY OF NEBRASKA--AND THOSE REGENTS WE ELECT TO DECIDE TO HIRE FIVE INDIVIDUALS, FIVE INDIVIDUALS FOR DIFFERENT FIVE POSITIONS, SECRETLY. THESE FOLKS ARE BETTER THAN YOUR POLICE CHIEF, THAN YOUR FIRE CHIEF, THAN YOUR VILLAGE CLERK. I DID A LITTLE INVESTIGATING AND IN THE BIG 12...WELL, EXCUSE ME, THE BIG TEN...OF THOSE 14 SCHOOLS IN THE BIG TEN WHICH ONES ARE OPEN, WHICH ONES ARE CLOSED, AND COMPARED THEM TO TUITION. GUESS WHAT? WHERE THE PEOPLE ARE INVOLVED, WHERE THE PEOPLE BELIEVE IT'S THEIR UNIVERSITY, IT'S NOT A PRIVATE UNIVERSITY WHO SELECTS THEIR OWN EMPLOYEES, WHERE THE PEOPLE BELIEVE THEY OWN THAT UNIVERSITY: UNIVERSITY OF IOWA--\$8,104, LOWEST IN THE BIG...THEY'RE OPEN, OPEN SELECTION. UNIVERSITY OF NEBRASKA-LINCOLN--\$8,382; OPEN SELECTION. MAY BE OPEN OR CLOSED--I DON'T UNDERSTAND, I'M LOOKING MORE INTO IT--UNIVERSITY OF MARYLAND IS

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THIRD--\$9,996. SEVENTH OUT OF 14 IS UNIVERSITY OF WISCONSIN, THEY'RE OPEN--\$10,399. AFTER THAT IT STARTS GOING UP FAST. WHERE THEY CONSIDER THEM PRIVATE, THE PEOPLE HAVE NO SAY OF WHO THEY HIRE, SUDDENLY THE PEOPLE DESERT THE UNIVERSITY AND SAY, YOU'RE ON YOUR OWN, WE'RE TAKING YOUR TAX DOLLARS AWAY FROM YOU, AND IT SKYROCKETS. PENNSYLVANIA IS...PENN STATE--\$17,502; UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN--\$15,628. AND OF COURSE, THE HIGHEST ONE IS NORTHWESTERN, WHICH IS TRULY PRIVATE, WHICH IS \$48,624. I AGREE WITH THESE PEOPLE. I'LL HAVE A HARD TIME SUPPORTING SPENDING ON THE UNIVERSITY OF NEBRASKA IF THEY WANT TO ACT LIKE A PRIVATE UNIVERSITY, THAT THEY'RE BEYOND THE PURVEY (SIC) AND THE OVERSIGHT OF THE TAXPAYER AND THE PUBLIC. THERE'S A REASON WE ARE \$8,382 TUITION FOR THESE YOUNG PEOPLE HERE: BECAUSE THE PEOPLE, THE CITIZENS OF NORTH PLATTE, WESTERN NEBRASKA, WHO NEVER STEPPED FOOT IN THE UNIVERSITY HALLS, SUPPORT THE UNIVERSITY BECAUSE THEY BELIEVE IT'S THEIR UNIVERSITY. THIS WILL CHANGE THAT, THIS LB1109. NOW IT'S THE GOOD OLD BOYS', THE ALUMNI'S UNIVERSITY. I'M AN ALUMNI OF THE UNIVERSITY, ALUM, MEMBER OF THE ALUMNI OF THE UNIVERSITY. THAT ENDS. WHY WOULD THE CREIGHTON GRADUATES CARE ANYMORE? WHY WOULD THE HASTINGS COLLEGE? WHY WOULD THE GRADUATES FROM MY COMMUNITY COLLEGE CARE ANYMORE BESIDES THE RED SWEATSHIRTS THAT THEY WEAR FOR FOOTBALL? [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR GROENE: THIS IS A PRIVATE UNIVERSITY NOW: ABOVE AND BEYOND THE REST OF US, ABOVE AND BEYOND YOUR VILLAGE CLERK, YOUR POLICE CHIEF, AND EVERY OTHER PUBLIC EMPLOYEE THAT STEPS FORWARD BRAVELY AND SAYS, I'M WILLING TO HAVE OVERSIGHT, I'M WILLING TO PROVE TO YOU I'M THE PERSON YOU WANT TO HIRE. THANK YOU. [LB1109]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1109]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THERE WAS A WRITER WHO SAID: DAYLIGHT IS FOR HONEST PEOPLE, DARKNESS IS FOR THIEVES, IF THERE'S NOTHING TO HIDE THEN LET EVERYTHING BE OUT IN THE OPEN. THERE WAS A JUDGE, IT MAY HAVE BEEN BRANDEIS, BUT HE WAS ONE OF THOSE WHO WAS WELL KNOWN FOR INTEGRITY, INTELLIGENCE, MORAL, AND LEGAL RECTITUDE. AND WHEN HE WAS

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DISCUSSING HOW YOU GO ABOUT MAKING SURE THAT JUDGES OBEY THE ETHICAL REQUIREMENTS ON THEM, HE SAID, SUNSHINE IS THE BEST ANTISEPTIC, YOU BRING THINGS TO THE LIGHT. WE WERE TOLD THAT THESE FOUR CANDIDATES HAVE TO BE PROTECTED BECAUSE WHERE THEY WORK MIGHT FIND OUT THAT THEY'RE CONSIDERING GETTING ANOTHER JOB AND THEIR PERSONAL FORTUNES ARE MORE IMPORTANT AND TRUMP THE RIGHT OF THE PEOPLE OF NEBRASKA TO KNOW WHAT WORK IS BEING DONE, SUPPOSEDLY IN THEIR NAME, BY UNIVERSITY OFFICIALS. WHEN THINGS ARE HIDDEN, WHEN THINGS ARE SECRETIVE, THOSE ARE TRAITS THAT ACCOMPANY ACTIVITIES WHICH WILL NOT WITHSTAND THE LIGHT OF DAY. NOW, WHEN YOU REDUCE EVERYTHING TO THIS ONE INDIVIDUAL, THAT ONE INDIVIDUAL, NO MATTER WHAT HAPPENS, IS GUARANTEED, GUARANTEED THAT JOB, AND I'LL TELL YOU WHY. IT'S BASED ON THE PHILOSOPHY, IF YOU WANT TO CALL IT THAT, OUTLINED BY SENATOR MURANTE WHEN HE SAID THAT THESE OTHER THREE HAVE TO BE PROTECTED BECAUSE IF IT BECOMES KNOWN THAT THEY'RE SEEKING A JOB, IT MAY HINDER THEM WHERE THEY'RE WORKING. WELL, DURING THAT 30-DAY PERIOD AFTER THE PERSON HAS BEEN ANOINTED AND APPOINTED AND ALL THAT'S NECESSARY IS THE PERFUNCTORY HIRING PROCESS, WHAT ABOUT THAT INDIVIDUAL'S IDENTITY BEING KNOWN? WHAT ABOUT THAT PERSON, DUE TO THE PUBLIC INPUT, IF IT MEANS ANYTHING, WOULD LEAD TO HIM OR HER BEING REJECTED? THEN WHAT BECOMES OF THAT PERSON'S JOB THAT WAS BACK THERE? WE ALL KNOW THAT IF A PERSON IS SELECTED BY THOSE REGENTS--AND I'M CALLING IT THEIR PARAMOUNT, NOT PRIORITY OR ANY OTHER WORD--THEIR PARAMOUNT INDIVIDUAL, THAT IS A GUARANTEE OF BEING HIRED. AND ANYBODY WHO THINKS THAT IS NOT SO IS VERY, VERY NAIVE. ANYBODY WHO IS NOT NAIVE AND SAYS THAT IS NOT SO IS BEING DISINGENUOUS. THAT BOARD OF REGENTS DOES WHAT MR. HAWKS TELLS THEM TO DO. THAT'S WHY HE'S THE ONE WHO SAID THIS BILL SHALL BE INTRODUCED, THE COMMITTEE SHALL HEAR IT, THE COMMITTEE SHALL ADVANCE IT, THE LEGISLATURE SHALL PASS IT. THE ONLY ONE OTHER THAN SOME MEMBERS OF THE LEGISLATURE WHO HAS EVEN TWITCHED IN THE DIRECTION OF BEING CONCERNED ABOUT THE PUBLIC'S RIGHT TO KNOW IS, OF ALL PEOPLE, MY ANTAGONIST--GOVERNOR RICKETTS. HE SAID IN THE PAPER THAT WHEN SOMEBODY WAS BEING CONSIDERED FOR A POSITION IN HIS ADMINISTRATION, HE DID NOT KEEP THAT A SECRET. AND WHEN THERE WERE PEOPLE WHO SAID, WELL, IF IT CANNOT BE KEPT SECRET... [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

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SENATOR CHAMBERS: ...I DON'T WANT TO BE CONSIDERED, THEN THEY DROPPED OUT. BUT HE WANTED THE PUBLIC TO KNOW WHO THOSE PEOPLE WERE GOING TO BE. AND IF THEY COULDN'T STAND THAT HEAT, THEY DROPPED OUT. BUT HE SAID HE WAS NOT GOING TO CHANGE HIS SYSTEM JUST FOR THOSE FEW PEOPLE, BUT HE WOULDN'T SAY FOR SURE WHAT HE'D DO ABOUT THIS BILL. IF HE'S GOING TO RUN GOVERNMENT AS HE SAID, LIKE A BUSINESS--AND YOU SEE HOW HE'S RUNNING GOVERNMENT, HIS PART OF IT--THE UNIVERSITY IS MORE A PART OF THE EXECUTIVE BRANCH THAN THE LEGISLATIVE OR THE JUDICIAL, SO HE SHOULD BE IN FAVOR OF THE OPENNESS, WHICH MEANS HE OUGHT TO VETO THIS BILL IF IT GETS THERE. BUT I'M TRYING TO PREVENT THAT FROM HAPPENING, ALONG WITH OTHERS OF MY COLLEAGUES WHO UNDERSTAND WHAT WE'RE DEALING WITH. THANK YOU, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1109]

SENATOR CHAMBERS: TO CONTINUE THE DIRECTION THAT I WAS GOING, WHEN A PERSON HOLDS THE TOP OFFICE IN THE STATE, WHICH IS THE GOVERNORSHIP, HE DOES, OR SHE, SETS A TONE, AND THE TONE THAT THE GOVERNOR HAS INDICATED IS ONE OF OPENNESS. HE HAS EVEN SAID THAT IN INTERVIEWS THAT HE GAVE TO THE MEDIA THAT HE IS GOING TO BE OPEN; HIS ADMINISTRATORS, THE HEADS OF DEPARTMENTS ARE TO BE OPEN. THE BOARD OF REGENTS ARE THOSE WHO HAVE A DUTY TO THE PUBLIC. THEY ARE ELECTED. THEY TAKE AN OATH OF OFFICE. I BELIEVE THEY'RE MENTIONED IN THE CONSTITUTION. SO THERE IS A HEAVY RESPONSIBILITY ON THEM, AND THEY ARE HELD TO A HIGHER STANDARD. THE BEGINNING OF THAT STANDARD IS TO MAKE PUBLIC EVERYTHING THAT THEY DO. THERE SHOULD BE NOTHING THEY DO THAT CANNOT WITHSTAND THE LIGHT OF DAY. NOBODY FOR AN INSTANT WOULD SAY THAT SOMEBODY SHOULD BE ALLOWED TO FILE FOR AN OFFICE AND KEEP SECRET THE FACT THAT HE OR SHE FILED. EVERY PAPER THAT WE FILE IS AVAILABLE TO THE PUBLIC, AND THE REASON FOR THAT IS WE CEASE TO BE PRIVATE CITIZENS ONCE WE STEP ON THE PUBLIC STAGE. WHEN THESE PEOPLE ARE SEEKING THE PRESIDENCY OF THE UNIVERSITY, THEY ARE STEPPING OUT OF THE REALM OF A PRIVATE CITIZEN. THEY ARE SAYING TO EVERYBODY--HERE I AM. AND I'M GOING TO TELL YOU, I'M BEGINNING TO HAVE SERIOUS DOUBTS ABOUT THIS PRESENT PRESIDENT WHOSE NAME IS BOUNDS. HE PROBABLY REPRESENTS THE LEAVINGS BECAUSE HE SAYS THAT YOU SHOULD HAVE THIS CLOSED SYSTEM. BUT HERE'S HIS WAY OUT--IT WAS NOT CLOSED WHEN HE WAS ACCEPTED. AND IF HE IS AS GREAT AS THEY SAY HE IS, AND THERE WERE SOME PEOPLE WHO FELL AWAY BECAUSE THEY DIDN'T WANT THE PUBLIC TO KNOW, HE WAS NOT ONE OF THOSE. HE HAD CONFIDENCE IN WHO HE WAS, WHAT HE

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WAS CAPABLE OF DOING, AND HE DID NOT CARE WHO KNEW IT. SO THE ONE WHO IS NOW PRESIDENT OF THE UNIVERSITY IS BEING PRAISED BY EVERYBODY AS THE TOP PICK, AND YET IT WAS NOT THAT SECRET SYSTEM WHERE EVERYBODY ELSE WAS WEEDED OUT. THERE WAS NO WAY TO KNOW WHETHER HE INDEED WAS THE BEST. SINCE THERE WERE FOUR FINALISTS, IT WOULD BE THE BEST. WHEN YOU HAVE ONE, YOU CANNOT MEASURE ONE AGAINST NOTHING. THERE IS NO MEASUREMENT. MEASUREMENTS ARE RELATIVE TO SOMETHING ELSE. AND WHEN YOU HAVE ONLY ONE, THERE IS A TAKE-IT-OR-LEAVE-IT DECISION. BUT WHEN THOSE WHO ARE GOING TO DO THE HIRING HAVE MADE A PRELIMINARY APPROVAL, THAT IN EFFECT IS THE FINAL JUDGMENT THAT'S GOING TO BE MADE. AND I AM GOING TO DO ALL THAT I CAN TO STOP THIS BILL FROM MOVING OFF SELECT FILE. SINCE WE DIDN'T HAVE A LOT OF TIME BEFORE MY COLLEAGUES GO TO EAT OFF THE LOBBYISTS, TO SPONGE OFF THE LOBBYISTS, TO MOOCH OFF THE LOBBYISTS, I DIDN'T WANT TO GO INTO MY READING, WHICH I WILL DO THIS AFTERNOON. [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: AND I READ FOR THE PURPOSE OF THE RECORD AND FOR THE SAKE OF THE PEOPLE WHO DO WATCH WHAT WE DO WHILE WE'RE HERE. AND I THINK THIS IS ONE OF THE MOST IMPORTANT DECISIONS--ONE OF, I DIDN'T SAY "THE MOST," FOR SOME IT MIGHT BE--ONE OF THE MOST IMPORTANT DECISIONS WE'LL MAKE BECAUSE WE'RE TALKING ABOUT THE FLAGSHIP UNIVERSITY OF THE STATE. WE ARE TALKING ABOUT THE HIGHEST POSITION OF EMPLOYEES IN THE STATE, AND WE'RE SAYING AT THE SAME TIME...I'M NOT GOING TO SAY "WE;" I'M A PART OF THE LEGISLATURE. A MAJORITY VOTED TO PUT THE BILL OVER HERE. A MAJORITY OF THE SENATORS ARE SAYING THAT THE PUBLIC HAS NO RIGHT TO KNOW, THAT THEY WILL BE SHUT OUT BECAUSE MR. HAWKS SAID THEY SHOULD BE SHUT OUT, SO WE WILL HAVE TO...WE... [LB1109]

SPEAKER HADLEY: TIME, SENATOR. [LB1109]

SENATOR CHAMBERS: YOU WILL HAVE TO BEAR WITH ME THIS AFTERNOON. THANK YOU, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB1109]

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SENATOR GROENE: THANK YOU, MR. SPEAKER. LIKE A GOOD BASKETBALL COACH, THEY'RE SENDING ME IN SO THE STAR CAN TAKE A LITTLE EXTRA TIME DURING HALFTIME HERE. YOU KNOW THE OLD...WE TALKED ABOUT STATISTICS IN THE LAST BILL. AND YOU ALWAYS HEARD THE 80/20 RULE. THE CREAM OF THE CROP, THE 20 PERCENT, 20 PERCENT OF THE PEOPLE DO 80 PERCENT OF THE WORK; 20 PERCENT OF THE STUDENTS GET 80 PERCENT OF THE TOP GRADES. TWENTY PERCENT OF THINGS THAT GET DONE ANYWHERE IS DONE...80 PERCENT OF THE WORK GETS DONE IS USUALLY DONE BY ABOUT 20 PERCENT OF THE PEOPLE, JUST COMMON FACT--SURPRISE, SURPRISE. IF YOU DIVIDE THREE--UNIVERSITY OF IOWA, UNIVERSITY OF NEBRASKA, UNIVERSITY OF WISCONSIN-MADISON--BY 14 SCHOOLS, IT'S 21 PERCENT. THERE'S YOUR CREAM OF THE CROP. UNIVERSITY OF NEBRASKA, UNIVERSITY OF IOWA, UNIVERSITY OF WISCONSIN: OPEN SELECTION--OPEN SELECTION. YOU KNOW, WE'VE DONE A PRETTY GOOD JOB WITH OPEN SELECTION. THEY TALK ABOUT WHO DO WE GET HERE? WHO HAVE WE GOTTEN HERE? LOOK WHERE OUR FOLKS HAVE GONE AFTER THEY'VE LEFT HERE. THE OPEN SELECTION HAS GOTTEN US GOOD CANDIDATES. I CAN'T REMEMBER WHERE MILLIKEN WENT, BUT HE WENT UP, NOT BETTER, BUT HE WENT UP AND SIDeways. THEY ALL HAVE. IT'S CALLED TRANSPARENCY. IT'S WHAT NEBRASKA IS KNOWN FOR, THE UNICAMERAL. EVERY BILL HAS A HEARING. UNHEARD OF IN OTHER STATES, WE DO IT HERE. IT'S CALLED TRANSPARENCY. THERE'S ABSOLUTELY NO NEED, NO EVIDENCE THAT THIS BILL IS NEEDED. I GOT A LETTER HERE, I THINK MOST OF YOU DID, FROM THE EMPLOYEES OR WHAT DO YOU...THE FACULTY SENATE, AND THEY MAKE SOME GOOD POINTS. WE'VE ALL READ, IF YOU READ THE PAPERS, THE BIOS AND THE QUESTIONS AND ANSWERS OF THE FOUR CANDIDATES THAT ARE FOR THE CHANCELLOR OF THE UNL CAMPUS, ALL GOOD PEOPLE. AND I'LL QUOTE FROM THEIR LETTER, BECAUSE IT'S WRITTEN WELL, BY JOHN R. BENDER. "IF LB1109 WERE IN PLACE, WE WOULD NOT SEE FOUR FINALISTS, BUT ONLY ONE 'PRIORITY' FINALIST. WE WOULD NOT HAVE AN OPPORTUNITY TO COMPARE AND EVALUATE. WE WOULD BE FORCED TO ACCEPT SOMEONE ELSE'S JUDGMENT THAT THIS ONE PERSON WAS THE BEST CHOICE FOR THE UNIVERSITY. BUT THE ONLY WAY ONE CAN DETERMINE WHICH CANDIDATE IS BEST IS BY HAVING FOUR OR MORE FROM WHOM TO SELECT. FACULTY MEMBERS HAVE ASKED THE CHANCELLOR CANDIDATES ABOUT THE PUBLIC NATURE OF THE SELECTION PROCESS AND ABOUT LB1109. WHILE THE CANDIDATES HAVE AVOIDED INJECTING THEMSELVES INTO THE POLITICS OF THE ISSUE, ALL OF THEM HAVE SPOKEN ABOUT (SIC--OF) THE NEED FOR TRANSPARENCY IN MANAGEMENT OF UNIVERSITY BUSINESS." I THINK WE'VE JUST GOT THE CREAM OF THE CROP THAT APPLIED FOR THIS JOB, STOOD RIGHT THERE, LOOKED THEM RIGHT IN THE EYE AND SAID, I BELIEVE IN TRANSPARENCY, I'VE GOT NOTHING TO HIDE. THOSE

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ARE THE CANDIDATES I WANT TO APPLY FOR THE TOP POSITIONS IN OUR UNIVERSITY SYSTEM, AND THEY DID IT. THEY ALL HAVE EMBRACED THE NOTION THAT THE ONLY WAY TO GET SUPPORT THEY NEED TO MANAGE A UNIVERSITY IS BY BEING AS OPEN AND FRANK AS THEY POSSIBLY CAN BE WITH EVERYONE WHO HAS A STAKE IN UNL. THAT'S THE PEOPLE IN SCOTTSBLUFF. THAT'S THE PEOPLE IN VENANGO, NEBRASKA, RIGHT ON THE BORDER. THAT'S THE PEOPLE IN NORTH PLATTE, MILES AND MILES AWAY, TIME ZONE AWAY. YOU WANT THEIR SUPPORT? YOU BE OPEN, BECAUSE THAT'S THE WAY WE WORK OUT WEST IN RURAL NEBRASKA: YOU LOOK SOMEBODY IN THE EYE, YOU TELL THEM WHAT THE DEAL IS, AND YOU SHAKE YOUR HAND. SO EXCUSE ME WHEN I EXPECT TRANSPARENCY IN THE HIGHEST PAID EMPLOYEE I HAVE--I HAVE--AS A CITIZEN OF NEBRASKA. THAT GUY WORKS FOR ME; THAT LADY WORKS FOR ME. [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR GROENE: SHE DON'T WORK FOR THE REGENTS. SHE WORKS FOR US, THE TAXPAYERS. SHE WORKS FOR THOSE STUDENTS, HE DOES/SHE DOES. THEY DON'T WORK FOR HOWARD HAWKS. SORRY. THEY WORK FOR EVERYBODY: THE PERSON WHO WENT TO THE UNIVERSITY, THE PERSON THAT HAS NO DEGREE FROM THE UNIVERSITY, THE PERSON WHO GOT OUT OF EIGHTH GRADE AND WORKED HARD AND WAS ONE OF THOSE 20 PERCENT AND IS DOING WELL IN LIFE BECAUSE HE HAS A WORK ETHIC. THAT'S WHO THEY WORK FOR. THEY DON'T WORK FOR THE REGENTS. BUT ACCORDING TO THIS, THEY WANT TO GO PRIVATE. WELL, YOU'VE GOT ONE SENATOR THAT'S GOING TO LET YOU GO PRIVATE. I'LL WORK HARD AND I'LL MAKE SURE YOUR FUNDING IS CUT BECAUSE WE'VE GOT OTHER PLACES TO USE IT. OUR PEOPLE NEED PROPERTY TAXES AND THAT'S WHAT I'LL WORK FOR BECAUSE NOW YOU'RE A PRIVATE INSTITUTION, SO GO OUT AND FUND-RAISE, RAISE YOUR TUITION. RAISE YOUR TUITION TO \$15,600 FOR THE UNIVERSITY OF ILLINOIS; \$17,000 FOR PENN STATE; UNIVERSITY OF MINNESOTA, \$13,800. WE'RE \$8,000. WHY? BECAUSE THE PEOPLE BELIEVE IT'S THEIR UNIVERSITY. [LB1109]

SPEAKER HADLEY: TIME, SENATOR. SENATOR CHAMBERS, THERE'S NO ONE ELSE IS IN THE QUEUE, SO, YOU'RE RECOGNIZED TO CLOSE ON YOUR BRACKET MOTION. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, BEFORE, AS I SAID EARLIER, I GO INTO THE READING, I WANT TO

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BE SURE WE HAVE PLENTY OF TIME UNBROKEN. BUT IN THE MEANTIME, THERE WILL BE AMENDMENTS OR MOTIONS THAT I WILL OFFER THAT ALLOWS ME TO SPEAK, AS IS MY PRACTICE. THE LETTER THAT SENATOR GROENE EXCERPTED WAS WRITTEN BY PEOPLE WHO ARE DIRECTLY AFFECTED BY WHAT GOES ON AT THAT UNIVERSITY. AND NOT ONLY ARE THEY DIRECTLY AFFECTED, THEY ARE PEOPLE WHO PARTICIPATE IN CARRYING OUT ACTIVITIES AT THE UNIVERSITY. THERE HAS NOT BEEN ONE PERSON WHO STOOD ON THIS FLOOR TO SHOW HOW WHAT THE UNIVERSITY'S MISSION IS, IS MORE CAPABLY CARRIED OUT, THAT A HIGHER LEVEL OF EDUCATION TAKES PLACE, THAT THERE IS BETTER RECRUITMENT OF A DIVERSE STUDENT BODY, THERE IS A BETTER AND HIGHER RETENTION RATE OF STUDENTS, A HIGHER GRADUATION RATE, A HIGHER RATE OF THOSE WHO GRADUATE IN FOUR YEARS, A BETTER RECRUITMENT PROGRAM FOR FACULTY MEMBERS, A BETTER RETENTION PROGRAM FOR FACULTY MEMBERS, THE CHANCE OR THE MEANS TO BE SURE THAT YOU HAVE A DIVERSE FACULTY. IF SENATOR MURANTE IS ON THE FLOOR, I WOULD LIKE TO ASK HIM A QUESTION IF HE WOULD RESPOND. EVEN THE CHAIR IS NOT LISTENING. [LB1109]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD? SORRY, SENATOR CHAMBERS, I WAS... [LB1109]

SENATOR CHAMBERS: THAT'S ALL RIGHT. YOU'RE JUST WITH EVERYBODY ELSE. [LB1109]

SPEAKER HADLEY: WELL, I AM LISTENING WITH ONE EAR AND TRYING TO RUN SOMETHING ELSE IN ANOTHER EAR. [LB1109]

SENATOR CHAMBERS: OKAY, WITH THE EAR, OKAY. [LB1109]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD TO A QUESTION? [LB1109]

SENATOR MURANTE: I WOULD LOVE TO, SENATOR CHAMBERS. [LB1109]

SENATOR CHAMBERS: SENATOR MURANTE, DO YOU KNOW WHETHER OR NOT THE UNIVERSITY MEDICAL CENTER, UNIVERSITY OF NEBRASKA MEDICAL CENTER, UNMC, IS CONSIDERED TO BE PART OF THE UNIVERSITY SYSTEM? [LB1109]

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SENATOR MURANTE: I DO KNOW WHETHER OR NOT THEY ARE PART OF THE UNIVERSITY SYSTEM. [LB1109]

SENATOR CHAMBERS: IS THAT ENTITY A PART OF THE UNIVERSITY SYSTEM? [LB1109]

SENATOR MURANTE: THEY ARE. [LB1109]

SENATOR CHAMBERS: IS THERE A REGENT WHO SPECIFICALLY REPRESENTS UNMC? [LB1109]

SENATOR MURANTE: DO YOU MEAN GEOGRAPHICALLY IS THERE SOMEONE THAT COVERS THE TERRITORY? [LB1109]

SENATOR CHAMBERS: NO. THE BOARD IS ELECTED BY DISTRICTS. IS THERE ANY DESIGNATED REGENT WHO IS THERE TO SEE AFTER UNMC? [LB1109]

SENATOR MURANTE: TO SEE AFTER...I AM NOT UNDERSTANDING YOUR QUESTION. [LB1109]

SENATOR CHAMBERS: TO TAKE CARE OF UNMC, TO MAKE SURE THAT IT GETS EVERYTHING THAT IT NEEDS, THE WAY THAT IT FUNCTIONS, THE WAY IT SHOULD FUNCTION? IN THE SAME WAY THAT THE CHANCELLOR OR WHATEVER THEY CALL THE PERSON WHO IS THE HEAD OF KEARNEY STATE COLLEGE, IS THERE A REGENT WHO WOULD HAVE, BY ANALOGY, A RELATIONSHIP TO UNMC THAT THE CHANCELLOR OF KEARNEY STATE COLLEGE WOULD HAVE TO THAT COLLEGE? [LB1109]

SENATOR MURANTE: DO THEY HAVE A REGENT THAT IS SIMILAR TO WHAT THE CHANCELLOR OF KEARNEY HAS TO KEARNEY? BECAUSE I THINK WE'RE COMPARING APPLES AND ORANGES. [LB1109]

SENATOR CHAMBERS: LET ME REPHRASE THE QUESTION. [LB1109]

SENATOR MURANTE: OKAY. [LB1109]

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SENATOR CHAMBERS: YOU DO AGREE THAT REGENTS ARE ELECTED ON A DISTRICT BASIS. [LB1109]

SENATOR MURANTE: YES. [LB1109]

SENATOR CHAMBERS: AND THE DISTRICTS ENCOMPASS A CERTAIN SPECIFICALLY DESIGNED OR OUTLINED AREA, A GEOGRAPHICAL TERRITORY. [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR MURANTE: YES. [LB1109]

SENATOR CHAMBERS: AND EVERYTHING IN THAT TERRITORY IS THE RESPONSIBILITY OF THE REGENT OR IS IT NOT? LET ME ASK IT LIKE THIS. WHAT IS THE PRIMARY RESPONSIBILITY OF A REGENT WHOSE DISTRICT WOULD INCLUDE THE MEDICAL CENTER? [LB1109]

SENATOR MURANTE: IF YOU ARE TALKING ABOUT RESPONSIBILITIES RELATIVE TO DISTRICT, I WOULD LIKEN IT TO THE SAME AS MEMBERS OF THE LEGISLATURE, THAT WE HAVE DISTRICTS BUT OUR RESPONSIBILITY IS TO THE STATE. WE ARE STATE SENATORS. [LB1109]

SENATOR CHAMBERS: SO EACH REGENT, REGARDLESS OF WHERE HE OR SHE COMES FROM IN TERMS OF ELECTION, OWES A PRIMARY RESPONSIBILITY TO THE UNIVERSITY. OR WOULD YOU WANT TO MODIFY THAT? [LB1109]

SENATOR MURANTE: THE SYSTEM AS A WHOLE, YES. YES. [LB1109]

SENATOR CHAMBERS: SHOULD ANY REGENT BE ACCORDED MORE STATUS OR STANDING THAN ANY OTHER REGENT? [LB1109]

SENATOR MURANTE: I THINK ALL OF THEIR VOTES SHOULD COUNT AS ONE. [LB1109]

SENATOR CHAMBERS: ARE THERE PERSONS ON THE BOARD OF REGENTS, AS IN THE LEGISLATURE OR ANY... [LB1109]

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SPEAKER HADLEY: TIME, SENATOR. [LB1109]

SENATOR CHAMBERS: I WOULD ASK FOR A CALL OF THE HOUSE, MR. PRESIDENT, AND A ROLL CALL VOTE. [LB1109]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1109]

CLERK: 15 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB1109]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS CRAIGHEAD, WATERMEIER, SCHEER, HARR/HAAR, SCHNOOR, COOK, BAKER, CRAWFORD, BOLZ, KUEHN, GLOOR, SEILER, LARSON, KINTNER, HUGHES, STINNER, HILKEMANN, AND GARRET AND BLOOMFIELD, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE FLOOR. SENATOR KEN HAAR, SENATOR BOLZ, SENATOR GLOOR, SENATOR SEILER, SENATOR LARSON, SENATOR HUGHES, SENATOR HILKEMANN, SENATOR GARRETT, THE HOUSE IS UNDER CALL. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE. MR. CLERK. [LB1109]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1043.) 3 AYES, 32 NAYS, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THE BRACKET MOTION FAILS. MR. CLERK FOR ITEMS. RAISE THE CALL. [LB1109]

CLERK: MR. PRESIDENT, A FEW ITEMS. ENROLLMENT AND REVIEW REPORTS LB843 AND LB1081 TO SELECT FILE WITH AMENDMENTS. NEW A BILLS. (READ LB1098A AND LB1105A BY TITLE FOR THE FIRST TIME.) I HAVE A HEARING NOTICE FROM THE REVENUE COMMITTEE. AMENDMENTS TO BE PRINTED: SENATOR GLOOR TO LB958; SENATOR BURKE HARR, LB465; SENATOR JOHNSON TO LR378CA. AND I HAVE AN ATTORNEY GENERAL'S OPINION ADDRESSED TO SENATOR GROENE BE INSERTED (RE LB717). THAT IS ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1043-1057.) [LB843 LB1081 LB1098A LB1105A LB958 LB465 LR378CA LB717]

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SPEAKER HADLEY: WE WILL STAND AT EASE UNTIL 12:35.

EASE

SENATOR SCHEER PRESIDING

SENATOR SCHEER: WE ARE READY TO RECONVENE AND START THIS AFTERNOON'S ACTIVITY. MR. CLERK FOR ANNOUNCEMENTS.

ASSISTANT CLERK: MR. PRESIDENT, RETURNING TO LB1109, I DO HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE ON THE RECOMMIT MOTION. [LB1109]

SENATOR SCHEER: THANK YOU, MR. CLERK. SENATOR CHAMBERS, YOU ARE WELCOME TO OPEN ON YOUR RECOMMIT MOTION. SENATOR CHAMBERS, YOU ARE WELCOME TO OPEN ON YOUR RECONSIDER MOTION. SENATOR CHAMBERS, YOU HAVE 5:10 LEFT ON YOUR OPENING. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I WAS OCCUPIED ELSEWHERE. THIS MOTION IS A RECONSIDERATION. AND THIS WOULD MEAN THAT I HAVE FIVE MINUTES LEFT ON MY OPENING? THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I APPRECIATE THAT CONSIDERATION GIVEN. THIS MOTION IS JUST TO TAKE TIME, AS WILL BE THE PURPOSE OF EVERY MOTION THAT I PRESENT THIS AFTERNOON. I AM WELL AWARE THAT THIS IS NOT A SUBJECT THAT UNDER THE BEST OF CIRCUMSTANCES WOULD HOLD MUCH ATTENTION OF THE MEMBERS. BUT IT IS SOMETHING THAT I DEEM TO BE SO SERIOUS, SO ESSENTIAL TO THE INTEGRITY OF THE UNIVERSITY AND OF THE LEGISLATURE, THAT THIS TIME HAS TO BE TAKEN. THE SUBJECT, OBVIOUSLY, RELATES TO THE BOARD OF REGENTS SELECTING A PRESIDENT OF THE UNIVERSITY. MANY TIMES WE DO NOT START THE DISCUSSION OF A SUBJECT AT THE BEGINNING. SO WHAT I WANTED TO DO, AND WAS IN THE PROCESS OF DOING WHEN I WAS SUMMONED FROM MY WORK, WAS TO GET SOME INFORMATION FROM THE CONSTITUTION OF THE STATE. THE UNIVERSITY OF NEBRASKA IS TO BE GOVERNED BY THE BOARD OF REGENTS. AND THIS IS THE LANGUAGE IN THE CONSTITUTION: "THE GENERAL GOVERNMENT OF THE UNIVERSITY OF NEBRASKA SHALL, UNDER THE DIRECTION OF THE LEGISLATURE..." THE LEGISLATURE HAS A DUTY AND A RESPONSIBILITY TO SEE TO THE INTERESTS OF THAT UNIVERSITY, AND THAT MEANS THAT WE AS A BODY HAVE SOME DEGREE OF OVERSEERSHIP. WE DON'T MANAGE THE UNIVERSITY.

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ONCE MONEY IS APPROPRIATED, THEY SPEND IT IN THE WAY THAT THE ONES AUTHORIZED TO SPEND IT WOULD SEE FIT. BUT THERE IS A DIRECTION GIVEN BY THE CONSTITUTION TO THE LEGISLATURE TO PLACE THE GENERAL GOVERNMENT OF THE UNIVERSITY UNDER THE DIRECTION OF THE LEGISLATURE. SO I WILL START AND READ THAT SENTENCE COMPLETELY AND WHAT FOLLOWS FROM WHAT I HAD SAID ALREADY. "THE GENERAL GOVERNMENT OF THE UNIVERSITY OF NEBRASKA SHALL, UNDER THE DIRECTION OF THE LEGISLATURE, BE VESTED IN A BOARD OF NOT LESS THAN SIX NOR MORE THAN EIGHT REGENTS TO BE DESIGNATED THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, WHO SHALL BE ELECTED FROM AND BY DISTRICTS AS HEREIN PROVIDED AND THREE STUDENTS OF THE UNIVERSITY OF NEBRASKA WHO SHALL SERVE AS NONVOTING MEMBERS. SUCH NONVOTING STUDENT MEMBERS SHALL CONSIST OF THE STUDENT BODY PRESIDENT OF THE UNIVERSITY OF NEBRASKA AT LINCOLN, THE STUDENT BODY PRESIDENT OF THE UNIVERSITY OF NEBRASKA AT OMAHA, AND THE STUDENT BODY PRESIDENT OF THE UNIVERSITY OF NEBRASKA MEDICAL CENTER." IS SENATOR MURANTE ON THE SCENE? [LB1109]

SENATOR SCHEER: SENATOR MURANTE, WILL YOU YIELD, PLEASE? [LB1109]

SENATOR MURANTE: ABSOLUTELY. [LB1109]

SENATOR CHAMBERS: SENATOR MURANTE, HOW MANY MEMBERS ARE CURRENTLY ON THE BOARD OF REGENTS? [LB1109]

SENATOR MURANTE: EIGHT. [LB1109]

SENATOR SCHEER: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: AND THERE ARE THREE STUDENT REGENTS. BUT UNLIKE THE BOARD MEMBERS, THESE ARE SELECTED ON THE BASIS OF A SPECIFIC INSTITUTION THAT THEY WOULD BE...THEY WOULD DERIVE FROM SINCE THEY'RE REPRESENTING STUDENT BODIES. DO YOU AGREE WITH THAT? [LB1109]

SENATOR MURANTE: YES. [LB1109]

SENATOR CHAMBERS: THANK YOU. AND THAT'S CORRECT. I AM GOING TO STOP NOW, MR. PRESIDENT, AND TURN MY LIGHT ON. [LB1109]

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SENATOR SCHEER: THANK YOU FOR YOUR OPENING, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU ARE RECOGNIZED FOR YOUR FIRST DISCUSSION. [LB1109]

SENATOR CHAMBERS: I WILL CONTINUE. "THE TERMS OF OFFICE OF ELECTED MEMBERS SHALL BE FOR SIX YEARS EACH." AND SOME OF THIS THAT I AM READING, I THINK, IS NEW TO MANY MEMBERS OF THE LEGISLATURE. AND THAT IS WHY I WANT TO GET IT INTO THE RECORD, BECAUSE IF IT'S NEW TO SOME OF THE SENATORS, I KNOW THAT THE PUBLIC MAY NOT BE AWARE OF ALL OF THESE ASPECTS. REPEATING, "THE TERMS OF OFFICE OF ELECTED MEMBERS SHALL BE FOR SIX YEARS EACH. THE TERMS OF OFFICE OF STUDENT MEMBERS SHALL BE FOR THE PERIOD OF SERVICE AS STUDENT BODY PRESIDENT. THEIR DUTIES AND POWERS SHALL BE PRESCRIBED BY LAW; AND THEY SHALL RECEIVE NO COMPENSATION, BUT MAY BE REIMBURSED THEIR ACTUAL EXPENSES INCURRED IN THE DISCHARGE OF THEIR DUTIES." I WOULD LIKE TO ASK SENATOR MURANTE A QUESTION. [LB1109]

SENATOR SCHEER: SENATOR MURANTE, WOULD YOU PLEASE YIELD? [LB1109]

SENATOR CHAMBERS: SENATOR MURANTE, DO YOU KNOW WHETHER OR NOT THE STUDENT MEMBERS ARE REIMBURSED FOR EXPENSES? [LB1109]

SENATOR MURANTE: I DON'T KNOW WHETHER THEY ARE OR NOT. [LB1109]

SENATOR CHAMBERS: I DON'T KNOW EITHER. BUT I WAS CURIOUS ABOUT THAT. THE WORD...I MEANT THE DESCRIPTION OF DUTIES AND SO FORTH COULD APPLY TO THE STUDENT REGENTS AS WELL AS THE MEMBERS. BUT ANYWAY, TO CONTINUE, "THE LEGISLATURE SHALL DIVIDE THE STATE, ALONG COUNTY LINES, INTO AS MANY COMPACT REGENT DISTRICTS, AS THERE ARE REGENTS PROVIDED BY THE LEGISLATURE, OF APPROXIMATELY EQUAL POPULATION, WHICH SHALL BE NUMBERED CONSECUTIVELY." I'D LIKE TO ASK SENATOR MURANTE A QUESTION IF HE'S... [LB1109]

SENATOR SCHEER: SENATOR MURANTE, WOULD YOU PLEASE YIELD AGAIN? [LB1109]

SENATOR CHAMBERS: SENATOR MURANTE, ALTHOUGH THE BOARD OF REGENTS WILL BE ELECTED ON THE BASIS OF DISTRICTS, AS WILL THE LEGISLATURE, IS

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THERE ANYTHING THAT I HAVE READ ABOUT HOW THOSE DISTRICTS SHOULD BE DRAWN WHICH WOULD DIFFER FROM THE WAY DISTRICTS MAY BE DRAWN FOR THE LEGISLATURE THAT YOU DETECTED? [LB1109]

SENATOR MURANTE: THERE IS... WITHIN THAT STATUTE I WOULD SAY, NO, THERE ARE DIFFERENT PARAMETERS WITH HOW DISTRICTS CAN BE DRAWN ON THE STATE LEGISLATIVE LEVEL THAN THERE ARE ON... THERE ARE THREE DIFFERENT STANDARDS. YOU HAVE THE CONGRESSIONAL DISTRICT LEVELS, YOU HAVE THE LEGISLATIVE DISTRICT LEVELS, AND THEN YOU HAVE BASICALLY EVERYTHING ELSE. AND THE STANDARDS FOR POPULATION DEVIATIONS AND THINGS LIKE THAT VARY SOMEWHAT DEPENDING ON WHICH OFFICE WE ARE REDISTRICTING. SO THERE IS SOME DIFFERENCE BETWEEN THE BOARD OF REGENTS AND THE NEBRASKA STATE LEGISLATURE, HOW THOSE MAPS ARE DRAWN. [LB1109]

SENATOR CHAMBERS: AND BY THE WAY, I AM READING FROM THE CONSTITUTION. IS IT REQUIRED THAT DISTRICT BOUNDARIES FOR THE LEGISLATURE FOLLOW COUNTY LINES? [LB1109]

SENATOR MURANTE: WHEREVER PRACTICABLE, YES. YES, I BELIEVE THE CONSTITUTIONAL LANGUAGE IS WE'LL FOLLOW COUNTY LINES WHEREVER PRACTICABLE. [LB1109]

SENATOR CHAMBERS: BUT FOR THE BOARD OF REGENTS IT SAYS THE LEGISLATURE SHALL DIVIDE THE STATE ALONG COUNTY LINES. AND THAT IS JUST A TECHNICAL POINT, BUT SO THAT PEOPLE WILL UNDERSTAND THAT DISTRICTING IS MORE THAN JUST A NOTION AND PEOPLE DON'T JUST SIT DOWN AND SAY, WE'RE GOING TO DO IT THIS WAY. THERE ARE GUIDELINES. AND THE GUIDELINES WILL DIFFER DEPENDING ON WHICH BODY IS BEING DIVIDED. BUT FOR THE BOARD OF REGENTS THE WORD IS "SHALL." THOSE BOUNDARY LINES SHALL FOLLOW COUNTY LINES AND, IF THEY DON'T, THEN THE CONSTITUTION IS BEING VIOLATED. AND THAT'S ALL I WILL ASK YOU, SENATOR MURANTE. THOSE ARE JUST SOME OF THE THINGS THAT I ASKED YOU BECAUSE YOU WERE A MEMBER AND THE CHAIR OF THE... [LB1109]

SENATOR SCHEER: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...GOVERNMENT COMMITTEE AND YOU ALL DEAL WITH THESE THINGS. THE REST IS KIND OF GENERAL INFORMATION. "THE LEGISLATURE SHALL REDISTRICT THE STATE AFTER EACH FEDERAL DECENNIAL

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CENSUS. SUCH DISTRICTS SHALL NOT BE CHANGED EXCEPT UPON THE CONCURRENCE OF A MAJORITY OF THE MEMBERS OF THE LEGISLATURE. IN ANY SUCH REDISTRICTING, COUNTY LINES SHALL BE FOLLOWED WHENEVER PRACTICABLE..." SO IN THE PARAGRAPH ABOVE, IT SAID THAT THE DISTRICT BOUNDARIES SHALL FOLLOW COUNTY LINES. THEN WHEN WE COME DOWN INTO THIS PARAGRAPH, IT USES THE LANGUAGE THAT SENATOR MURANTE HAD MENTIONED OBTAINS FOR THE LEGISLATURE ITSELF. AND I WILL READ IT AGAIN. "THE LEGISLATURE SHALL REDISTRICT THE STATE AFTER EACH FEDERAL DECENNIAL CENSUS," OR EVERY 10 YEARS. "SUCH DISTRICTS SHALL NOT... [LB1109]

SENATOR SCHEER: TIME, SENATOR. THANK YOU, SENATOR CHAMBERS. AND YOU ARE NEXT IN THE QUEUE. [LB1109]

SENATOR CHAMBERS: "SUCH DISTRICTS SHALL NOT BE CHANGED EXCEPT UPON THE CONCURRENCE OF A MAJORITY OF THE MEMBERS OF THE LEGISLATURE. IN ANY SUCH REDISTRICTING,"--THIS IS AFTER THE CENSUS--"COUNTY LINES SHALL BE FOLLOWED WHENEVER PRACTICABLE, BUT OTHER ESTABLISHED LINES MAY BE FOLLOWED AT THE DISCRETION OF THE LEGISLATURE. WHENEVER THE STATE IS SO REDISTRICTED, THE MEMBERS ELECTED PRIOR TO THE REDISTRICTING SHALL CONTINUE IN OFFICE, AND THE LAW PROVIDING FOR SUCH REDISTRICTING SHALL WHERE NECESSARY SPECIFY THE NEWLY ESTABLISHED DISTRICT WHICH THEY SHALL REPRESENT FOR THE BALANCE OF THEIR TERM." AND THAT IS WHERE SOME THINGS CAN BECOME SOMEWHAT STICKY--AND IN SOME RACES, THEY HAVE. THE BOARD OF REGENTS IS A CONSTITUTIONAL POSITION. THE OATH THAT IS ADMINISTERED PURSUANT TO THE CONSTITUTION TO MEMBERS OF THE JUDICIAL, EXECUTIVE, AND LEGISLATIVE BRANCH WILL BE ADMINISTERED TO MEMBERS OF THE BOARD OF REGENTS. A VIOLATION OF THAT OATH CONSTITUTES AN IMPEACHABLE OFFENSE. NOW THIS CONSTITUTIONAL PROVISION DOES NOT SET FORTH THE SPECIFIC DUTIES OF THE MEMBERS OF THE BOARD OF REGENTS. AND IF THERE IS ANY PLACE WHERE DUTIES ARE ENUMERATED, SOME MEMBERS WILL DO MORE WITHIN THOSE PARAMETERS THAN OTHERS. THE STRENGTH OF WILL, THE AMOUNT OF KNOWLEDGE, THE AGENDA OF A PARTICULAR PERSON MAY GUIDE THAT INDIVIDUAL AND RESULT IN HIM OR HER ASSUMING A POSITION WHERE MORE AUTHORITY IS EXERCISED, NOT DUE TO THE OFFICE ITSELF, BUT DUE TO THE TRAITS OF THAT INDIVIDUAL. HOWARD HAWKS IS A PERSON WHO HAS MADE IT HIS BUSINESS TO BE THE LEADER OF THE BOARD OF REGENTS. HE HAS MONEY. HE HAS POWER. HE DOES HAVE KNOWLEDGE. AND THIS BILL THAT IS BEFORE US NOW WAS INTRODUCED AT THE BEHEST OF HOWARD HAWKS. AND AT

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SOME POINT, I'M SURE SENATOR MURANTE WILL HAVE A COPY OF THAT LETTER THAT HE HAD MENTIONED. AND I WOULD LIKE TO ASK HIM A QUESTION, MR. PRESIDENT, IF HE WILL YIELD. [LB1109]

SENATOR SCHEER: SENATOR MURANTE, WILL YOU YIELD, PLEASE? [LB1109]

SENATOR MURANTE: I WOULD. [LB1109]

SENATOR CHAMBERS: SENATOR, DO YOU HAVE THAT LETTER YET? [LB1109]

SENATOR MURANTE: I HAVE TWO LETTERS--ONE IS A LETTER TO THE EDITOR BY REGENT SCHROEDER, THE OTHER IS A LETTER FROM TIM CLARE--BOTH ARTICULATING SORT OF THE SAME POINT. [LB1109]

SENATOR CHAMBERS: AND THE ONLY ONE WHO IS A REGENT IS SCHROEDER AND THIS CLARE PERSON SPEAKS FOR THE UNIVERSITY REGENTS WHEN THEY DIRECT HIM TO DO SO? [LB1109]

SENATOR MURANTE: NO, TIM CLARE IS A REGENT REPRESENTING LINCOLN. [LB1109]

SENATOR CHAMBERS: SO HE IS A REGENT. [LB1109]

SENATOR MURANTE: YES. [LB1109]

SENATOR CHAMBERS: YOU ARE ON YOUR Ps AND Qs, BUT YOU OUGHT TO KNOW THAT BECAUSE YOU ARE ON THAT COMMITTEE AND YOU WERE THERE WHEN HE TESTIFIED ON BEHALF OF THE BOARD, CORRECT? [LB1109]

SENATOR MURANTE: I WAS THERE. IT WAS EXCITING. [LB1109]

SENATOR CHAMBERS: OKAY. MR. PRESIDENT, HOW MUCH TIME DO I HAVE? [LB1109]

SENATOR SCHEER: 1:30. [LB1109]

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SENATOR CHAMBERS: AND THIS IS MY FIRST TIME SPEAKING OR MY SECOND?
[LB1109]

SENATOR SCHEER: THIS IS YOUR SECOND. [LB1109]

SENATOR CHAMBERS: OKAY. THEN I AM GOING TO TURN ON MY LIGHT AND THEN INVITE SENATOR MURANTE TO READ THE LETTER, BECAUSE I WANT HIM TO BE ABLE TO READ IT WITHOUT BEING INTERRUPTED. [LB1109]

SENATOR SCHEER: SENATOR CHAMBERS, ARE YOU YIELDING THE REST OF YOUR TIME BACK ON THIS THEN? OR DO YOU WANT HIM JUST TO START NOW? [LB1109]

SENATOR CHAMBERS: I'LL START NOW. [LB1109]

SENATOR SCHEER: SENATOR MURANTE. [LB1109]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT, MEMBERS. PURSUANT TO THE REQUEST OF SENATOR CHAMBERS, WHICH I ALWAYS ATTEMPT TO ACCOMMODATE, I WILL READ A COUPLE OF DIFFERENT ITEMS. FIRST, A LETTER FROM TIM CLARE, UNIVERSITY OF NEBRASKA BOARD OF REGENTS, DISTRICT ONE: SENATOR MURANTE, I AM WRITING TO THANK YOU FOR YOUR SUPPORT OF LB1109, LEGISLATION THAT THE BOARD OF REGENTS UNANIMOUSLY BELIEVES IS IMPORTANT TO THE CONTINUED SUCCESS OF THE UNIVERSITY OF NEBRASKA AND STATE. I AM PLEASED THAT THE FULL LEGISLATURE WILL HAVE AN OPPORTUNITY TO DEBATE THIS BILL. IN ADDITION, THERE IS A RATHER LENGTHY OP-ED PIECE IN THE OMAHA WORLD-HERALD BY KENT SCHROEDER. [LB1109]

SENATOR CHAMBERS: BUT THIS...THAT'S ALL THAT I WANT: WHAT WAS OFFICIALLY PRESENTED TO THE COMMITTEE. HE DID NOT SAY THE BOARD HAD VOTED, DID HE? [LB1109]

SENATOR MURANTE: NO, HE DID NOT SAY THERE WAS A FORMAL VOTE, NO. [LB1109]

SENATOR CHAMBERS: NOW, IN THAT LENGTHY OP-ED PIECE, DID HE STATE THAT THE BOARD HAD VOTED? [LB1109]

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

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SENATOR MURANTE: I DON'T BELIEVE IT ARTICULATES WHETHER OR NOT AN ITEM WAS PLACED ON THE AGENDA AND VOTED. IT JUST STATES THAT THE REGENTS UNANIMOUSLY SUPPORT IT. [LB1109]

SENATOR CHAMBERS: AND THAT--THANK YOU--THAT'S ALL THAT I WILL ASK OF YOU. I JUST WANTED IT CLEAR THAT NOTHING IN THE RECORD, WHETHER BY WAY OF TESTIMONY OR COMMUNICATION TO THE COMMITTEE, SHOWS THAT WHAT MR. CLARE SAID WAS TRUE. AND YOU CAN ASSUME IT. BUT THERE WAS NO VOTE TAKEN BY THE BOARD OF REGENTS, EVER, ON THIS BILL OR ANY RELATED BILL IN 2014, 2015, 2016. THERE WAS A DIFFERENT VERSION A COUPLE OF YEARS AGO OF A BILL SIMILAR TO THIS, WHICH THEY ALSO DID NOT VOTE ON. AND, OBVIOUSLY, THEY SUPPORTED IT. I SAY "OBVIOUSLY;" I SUSPECT THEY DID. I DON'T REMEMBER FOR SURE ALL OF THAT. BUT WHEN THEY TALK ABOUT UNANIMOUS SUPPORT, IT'S INTERESTING TO ME THAT MR. HAWKS, WHO IS REALLY THE POWER BEHIND THE THRONE...I NEED TO ASK ONE MORE QUESTION OF SENATOR MURANTE SO I WON'T MISSTATE ANYTHING. [LB1109]

SENATOR SCHEER: SENATOR MURANTE, WOULD YOU YIELD ONE MORE TIME? [LB1109]

SENATOR CHAMBERS: SENATOR MURANTE, WHICH OF THOSE INDIVIDUALS THAT YOU MENTIONED IS THE CHAIRPERSON OF THE BOARD OF REGENTS? [LB1109]

SENATOR MURANTE: KENT SCHROEDER. [LB1109]

SENATOR CHAMBERS: AND HE DID NOT WRITE THE LETTER THAT WAS SENT TO THE COMMITTEE, DID HE? [LB1109]

SENATOR MURANTE: HE WROTE THE OPINION EDITORIAL. [LB1109]

SENATOR CHAMBERS: BUT HE DIDN'T WRITE THE LETTER THAT WAS SENT TO THE COMMITTEE, DID HE? [LB1109]

SENATOR MURANTE: HE SENT...THE LETTER SENT TO ME WAS FROM REGENT TIM CLARE FROM LINCOLN. [LB1109]

SENATOR CHAMBERS: THANK YOU. AND HE IS NOT THE CHAIRPERSON OF THE BOARD. MR. SCHROEDER IS THE CHAIRPERSON OF THE BOARD. SO THE LETTER

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WAS WRITTEN BY A MEMBER. AND THIS MAY SEEM INSIGNIFICANT AND INCONSEQUENTIAL, BUT I WANT THE RECORD TO BE CLEAR. THIS IS MR. HAWKS'S BILL. THIS IS WHAT MR. HAWKS WANTS. AND MAYBE MR. HAWKS WILL GET IT. HE GOT WHAT HE WANTED ON THE VOTE WHICH WAS TAKEN AT THE GENERAL FILE STAGE OF DEBATE. BUT, OBVIOUSLY, THAT IS NOT GOING TO BE THE END OF THE DISCUSSION OF THIS MATTER. THE PUBLIC HAS BEEN POORLY SERVED BY THE LEGISLATURE UP TO THIS POINT AND I WILL TELL YOU WHY. WE TALK IN OTHER SETTINGS ABOUT TRANSPARENCY AND THAT IS SOMETHING SO-CALLED CONSERVATIVES ALWAYS TALK ABOUT. THEY ALWAYS TALK ABOUT SMALLER GOVERNMENT, BEING RESPONSIVE TO THE PUBLIC. DONALD TRUMP IS RIDING A WAVE OF DISCONTENT WHICH HE HELPED GENERATE BY TELLING HIS FOLLOWERS THAT THOSE IN OFFICE OR WHO ARE PARTS OF THE ESTABLISHMENT HAVE IGNORED THOSE PEOPLE AND THAT THEY OUGHT TO BE ANGRY AND INDEED THEY ARE ANGRY. WE HAVE PEOPLE ON THIS FLOOR WHO PROFESS TO BE CONSERVATIVES, WHO PROFESS TO BE REPRESENTING THE INTEREST OF THE PEOPLE, YET WHEN THEY DO AWAY WITH TRANSPARENCY, THAT IS NOT IN THE INTEREST OF THE PEOPLE. THAT IS IN THE INTEREST AT BEST OF INDIVIDUALS WHO MIGHT WANT TO APPLY FOR A JOB IN SECRET SO THAT THEIR PERSONAL JOB THAT THEY HAVE SOMEPLACE ELSE WILL NOT BE DISTURBED. IF YOU HAVE PEOPLE SEEKING THE CHAIRMANSHIP--IN THIS CASE, THE PRESIDENCY OF THE UNIVERSITY--AND THAT PERSON IS AFRAID TO LET IT BE KNOWN THAT HE OR SHE IS SEEKING THAT POSITION, THAT PERSON, BASED ON MY EVALUATION, DOES NOT POSSESS... [LB1109]

SENATOR SCHEER: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...THE STRENGTH OF CHARACTER TO HOLD THAT POSITION. THERE WILL BE CONTROVERSIAL MATTERS, AS I AM SURE MR. BOUNDS HAS COME ACROSS SOME THAT ARE CONTROVERSIAL, AND IF NOT CONTROVERSIAL, THEY ARE THE KIND WHERE HE CANNOT DETERMINE BY HIS OWN ACTION THE OUTCOME, FOR EXAMPLE, THE BUDGET OF THE UNIVERSITY. AND THERE ARE OTHER MATTERS. BUT IT IS KIND OF IRONIC THAT THIS MAN, WHOM EVERYBODY PRAISES, CAME FROM THE PROCESS AND THROUGH THE PROCESS THAT EXISTS RIGHT NOW. IF A PIECE OF WINDOW GLASS IS TRANSPARENT, YOU CANNOT MAKE IT MORE TRANSPARENT. THIS THAT SENATOR MURANTE IS PRESENTING TO US AT THE BEHEST OF HOWARD HAWKS IS NOT MORE TRANSPARENT. EITHER A THING IS TRANSPARENT OR IT'S NOT. NOW IT CAN BE LESS TRANSPARENT,... [LB1109]

SENATOR SCHEER: TIME, SENATOR. [LB1109]

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SENATOR CHAMBERS: ...THERE CAN BE AN OPAQUENESS, THERE CAN BE A TRANSLUCENCE. [LB1109]

SENATOR SCHEER: TIME, SENATOR. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB1109]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB1109]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT; AND GOOD AFTERNOON, COLLEAGUES, AND THOSE NEBRASKANS WHO MAY BE WATCHING TODAY. I HAVE HAD TWO THOUGHTS ALONG THIS BILL. ONE IS YES. MANY OF YOU KNOW I DO SUPPORT TRANSPARENCY. I HAVE INTRODUCED RULES. I HAVE WORKED VERY HARD TO BE TRANSPARENT. WE DO A WEEKLY COLUMN IN OUR OFFICE. WE ARE TRANSPARENT. HOWEVER, ON THE OTHER HAND, I DO UNDERSTAND THE TYPICAL PRACTICE OF PRIVATE BUSINESS WHERE INDIVIDUALS WILL WANT TO SUBMIT WHAT IS A CONFIDENTIAL RESUME IN FEAR THAT IT COULD CHANGE THEIR OUTCOME IN THEIR CURRENT POSITION. I WOULD LIKE TO ASK SENATOR CHAMBERS TO YIELD TO A QUESTION. [LB1109]

SENATOR SCHEER: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE? [LB1109]

SENATOR CHAMBERS: YES, I WILL. [LB1109]

SENATOR BRASCH: SENATOR CHAMBERS, PLEASE FORGIVE ME IF YOU HAVE ALREADY STATED THIS, BUT I HAVE BEEN THINKING THIS OVER. ARE YOU SAYING THAT A PUBLIC OFFICE MUST HAVE TRANSPARENCY? BUT YOU ARE FIGHTING FOR THE TRANSPARENCY? YOU ARE AGAINST THIS BILL BECAUSE PUBLIC OFFICIALS, PUBLIC OFFICES, THE UNIVERSITY SHOULD BE TRANSPARENT IN ALL CASES? [LB1109]

SENATOR CHAMBERS: WHEN THEY ARE CARRYING OUT THE DUTIES THAT ATTACH TO THEIR OFFICE, THOSE DUTIES SHOULD BE CARRIED OUT PUBLICLY. AND SELECTING A PRESIDENT IS ONE OF THE MOST IMPORTANT DUTIES THAT THEY CARRY OUT. [LB1109]

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SENATOR BRASCH: SO NOT ACROSS THE BOARD IN ALL CASES? THERE ARE CERTAIN TIMES WHEN CONFIDENTIALITY IS IMPORTANT OR PRODUCTIVE. IS THAT... [LB1109]

SENATOR CHAMBERS: I GUESS THAT'S WHY THEY ARE ALLOWED TO HAVE EXECUTIVE SESSIONS ALSO. BUT THERE USUALLY IS A DELINEATION OF THE TYPES OF THINGS THAT CAN BE DISCUSSED IN EXECUTIVE SESSION. BUT IF THE BOARD, OR WHATEVER THE BODY IS, IS GOING TO TAKE OFFICIAL ACTION, THAT ACTION MUST BE TAKEN IN PUBLIC. [LB1109]

SENATOR BRASCH: DO YOU BELIEVE THERE IS A DIFFERENCE BETWEEN PUBLICLY HELD JOBS, POSITIONS, AND THAT OF PRIVATELY OWNED? [LB1109]

SENATOR CHAMBERS: OH, NO QUESTION ABOUT IT. THERE IS A GREAT DIFFERENCE. WHEN YOU... [LB1109]

SENATOR BRASCH: AND SO YOUR... [LB1109]

SENATOR CHAMBERS: GO AHEAD. [LB1109]

SENATOR BRASCH: AND SO YOUR ARGUMENT IS THAT BECAUSE THIS IS A UNIVERSITY, A PUBLIC POSITION, A UNIVERSITY PRESIDENT, THAT THE TRANSPARENCY IS RELEVANT TO THE HIRE? [LB1109]

SENATOR CHAMBERS: YES. FOR EXAMPLE, I WENT TO CREIGHTON, WHICH IS A PRIVATE SCHOOL. THE STATE CANNOT TELL THEM HOW THEY SHOULD BE RUN. THEY CAN HAVE A BOARD OF REGENTS. THEY CAN HAVE A BOARD... WHATEVER THEY WANT TO CALL IT. AND THEY CAN CONDUCT THEIR AFFAIRS ANY WAY THEY CHOOSE. [LB1109]

SENATOR BRASCH: AND THERE ARE NO OTHER QUESTIONS. THANK YOU, SENATOR CHAMBERS. [LB1109]

SENATOR CHAMBERS: OH, OKAY. [LB1109]

SENATOR BRASCH: THE REASON THAT I AM...I GUESS I'VE BEEN PRESENT NOT VOTING IS I DO UNDERSTAND THAT SOMETIMES A PERSON CAN BE IMPACTED BY

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THEIR DECISION TO SEEK EMPLOYMENT OR A POST ELSEWHERE. IT'S COME TO ME THAT WHEN COACHES... [LB1109]

SENATOR SCHEER: ONE MINUTE. [LB1109]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. COACHES, WHEN THEY APPLY, IT'S ALL OVER HEADLINE NEWS ON THEIR APPLYING OTHER PLACES. BUT I DO WONDER HOW IT AFFECTS THEIR FAN BASE, BECAUSE IT DOES. ON THE OTHER HAND, I ALSO BELIEVE THAT, AS AN ELECTED OFFICIAL OR A PUBLIC POST, THAT TRANSPARENCY IS VERY IMPORTANT. AND I HAVE BEEN ONE WHO HAS SUPPORTED TRANSPARENCY ALL THE WAY DOWN TO OUR COMMITTEES' LEVELS SIMPLY BECAUSE IT'S THE RIGHT THING TO DO. IS IT A COMFORTABLE THING TO DO? NOT ALWAYS. BUT IS IT THE RIGHT THING TO DO? I BELIEVE, AS COLLEAGUES, IT IS HELPFUL AND HELPFUL IN THE SENSE THAT WE CONSIDER EVERYTHING IN THE LIGHT OF WORKING FOR THE SECOND HOUSE. I WILL YET DECIDE MY POSITION BECAUSE I HAVE CONSTITUENTS ON BOTH SIDES OF THIS ISSUE. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB1109]

SENATOR SCHEER: THANK YOU, SENATOR BRASCH. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CHAMBERS, YOU'RE WELCOME TO CLOSE ON YOUR MOTION. [LB1109]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THE REASON I TRIED TO EMPHASIZE THE NATURE OF THE PERSONS WHO HAVE THAT FIDUCIARY RELATIONSHIP TO THE PUBLIC WAS SO THAT IT WOULD BE CLEAR THAT I AM TALKING ABOUT PUBLICLY HELD POSITIONS. AND THE NEBRASKA SUPREME COURT MENTIONED, WHETHER THE POSITION IS ONE TO WHICH A PERSON IS ELECTED OR APPOINTED, THE DUTY IS THE SAME THAT IS OWED TO THE PUBLIC EVEN IF THE RESPONSIBILITIES OF THE PARTICULAR THINGS THAT THE JOB ENTAILS DIFFER. WHAT THEY DO IS TO BE DONE IN PUBLIC. SENATOR GROENE READ OFF SOME INFORMATION THAT INDICATED THAT THE SCHOOLS IN THE BIG TEN WHERE THE SELECTION OF THE PRESIDENT IS OPEN, THERE ARE LESS EXPENDITURES OF MONEY, I DON'T REMEMBER IF HE SAID FOR TUITION OR WHAT, BUT IN ALL OF THE SCHOOLS WHERE THEY HAD A CLOSED OR SECRET SYSTEM, AND THAT IS WHAT IT AMOUNTS TO, THERE WAS A TREMENDOUS DIFFERENCE IN THE AMOUNTS OF MONEY EXPENDED FOR THE SAME TYPES OF THINGS. THERE IS ANOTHER WORD CALLED "ACCOUNTABILITY." AND IF YOU DO NOT HAVE THE OPPORTUNITY TO SEE WHAT THESE PEOPLE ARE DOING, THERE IS REALLY NO WAY TO HOLD

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ANYBODY ACCOUNTABLE. IT COULD BE LIKE A CIRCLE WHERE EACH PERSON IS POINTING TO HIS OR HER RIGHT AND YOU KEEP GOING AROUND THE CIRCLE AND THE ACCUSATION DOESN'T STOP ANYWHERE. THESE PEOPLE WHO ARE SEEKING THESE JOBS KNOW THAT IN THE REALM OF HIGHER EDUCATION NOBODY, UNDER THE BEST OF CIRCUMSTANCES, WILL STAY ANY PLACE MUCH MORE THAN SIX OR SEVEN YEARS. I DON'T KNOW THAT FROM EXPERIENCE, I READ IT. THESE ARE NOT LIFETIME POSITIONS. AND IF A PERSON HAS ANY TALENT, THE INSTITUTION WHERE HE OR SHE WORKS IS AWARE THAT THAT PERSON IS GOING TO BE KNOWN ABOUT AND THAT PERSON WILL BE SOUGHT. AND WHEN TIME COMES FOR THAT PERSON TO MAKE A MOVE, HE OR SHE IS OF SUCH VALUE THAT THE MERE FACT THAT THE PERSON TRIED TO MAKE A MOVE IS NOT GOING TO CAUSE THE HOME INSTITUTION--AND THAT'S WHAT I WILL REFER TO THE PLACE WHERE HE OR HE IS WORKING--GOING TO GET RID OF THAT PERSON. WHAT THEY WILL DO IS BREATHE A SIGH OF RELIEF THAT THEY STILL HAVE THAT PERSON. AND THEN WHEN THE BREAK FINALLY DOES COME, BECAUSE A BETTER OPPORTUNITY COMES ALONG THAT THEY ARE UNABLE TO MATCH, THEY DON'T CRY BECAUSE IT'S OVER, THEY REJOICE THAT THEY HAD IT FOR AS LONG AS THEY DID. WHEN YOU HAVE THESE PEOPLE WHO HAVE SUCH A TENUOUS HOLD ON A POSITION WHERE THEY ARE ALREADY, THAT IS NOT THE PERSON YOU WANT. YOU WANT THAT HIGHLY SOUGHT-AFTER, CAPABLE PERSON WHO HAS A RECORD OF ACHIEVEMENT. AND THESE ARE THE KIND OF PEOPLE WHO ARE NOT AFRAID TO LET THE WHOLE WORLD KNOW WHAT IT IS THEY'RE SEEKING. AND WHEN IT COMES TO A PUBLIC UNIVERSITY, THE PUBLIC HAS A RIGHT TO KNOW. THIS IS AN AGRICULTURAL STATE. THE POPULATION DOES NOT EQUAL EVEN TWO MILLION PEOPLE. EVERYTHING THAT HAPPENS HERE IN THE PUBLIC REALM SHOULD BE AVAILABLE AND MADE KNOWN TO EVERYBODY. THIS IS LIKE A BIG VILLAGE COMPARED TO THE POPULATIONS IN SOME STATES. THERE IS NO EXCUSE TO NOT HAVE THIS ACTIVITY PUBLIC. THIS LEGISLATURE HAS A HEARING ON EVERY BILL. THAT'S NOT THE WAY IT IS EVERYWHERE.
[LB1109]

SENATOR SCHEER: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: THEY DON'T HAVE A SYSTEM WHERE EVERYTHING IS OPEN TO THE PUBLIC--EXEC SESSIONS AND WHATNOT. SENATOR BRASCH MENTIONED THE TERM, AND OTHERS HAVE, "TRANSPARENCY." I WAS HERE, AS A VERY MUCH YOUNGER PERSON, WHEN THE PRESS COULD NOT ENTER EXEC SESSIONS OF THE LEGISLATURE. AND YOU KNOW WHAT TURNED THE WHOLE THING AROUND? I STOOD UP AND ASKED A QUESTION. AND I ASKED THE SENATOR WHO WAS SPEAKING, ARE YOU AFRAID TO LET YOUR CONSTITUENTS

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KNOW HOW YOU VOTE? AND THE VOTE WAS TAKEN TO OPEN EXECUTIVE SESSIONS TO THE PUBLIC...I MEANT TO THE MEDIA. A LOT OF THINGS HAPPEN AROUND HERE THAT PEOPLE WHO JUST CAME DON'T KNOW ABOUT AND REALLY DON'T CARE ABOUT, BECAUSE THEY THINK THAT THE WAY IT IS NOW IS THE WAY IT HAS ALWAYS BEEN. I KNOW THIS MOTION IS NOT GOING TO BE SUCCESSFUL, BUT I NEED TO TAKE TIME. SO IS MY TIME UP ABOUT NOW, MR. PRESIDENT?
[LB1109]

SENATOR SCHEER: TIME, SENATOR. [LB1109]

SENATOR CHAMBERS: I'M GOING TO ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. AND ONE OF THESE TIMES THERE WILL NOT BE 25 PEOPLE. AND WITHOUT A QUORUM, WE ARE AUTOMATICALLY OUT OF BUSINESS. [LB1109]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1109]

CLERK: 26 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB1109]

SENATOR SCHEER: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR KRIST, DAVIS, SCHILZ, SMITH, KUEHN, PANSING BROOKS, BOLZ, McCOY, HUGHES, HILKEMANN, BLOOMFIELD, PLEASE RETURN TO THE CHAMBER, THE HOUSE IS UNDER CALL. SENATOR HUGHES, SENATOR McCOY, SENATOR BOLZ, SENATOR KRIST, SENATOR HILKEMANN, SENATOR BLOOMFIELD, PLEASE RETURN TO THE FLOOR. SENATOR BOLZ, SENATOR HUGHES, SENATOR HILKEMANN, SENATOR BLOOMFIELD, PLEASE RETURN TO THE FLOOR. SENATOR CHAMBERS, ALL ARE ACCOUNTED FOR. HOW WOULD YOU LIKE TO VOTE?
[LB1109]

SENATOR CHAMBERS: VOTE IN REGULAR ORDER. [LB1109]

SENATOR SCHEER: ROLL CALL IN REGULAR ORDER. MR. CLERK. [LB1109]

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CLERK: (ROLL CALL VOTE BEGUN.) [LB1109]

SENATOR SCHEER: THE MOTION THAT WE ARE VOTING ON, FOR THOSE THAT HAVE JUST CAME BACK TO THE CHAMBER, IS A RECONSIDER MOTION ON THE BRACKET MOTION. [LB1109]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1057-1058.) 5 AYES, 31 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER. [LB1109]

SENATOR SCHEER: RECONSIDERATION MOTION FAILS. RAISE THE CALL. [LB1109]

CLERK: MR. PRESIDENT, THE NEXT MOTION I HAVE WITH RESPECT TO LB1109 IS BY SENATOR CHAMBERS. HE WOULD MOVE TO AMEND BY STRIKING SECTION 1 FROM THE BILL. (FA94, LEGISLATIVE JOURNAL PAGE 1058.) [LB1109]

SENATOR SCHEER: SENATOR CHAMBERS, YOU ARE WELCOME TO OPEN ON YOUR MOTION. [LB1109]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, WHEN I OFFER AN AMENDMENT AND IT'S OF SOME LENGTH, I THINK FOR THE RECORD IT SHOULD BE CLEAR WHAT I AM ASKING THE MEMBERS TO VOTE TO STRIKE. SO THIS IS THE TEXT OF SECTION 1 OF LB1109: "SECTION 1. SECTION 84-712.05, REISSUE REVISED STATUTES OF NEBRASKA, IS AMENDED TO READ: 84-712.05 THE FOLLOWING RECORDS, UNLESS PUBLICLY DISCLOSED IN AN OPEN COURT, OPEN ADMINISTRATIVE PROCEEDING, OR OPEN MEETING OR DISCLOSED BY A PUBLIC ENTITY PURSUANT TO ITS DUTIES, MAY BE WITHHELD FROM THE PUBLIC BY THE LAWFUL CUSTODIAN OF THE RECORDS." MEMBERS OF THE LEGISLATURE, IF YOU WERE TO READ THE PORTIONS OF STATUTE THAT I'M GOING TO ATTEMPT TO STRIKE ONE SECTION AT A TIME, IT WOULD BECOME CLEAR THAT THE PROVISIONS THAT TELL YOU WHAT RECORDS ARE OPEN, ARE TO BE PUBLICLY DISCLOSED, WILL BE IN A SECTION THAT LISTS NUMEROUS EXCEPTIONS. AND THESE ARE THE THINGS THAT CAN BE WITHHELD THAT YOU CANNOT GET BY MAKING A REQUEST: "(1) PERSONAL INFORMATION IN RECORDS REGARDING A STUDENT, PROSPECTIVE STUDENT, OR FORMER STUDENT OF ANY EDUCATIONAL INSTITUTION OR EXEMPT SCHOOL THAT HAS EFFECTUATED AN ELECTION NOT TO MEET STATE APPROVAL OR ACCREDITATION REQUIREMENTS PURSUANT TO SECTION 79-1601 WHEN SUCH RECORDS ARE MAINTAINED BY AND IN THE POSSESSION OF A PUBLIC ENTITY, OTHER THAN ROUTINE DIRECTORY INFORMATION SPECIFIED AND MADE PUBLIC

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CONSISTENT WITH U.S.C. 1232g, AS SUCH SECTION EXISTED ON FEBRUARY 1, 2013, AND REGULATIONS ADOPTED THEREUNDER." THAT INFORMATION DISCUSSED THERE IS NOT OPEN TO PUBLIC DISCLOSURE. "(2) MEDICAL RECORDS, OTHER THAN RECORDS OF BIRTHS AND DEATHS AND EXCEPT AS PROVIDED IN SUBDIVISION (5) OF THIS SECTION, IN ANY FORM CONCERNING ANY PERSON; RECORDS OF ELECTIONS FILED UNDER SECTION 44-2821; AND PATIENT SAFETY WORK PRODUCT UNDER THE PATIENT SAFETY IMPROVEMENT ACT." THOSE MEDICAL RECORDS ARE NOT AVAILABLE TO THE PUBLIC. "TRADE SECRETS" ...NOW SOME PEOPLE DON'T KNOW WHAT THAT REFERS TO. SENATOR FRIESEN IS PROBABLY TOO YOUNG TO KNOW ABOUT THIS, BUT THAT DEALT WITH THE TIMES WHEN YOUNG PEOPLE, SENATOR FRIESEN, WOULD HAVE A LOT OF COMIC BOOKS AVAILABLE TO THEM BUT THEY WERE NOT WEALTHY ENOUGH TO PURCHASE A COPY OF EACH COMIC BOOK PRESENTED BY EACH COMPANY, SO THEY WOULD TRADE COMICS WITH EACH OTHER. AND SOME COMICS COST 10 CENTS, SOME LARGE ONES COST 15 CENTS, SOME COST EVEN 25 CENTS. NOW SOME YOUNG PEOPLE KNEW HOW TO GET A PERSON WITH A 25-CENT COMIC BOOK TO TRADE IT FOR A 10-CENT COMIC BOOK, BUT HE DIDN'T TELL ANYBODY, AND THAT WAS KNOWN IN THOSE DAYS AS A TRADE SECRET, BUT WHEN I GET TO THE STATUTE WE'RE TALKING ABOUT SOMETHING A LITTLE DIFFERENT. TRADE SECRETS ARE NOT AVAILABLE FOR PUBLIC DISCLOSURE. "...ACADEMIC AND SCIENTIFIC RESEARCH WORK WHICH IS IN PROGRESS AND UNPUBLISHED, AND OTHER PROPRIETARY OR COMMERCIAL INFORMATION WHICH IF RELEASED WOULD GIVE ADVANTAGE TO BUSINESS COMPETITORS AND SERVE NO PUBLIC PURPOSE." NOW HERE'S SOMETHING INTERESTING. WHY WOULD IT BE NECESSARY FOR THE UNIVERSITY TO AMEND THIS SECTION OF STATUTE? THIS SECTION GIVES ALL OF THE THINGS THAT ARE EXEMPTED FROM PUBLIC DISCLOSURE. IS THERE ANYTHING IN SELECTING THE PRESIDENT OF A UNIVERSITY THAT PERTAINS TO ACADEMIC AND SCIENTIFIC RESEARCH WORK WHICH IS IN PROGRESS AND UNPUBLISHED? IF IT DOES, THAT IS NOT SUBJECT TO DISCLOSURE ANYWAY. WHAT ABOUT PROPRIETARY OR COMMERCIAL INFORMATION WHICH IF RELEASED WOULD GIVE ADVANTAGE TO BUSINESS COMPETITORS AND SERVE NO PUBLIC PURPOSE? IF THAT IS WHAT IS ENTAILED IN SELECTING THIS PRESIDENT, YOU DON'T NEED THIS BILL BECAUSE IT'S ALREADY EXEMPT FROM PUBLIC DISCLOSURE. YET, AS I GO ALONG, YOU'RE GOING TO SEE THAT THERE ARE PROVISIONS AMENDED IN THIS PORTION OF STATUTE I'M CARRYING YOU THROUGH STEP BY STEP, WHICH WOULD INDICATE THAT NONE OF THE EXCEPTIONS TO PUBLIC DISCLOSURE--AND THESE EXCEPTIONS GO ON FOR SEVERAL PAGES--NONE OF THEM RELATES TO THE SELECTION OF A PRESIDENT FOR THE UNIVERSITY. "(4) RECORDS WHICH REPRESENT..." OH, AND BY THE WAY, I HAVE OFFERED A MOTION TO STRIKE ALL

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OF SECTION 1 ON THE CHANCE THAT I'LL BE ABLE TO GET IT DONE IN ONE FELL SWOOP. PROBABLY I WON'T, SO WHAT I WILL THEN GO BACK AND DO IS WHAT A PRUDENT INDIVIDUAL WOULD DO. LET'S SAY THAT THERE ARE 20 SUBDIVISIONS AND YOU LIKE 19 OF THEM, BUT THE WAY THE AMENDMENT IS OFFERED, ALL OF THEM HAVE TO GO, THE ONE YOU DON'T LIKE PLUS THE 19 THAT YOU DO, SO YOU WOULD VOTE AGAINST MY AMENDMENT. SO WHAT I WILL HAVE TO DO IS FOLLOW THE PATH OF PRUDENCE IN EXERCISING OR MANIFESTING DUE DILIGENCE, OFFER AN AMENDMENT TO STRIKE EACH ONE OF THESE SUBDIVISIONS. AND IF I COME ACROSS ONE THAT YOU LIKE, THEN YOU WILL VOTE WITH ME TO STRIKE IT. BUT SOMETIMES A PERSON MAY NOT BE ATTENTIVE AND MAY MISS THE IMPORT OF WHAT THE AMENDMENT WAS. WHEN YOU ARE IN A SET OF CIRCUMSTANCES WHERE ONE THING IS BEING DISCUSSED OR MANY THINGS ARE BEING DISCUSSED BUT BY ONE PERSON, THERE IS A TENDENCY FOR YOUR MIND, BECAUSE OF THE WAY IT OPERATES, TO MOVE TO SOMETHING ELSE. I BELIEVE IN SECOND CHANCES, SO WHEN I BEGIN TO OFFER A MOTION TO STRIKE EACH ONE OF THESE SUBDIVISIONS, IF IT DOES NOT SUCCEED I WILL OFFER A RECONSIDERATION MOTION IN ORDER THAT A PERSON GETS A SECOND CHANCE AND ALSO TO SHOW HOW EASY IT IS TO TAKE FOUR HOURS BY ONE PERSON IF THAT INDIVIDUAL CHOOSES TO DO SO AND HAS THE WILL. AND DO YOU KNOW WHY I WILL TAKE THIS APPROACH? SOME OF YOU HAVE YOUR MINDS MADE UP BECAUSE OF THE IMPACT ANYTHING MR. HAWKS WANTS WILL LEAD YOU IN THAT DIRECTION. OTHERS DON'T WANT TO TAKE THE TIME TO ANALYZE WHAT IT IS WE'RE DEALING WITH. OTHERS WILL FALL BACK ON THE LAZY PERSON'S WAY AND SAY, WELL, EVEN THOUGH THE BOARD OF REGENTS MEMBERS DID NOT VOTE TO SUPPORT THIS BILL,... [LB1109]

SENATOR LINDSTROM PRESIDING

SENATOR LINDSTROM: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...THERE IS A LETTER FROM ONE OF THEM, WHO IS NOT THE CHAIRPERSON OF THE BOARD, WHICH SAYS EVERYBODY WAS FOR IT. BUT THERE IS NO RECORD ANYWHERE, NOT ANY AGENDAS, NOT ANY OF THEIR MINUTES, WHICH SHOWS THAT THE BOARD TOOK A VOTE. AND IF THEY MET IN SECRET AND TOOK A VOTE, THAT VIOLATES THE OPEN MEETINGS LAW. SO IF THERE ARE EIGHT OF THEM ON THE BOARD, AND THERE ARE, IF FIVE OR MORE GOT TOGETHER AND TOOK A VOTE, EVEN IF ALL OF THEM VOTED YEA, THAT WOULDN'T BE A UNANIMOUS VOTE. THEY WOULD ALL EIGHT HAVE TO HAVE GOTTEN TOGETHER AND VIOLATED THE LAW. NOBODY IS WILLING TO CONFESS TO VIOLATING A LAW. SO SINCE THERE IS NO RECORD IN THE MINUTES, NO

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RECORD ON ANY OR IN ANY AGENDA THAT THEY VOTED, THE CONCLUSION IS THAT THEY NEVER TOOK A VOTE... [LB1109]

SENATOR LINDSTROM: TIME, SENATOR. [LB1109]

SENATOR CHAMBERS: ...AS A BOARD TO DO THIS. THANK YOU, MR. PRESIDENT. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR CHAMBERS. SENATOR MURANTE, YOU ARE RECOGNIZED. [LB1109]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD AFTERNOON. THIS AMENDMENT IS EXACTLY AS SENATOR CHAMBERS DESCRIBED: AN AMENDMENT TO STRIKE SECTION 1 FROM THE BILL. I WOULD ENCOURAGE YOUR OPPOSITION TO THIS BILL. I THANK ALL OF THE MEMBERS WHO VOTED AGAINST THE MOTION TO RECONSIDER. THIS BILL REALLY WOULDN'T MAKE A WHOLE LOT OF SENSE WITHOUT SECTION 1 IN IT. SO WHETHER OR NOT YOU SUPPORT LB1109, I WOULD SUBMIT THAT FA94 IS NOT A GOOD AMENDMENT IN TERMS OF PUBLIC POLICY, AND I WOULD ENCOURAGE YOU TO VOTE AGAINST IT. IT IS MY UNDERSTANDING THAT THE CLOTURE VOTE ON THIS BILL WILL TAKE PLACE AT 3:54, SO I WOULD ENCOURAGE MEMBERS TO START MAKING THEIR WAY BACK TO THE CHAMBER AT ABOUT THAT TIME. I APPRECIATE YOUR CONTINUED SUPPORT OF LB1109 AND YOUR OPPOSITION OF FA94. THANK YOU, MR. PRESIDENT. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR MURANTE. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB1109]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, SENATOR CHAMBERS AND I REACHED AN AGREEMENT YESTERDAY THAT HE BE ALLOWED TO SPEAK ON SOMETHING THAT DIDN'T PERTAIN TO WHAT WE WERE DOING, AND I HAVE JUST ASKED AND RECEIVED FROM HIM PERMISSION TO DO THE SAME THING. MAYBE WE'RE KICKING A DEAD HORSE, BUT THAT'S ALL RIGHT-- THEY DON'T FEEL IT. I JUST PASSED AROUND, OR HAD PASSED AROUND, A MESSAGE FROM THE MISSOURI HOUSE OF REPRESENTATIVES THAT THEY DID, INDEED, PASS REPEAL OF THE MOTORCYCLE HELMET. IT GOES TO THE SENATE FROM THERE. ITS FINAL DESTINY IS UNCERTAIN. I WANTED TO THANK THE PEOPLE THAT SUPPORTED LB900 AND TO LET THE LOYAL OPPOSITION KNOW THAT I AM NOT EMBITTERED. THE PEOPLE THAT PROMISED ME CLOTURE VOTES

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AND REVERSED THEMSELVES I WOULD JUST SAY, DON'T COME ASKING ME TO HELP YOU CAMPAIGN. BUT TO THOSE WHO STOOD STEADFAST AND SAID THEY DIDN'T LIKE THE BILL, I APPRECIATE THAT AND BEAR ABSOLUTELY NO ILL WILL. SO THANK YOU, MR. PRESIDENT. THE IDEA OF FREEDOM IS NOT DEAD; IT'S STILL MOVING ON. THANK YOU. [LB1109 LB900]

SENATOR LINDSTROM: THANK YOU, SENATOR BLOOMFIELD. SENATOR STINNER, YOU ARE RECOGNIZED. [LB1109]

SENATOR STINNER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'M GOING TO HELP SENATOR CHAMBERS IN HIS FILIBUSTER. (LAUGH) NO. OKAY. I THINK ALONG WITH EVERYBODY ELSE, AND EVERYBODY ELSE WOULD AGREE TO THIS THAT IT IS THE FIDUCIARY DUTY OF THE REGENTS TO INSTITUTE THE BEST PROCESS SO THAT THEY CAN HIRE THE BEST PERSON FOR THE JOB. AND IN THAT VEIN, I JUST WANTED TO INTRODUCE A LETTER FROM ISAACSON, MILLER. IT'S ADDRESSED TO SENATOR MURANTE. I'M SURE IT WAS PUT INTO THE RECORD AT THE COMMITTEE MEETING. AND THIS PERSON'S NAME IS DAVE BELLSHAW. AND DAVE WRITES, HE SAYS: I PERSONALLY HAVE MORE THAN 20 YEARS' EXPERIENCE IN TALENT RECRUITMENT INDUSTRY AND HAVE BEEN INVOLVED IN MORE THAN 100 SEARCHES FOR THE UNIVERSITY LEADERSHIP POSITION. A PRIMARY REASON TO RETAIN AN EXECUTIVE SEARCH FIRM IS THAT THEY CAN GARNER THE INTEREST OF SUCCESSFUL INDIVIDUALS WHO ARE NOT ACTIVELY LOOKING FOR A NEW POSITION. THIS EFFORT IS NECESSARY TO AUGMENT THE POOL OF INTERNAL CANDIDATES, APPLICANTS, AND NOMINATIONS THAT COMPRISE A POTENTIAL POOL OF CANDIDATES TO GIVE THE STAKEHOLDERS MORE, RATHER THAN LESS, CHOICE. IDEALLY, A SEARCH FIRM IS MANDATED TO MAKE A POOL OF EXCELLENT CANDIDATES AS LARGE AS POSSIBLE, AND THEN ASSIST STAKEHOLDERS IN NARROWING A GROUP TO A SMALLER POOL OF EXCEPTIONAL CANDIDATES. GIVEN THE DESIRE TO ATTRACT EXCEPTIONAL INDIVIDUALS, THE TREND ACROSS HIGHER EDUCATION HAS MOVED TO INCREASINGLY CONFIDENTIAL PROCESSES FOR ALL RECRUITMENTS, BUT ESPECIALLY THOSE OF PRESIDENT AND CHANCELLOR. HE GOES ON TO STATE IN HIS LETTER: WHEN COMPARED WITH OTHER CONFIDENTIAL PRESIDENTIAL SEARCH PROCESSES WE HAVE ASSISTED, THERE IS ABSOLUTELY NO QUESTION THE POOL OF EXCELLENT CANDIDATES WAS SMALLER BECAUSE OF NEBRASKA'S CURRENT LAW. IN THE RECENT PRESIDENTIAL SEARCH, I CAN CONFIRM THAT AT LEAST 146 POTENTIAL CANDIDATES APPROACHED BY ISAACSON, MILLER DECLINED TO BE CONSIDERED. THE MOST FREQUENT FIRST QUESTION FROM SITTING PRESIDENTS WE APPROACHED WAS WHETHER OR NOT THE SEARCH WAS A CONFIDENTIAL OR

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A NONCONFIDENTIAL PROCESS. WHEN WE TOLD THEM THAT IT WAS NONCONFIDENTIAL PROCESS, A VAST MAJORITY OF THE INDIVIDUALS DID NOT WANT TO CONTINUE THE CONVERSATION ABOUT THEIR POTENTIAL CANDIDACIES, SOME EXITED THE CALL ABRUPTLY, AND OTHERS USING OTHER REASONS TO DEFINE. HE GOES ON TO STATE IN A DIFFERENT PARAGRAPH: FOR NEBRASKA, THE EFFECT OF THE CURRENT LAW IS THAT MANY EXPERIENCED ACADEMIC LEADERS ACROSS THE COUNTRY WILL NOT EVEN CONSIDER A LEADERSHIP OPPORTUNITY AT THE STATE'S ONLY PUBLIC UNIVERSITY. THIS IS A GREAT DISSERVICE TO THE CITIZENS WHOM THE UNIVERSITY SERVES. AS I CAN SAY FROM MY EXTENSIVE WORK WITH NU, THE UNIVERSITY OFFERS TRULY EXCELLENT LEADERSHIP OPPORTUNITIES. AND I CAN ECHO THAT. I HAVE BEEN INVOLVED IN NUMEROUS SEARCHES BOTH IN THE BUSINESS WORLD, YMCAs, NEBRASKA BANKERS ASSOCIATION AND, REALLY, THE IDEA OF KEEPING AN APPLICANT'S APPLICATION AS CONFIDENTIAL AS POSSIBLE IS ABSOLUTELY THE CORNERSTONE OF THE SEARCH PROCESS. THE OTHER THING THAT I GUESS I'M A LITTLE BIT CONCERNED ABOUT IS THE FACT THAT THERE'S FOUR CANDIDATES. AND MANY TIMES WHEN I'VE BEEN INVOLVED WITH SEARCHES, WE'VE KIND OF BROKEN IT DOWN TO TWO PEOPLE THAT WE WANT TO FULLY VET AND BRING BACK AND EXPOSE AND TRY TO ACTUALLY RECRUIT THOSE PEOPLE. THIS ONE REQUIRES FOUR. AND IN MY MIND, THERE'S PROBABLY TWO CANDIDATES THAT WERE ASKED TO COME IN THAT REALLY HAD NO OPPORTUNITY TO BE HIRED. SO THOSE ARE IDEAS, THAT'S MY POINT, AND I DO SUPPORT LB1109. THANK YOU. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR STINNER. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB1109]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I'D LIKE SENATOR STINNER TO HOLD HIS PLACE, IF HE WILL. SENATOR STINNER, THE PERSON WHO WROTE THAT LETTER WAS IN THE BUSINESS OF RECRUITING, WASN'T HE? [LB1109]

SENATOR STINNER: YES, HE WAS. [LB1109]

SENATOR LINDSTROM: SENATOR STINNER, WILL YOU YIELD TO A QUESTION? [LB1109]

SENATOR STINNER: YES, I WILL YIELD, AND, YES, THEY ARE. [LB1109]

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SENATOR CHAMBERS: AND PEOPLE IN A BUSINESS DO WHAT THEY CAN TO PROTECT THEIR BUSINESS INTERESTS, DON'T THEY? [LB1109]

SENATOR STINNER: IT WAS ACTUALLY A SOLICITED LETTER BY THE UNIVERSITY, IS WHAT IT SAYS, BUT TO WEIGH IN FACTUALLY ON WHAT THEY HAD EXPERIENCED. [LB1109]

SENATOR CHAMBERS: SO THEN THIS PERSON DIDN'T BECOME AWARE OF THIS AND JUST DECIDE TO DO IT. THE UNIVERSITY SOLICITED. WHO SIGNED THE LETTER OF SOLICITATION? [LB1109]

SENATOR STINNER: THAT WAS DAVID BELLSHAW, VICE PRESIDENT OF ISAACSON, MILLER. [LB1109]

SENATOR CHAMBERS: I MEAN THE LETTER SOLICITING THAT LETTER FROM THIS PERSON. [LB1109]

SENATOR STINNER: OH, I WOULDN'T KNOW THAT. I DON'T KNOW THAT. [LB1109]

SENATOR CHAMBERS: SO WHEN YOU SAY THE UNIVERSITY SOLICITED, WE DON'T KNOW WHO IS THE PERSON WHO'S GOING TO BE THE EMBODIMENT OF THE UNIVERSITY TO SOLICIT A LETTER LIKE THAT, CORRECT? [LB1109]

SENATOR STINNER: THAT IS CORRECT. [LB1109]

SENATOR CHAMBERS: THANK YOU, BECAUSE I DON'T WANT TO GRILL YOU, I JUST WANTED THAT IN THE RECORD. MEMBERS OF THE LEGISLATURE, PEOPLE WHO ARE IN BUSINESS WANT TO PROTECT THEIR BUSINESS. THIS INDIVIDUAL DOESN'T JUST GO AROUND FINDING OUT THAT UNIVERSITIES ARE SOLICITING OR LOOKING FOR PRESIDENTIAL CANDIDATES AND WILL WRITE LETTERS TO THEM. THEY WROTE AND ASKED THIS PERSON. AND HE PROBABLY IS A PROFESSIONAL LETTER WRITER, JUST LIKE THERE ARE PROFESSIONAL EXPERTS WHO ARE CALLED BY THE POLICE WHEN THEY WANT A CERTAIN RESPONSE, A CERTAIN RESULT. AND IN EVERY CASE THAT IS CONTESTED IN COURT WHERE PROFESSIONAL OR EXPERT TESTIMONY IS NEEDED, EACH SIDE CAN FIND EXPERTS OF EQUAL CREDENTIAL VALUE WHO WOULD SAY OPPOSITE THINGS. THIS IS ONE GUY TRYING TO PROTECT HIS JOB, AND NOW HE CAN GET A RECOMMENDATION FROM THE UNIVERSITY OF NEBRASKA TO SHOW WHERE

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THEY ASKED HIM TO WRITE A LETTER. AND HE CAN SEND THEM A LETTER, A COPY OF HIS LETTER, TO SHOW THAT IF THERE ARE ANY OTHER UNIVERSITIES CONFRONTED WITH A SITUATION LIKE THIS, WHERE A LEGISLATURE IS GOING TO TRY OR IS AUDACIOUS ENOUGH TO TRY TO KEEP THE PUBLIC INFORMED, HE IS WILLING TO WRITE A LETTER THAT CAN BE USED TO SHOW THAT THE POOL OF CANDIDATES WILL BE SMALLER. BUT HE DIDN'T REALIZE, BECAUSE HE DOESN'T HAVE TO BE ANALYTICAL, THE WRITER OF THAT LETTER, THAT HE UNDERMINED HIS OWN CASE. THESE PEOPLE THAT HE TALKED TO OBVIOUSLY ARE INDIVIDUALS WHO ARE LOOKING FOR A JOB. THEY CAN'T GET ONE ANYWHERE, OVER AND OVER AND OVER. AND THERE MIGHT BE SOME PLACES WHERE EVERYTHING WOULD BE KEPT SECRET, SO THEY APPLIED THERE AND WERE REJECTED, APPLIED HERE AND WERE REJECTED. NEBRASKA IS NOT CONSIDERED A TOP-FLIGHT SCHOOL AS FAR AS ACADEMICS IS CONCERNED. MAYBE IT WILL GET THERE. EVEN WHEN DISCUSSIONS WERE MADE YESTERDAY, OR THE LAST TIME WE TALKED ON THIS BILL, PEOPLE WERE TALKING ABOUT THE ACADEMIC STANDING OF THE BIG TEN, AND THEY WERE HOPING NEBRASKA WOULD BASK IN THE REFLECTED GLORY OF THE REPUTATION OF THE BIG TEN BECAUSE THEY DIDN'T BRING ANYTHING TO THE TABLE ACADEMICALLY. THEY BROUGHT A FOOTBALL REPUTATION, AND THE BIG TEN WAS TRYING TO EXPAND THE NUMBER OF TEAMS THAT IT HAD. THAT'S HOW NEBRASKA GOT INTO THE BIG TEN. AND THEY ARE REPUTED TO HAVE ONE OF THE BEST FAN BASES IN THE COUNTRY. SO WHEN THESE ESTABLISHED CONFERENCES, WHICH SOME OF YOU ALL MAY NOT BE AWARE OF BECAUSE YOU DON'T FOLLOW THIS PART OF ATHLETICS,... [LB1109]

SENATOR LINDSTROM: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...BIG-TIME COLLEGE ATHLETICS IS A BUSINESS, IT IS A MULTIBILLION DOLLAR, HIGH-OCTANE ENTERTAINMENT BUSINESS. AND THEY WILL MAKE ALL THE TRAFFIC WILL BEAR WITHOUT GIVING THE ONES WHO DO THE WORK TO MAKE THE MONEY ONE DIME. SO SINCE NEBRASKA COULD DRAW A LOT OF PEOPLE, AND PEOPLE MEAN MONEY, NEBRASKA GOT INTO THE BIG TEN, NOT FROM THE STANDPOINT OF ACADEMIC STANDING OR EXCELLENCE. IF YOU HEAR OF ANYBODY DOING ANYTHING FROM NEBRASKA IN AN ACADEMIC OR RESEARCH AREA, IT'S GENERALLY UNMC. EVERY NOW AND THEN, SOMEBODY WITH AN ASIAN NAME OR AN INDIAN NAME WILL HAVE UNDERTAKEN A DIFFERENT KIND OF RESEARCH IN THE ACADEMIC REALM AND DISCOVERED SOMETHING THAT IS WORTHY OF NOTE BY PEOPLE IN THE ACADEMIC WORLD, AND SOMETIMES IN THE BUSINESS WORLD, AND THEY WILL GET SOME PATENT RIGHTS. BUT THERE IS NOT... [LB1109]

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SENATOR LINDSTROM: TIME, SENATOR CHAMBERS. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB1109]

SENATOR LINDSTROM: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1109]

SENATOR CHAMBERS: YOU ALL MAY NOT KNOW WHAT GRAVY IS. GRAVY IS A TERM THAT APPLIES TO DIFFERENT JUICES THAT ARE HANDLED IN A CERTAIN WAY. I HAD HEARD OF RED-EYE GRAVY, BUT I DIDN'T KNOW WHAT IT WAS UNTIL I WENT DOWN SOUTH TO GIVE A TALK. AND I ALWAYS GOT PUT UP IN BIG HOTELS. AND IN THOSE DAYS, THE HOTELS DIDN'T HAVE BED BUGS. SO I LOOKED ON THE MENU, AND THEY HAD ALL THESE SOUTHERN DISHES. AND I KNOW WHAT GRITS ARE. AND YOU KNOW SOMEBODY DOESN'T KNOW WHAT GRITS ARE IF THEY MAKE IT SINGULAR: I WANT A GRIT. THERE IS NO SUCH THING AS "A GRIT." I KNOW WHAT GRITS ARE, I KNOW WHAT GRAVY IS, BUT I DIDN'T KNOW WHAT RED-EYE GRAVY IS, SO I ORDERED SOME GRITS WITH RED-EYE GRAVY. AND WHEN THAT CONCOCTION CAME TO MY ROOM, I LOOKED AT IT AND I CALLED DOWNSTAIRS. I SAID, I ASKED FOR RED-EYE GRAVY. THEY SAID, THAT'S WHAT WE GAVE YOU. I SAID, THESE GRITS ARE COVERED WITH GREASE. THEY SAID, YOU DON'T KNOW WHAT RED-EYE GRAVY IS? I SAID, WELL, IT'S NOT THIS. THEY SAID, WELL, YOU MAY HAVE THOUGHT IT WAS SOMETHING, BUT THAT'S WHAT IT IS--IT'S MAINLY GREASE AND IT HAS A FEW BLOBS OF OTHER THINGS IN IT--SO IF YOU DON'T LIKE GREASE, DON'T ORDER RED-EYE GRAVY. AND I THINK EVERYBODY WHO EATS BUFFALO WINGS KNOW THAT THEY'RE NOT THE WINGS THAT COME OFF A BUFFALO, BECAUSE BUFFALO DON'T HAVE WINGS. THEY HAVE FINS. BUT THEY WERE MADE IN BUFFALO, AND THEY WERE MADE VERY GREASY. IF THEY ARE NOT VERY, VERY GREASY, THEY'RE NOT BUFFALO WINGS. THAT'S WHERE THE TERM CAME FROM. BUT AT ANY RATE, THESE THAT YOU ARE GETTING FROM THESE HEAD HUNTERS ARE DRIPPINGS OR THE LEAVINGS OR THAT FROM WHICH RED-EYE GRAVY IS MADE FROM. REAL GRAVY IS BROWN, THICK, RICH, TASTY, DELICIOUS, AND SOMETIMES TASTES BETTER THAN THE MEAT WHICH IS SURROUNDED BY THE GRAVY OR WHICH IS BEING DROWNED IN THE GRAVY. WHEN YOU HAVE QUALITY PEOPLE, THEY DON'T HIDE IT, THEY FLAUNT IT. AND THE INSTITUTIONS THAT HAVE THOSE VERY QUALIFIED PEOPLE WILL KNOW THAT THEY'RE NOT GOING TO STAY AT THAT INSTITUTION FOR VERY LONG. AND THAT'S WHY THEY OFFER THEM HIGH SALARIES. WHY DO YOU THINK SOME OF THESE COACHES MAKE MULTIMILLION DOLLAR-A-YEAR-SALARIES, MORE THAN ANY PRESIDENT OF ANY UNIVERSITY IN THE COUNTRY? BECAUSE THEY WIN FOOTBALL GAMES. AND FOR OVER THREE DECADES, I WAS INSISTING AND TRIED TO GET LEGISLATION TO REQUIRE THAT THE YOUNG MEN

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WHO PRODUCE THE WEALTH SHARE IT. I HAD BILLS TO REQUIRE THAT THESE ATHLETES BE PAID, AND I WAS MOCKED, I WAS LAUGHED AT, I WAS RIDICULED. I HAVE COPIES OF A COMIC STRIP THAT NO LONGER EXISTS CALLED TANK McNAMARA WHERE THEY MADE FUN OF ME AND THE LEGISLATION THAT I BROUGHT. BUT THEY MADE FUN OF IT BY HAVING ALL THE FOOTBALL PLAYERS IN A HUDDLE DISCUSSING HOW MUCH THEY WOULD LIKE SOMETHING LIKE THAT TO BE AVAILABLE FOR THEM. AND YOU KNOW HOW I TRIED TO GET THIS DONE? I TALKED ABOUT THE DIFFERENCE BETWEEN THE WAY AN ATHLETE IS TREATED IN THE REVENUE-GENERATING SPORTS, AND THEY'RE USUALLY BASKETBALL, FOOTBALL, SOME PLACES BASEBALL, WHATEVER THAT IS,... [LB1109]

SENATOR LINDSTROM: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...IF THEY STILL DO THAT. AND IT OUGHT TO BE AGAINST THE LAW. IN FACT, I WAS GOING TO OFFER A BILL WHERE EVERY...NO BASEBALL GAME COULD LAST MORE THAN ONE INNING, WHICH MEANS EACH TEAM GETS TO BAT, AND IF THE SCORE IS TIED AT THE END OF ONE INNING, THEY FLIP A COIN SEVEN TIMES AND WHOEVER GETS THE CALL, FOUR OUT OF THE SEVEN, WINS THE GAME. IT WOULD BE AGAINST THE LAW FOR A BASEBALL GAME TO LAST MORE THAN ONE INNING. THAT WOULD BE A FAVOR TO PEOPLE ALL OVER THE COUNTRY. BUT WHAT I POINTED OUT WAS THAT THESE ATHLETES ARE PUT IN A CATEGORY BY THEMSELVES, AND PEOPLE SAY THAT IT'S A FAVORED POSITION OVER OTHER STUDENTS. WHEN THE ORDINARY STUDENT GRADUATES FROM A UNIVERSITY, HE OR SHE HAS AT LEAST A MODICUM OF EDUCATION. THE PLAYERS DON'T BECAUSE THEY'RE NOT RECRUITED TO BE SCHOLARS OR STUDENTS, THEY'RE RECRUITED TO BE ATHLETES. [LB1109]

SENATOR LINDSTROM: TIME, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU ARE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB1109]

SENATOR CHAMBERS: I'LL HAVE MANY MORE. THEY'RE NOT RECRUITED TO BE SCHOLARS BUT ATHLETES. AND YOU LET ONE OF THEM GET AN INJURY OR THERE'S AN ATHLETE SOMEPLACE ELSE WHO WOULD LIKE TO COME TO THAT SCHOOL, AND THAT ATHLETE IS A STEP FASTER THAN THIS GUY AT THIS POSITION, THAT SO-CALLED SCHOLARSHIP IS SNATCHED AND IT'S GIVEN TO THIS NEW PERSON. UNTIL I GOT LEGISLATION TO PROTECT THESE PLAYERS, A SO-CALLED SCHOLARSHIP WAS ON A YEAR-TO-YEAR BASIS. ALL OF THE BENEFITS FROM THAT SO-CALLED SCHOLARSHIP RAN ONE WAY: TO THE UNIVERSITY,

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NEVER TO THE PLAYER. AND THESE PLAYERS, PURSUANT TO THE LEGISLATION ON THE BOOKS NOW AS LAW AND IN NO OTHER STATE--THAT'S WHY NEBRASKA HAS THINGS IN THE BOOK THAT NO OTHER STATE HAS, BECAUSE THEY'VE GOT AT LEAST ONE PERSON WITH SOME BRAINS AND A WILLINGNESS TO DO SOMETHING--IF AN ATHLETE GETS HURT, THAT ATHLETE CANNOT LOSE HIS OR HER SCHOLARSHIP. AND WHEN I OFFERED THE BILL, UNL SENT SOME GUY OVER HERE TO SAY THAT THAT WOULD NEVER HAPPEN. I GOT THE BILL PASSED. AND GUESS WHAT HAPPENED? THERE WERE TWO WHITE GIRLS. PEOPLE SAY I DON'T CARE ABOUT ANYBODY UNLESS THEY'RE MY COLOR. I GOT PEOPLE IN MY FAMILY WHITER THAN THE WHITEST ONE IN HERE, GOT EYES BLUER THAN ANYBODY IN HERE AND HAIR BLONDER THAN ANYBODY IN HERE, BECAUSE I'M A POLYGLOT. THE SO-CALLED NEGRO IS A CREATION OF WHITE PEOPLE WHO ENSLAVED BLACK PEOPLE. THAT'S WHY WE RUN THE COLOR OF THE RAINBOW AND MORE. IF YOU PUT ALL THOSE WHO ARE CALLED WHITE IN A STADIUM AS BIG OF NEBRASKA'S, IT ALL LOOKS THE SAME: ONE MASS OF PALE. BUT TAKE BLACK PEOPLE FROM ALL OVER THE COUNTRY AND PUT ALL OF THOSE BLACK PEOPLE IN THE STADIUM, AND YOU SEE A CHECKERBOARD EFFECT--EVERY HUE, EVERY SHADE--SO DON'T TELL ME ANYTHING ABOUT COLOR BEING SUPERIOR OR MARKING INFERIORITY. BUT A FUNNY THING. THE VAST MAJORITY OF THE PLAYERS IN THE MONEY-MAKING SPORTS ARE MY COMPLEXION, NOT YOURS, AND EVEN AT THE PROFESSIONAL LEVEL, NOT YOUR COMPLEXION BUT MINE, AND IF YOU DON'T BELIEVE IT, WATCH TELEVISION, GO TO THESE GAMES. BUT THESE ARE NOT PEOPLE, THESE ARE NOT HUMAN BEINGS, THEY'RE NOT INDIVIDUALS, THEY ARE MONEY-MAKING MACHINES AND THE ONLY WAY THEY'RE KNOWN IS BY THE NUMBER THEY WEAR ON A JERSEY. AND IF I'M NUMBER 11 AND I'M A CORNERBACK AND THE OTHER CORNERBACK IS NUMBER 12--THOSE ARE NOT NUMBERS CORNERBACKS USUALLY HAVE, BUT IT'S EASY FOR PEOPLE TO REMEMBER--AND WE SWITCHED JERSEYS, THEN THE ANNOUNCER WOULD CALL ME BY THE NAME OF THE MAN WHO WORE THAT JERSEY AND CALL HIM BY MY NAME, BECAUSE WE'RE KNOWN BY OUR JERSEY NUMBER. AND WHEN THESE BLACK ATHLETES TAKE THOSE JERSEYS OFF FOR THE LAST TIME, THEY BECOME NO MAN. BUT WHEN THESE WHITE GIRLS WHO WERE ON THE GYMNASTICS TEAM GOT INJURED, THE COACH LIFTED THEIR SCHOLARSHIPS AND I FOUND OUT ABOUT IT. AND UNLIKE ALL THESE SUPERIOR WHITE PEOPLE, THE COACHES, THE PROFESSORS, AND ALL THEIR FRIENDS, I DIDN'T NEED ANYBODY ASK ME TO DO SOMETHING. I KNEW THAT THE LAW HAD BEEN VIOLATED. I KNEW THESE YOUNG PEOPLE HAD BEEN CHEATED AND I CONTACTED THE ATTORNEY GENERAL, WHO WAS ROBERT SPIRE, AND I LAID THE CASE OUT FOR HIM AND I SHOWED HIM THE LAW. AND I SAID, HERE IS WHERE THE IDIOT COACH... [LB1109]

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SENATOR LINDSTROM: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...SAID THAT HE TOOK HER SCHOLARSHIP BECAUSE SHE INJURED HER BACK AND COULDN'T PERFORM ANYMORE AND THE OTHER ONE HAD AN OBVIOUS INJURY AND HER SCHOLARSHIP WAS TAKEN. WELL, YOU KNOW WHAT HAPPENED WHEN I GOT THE ATTORNEY GENERAL TO DO HIS JOB? THEY GOT THEIR SCHOLARSHIPS BACK. THEY DIDN'T EVEN KNOW IT UNTIL THEY HEARD IT ON TELEVISION. THAT'S HOW THEY FOUND OUT. AND THOSE PEOPLE WHO SHOULD HAVE THOUGHT THE MOST OF THEM, WHOM THEY SHOULD HAVE TRUSTED, WERE THE ONES WHO BETRAYED THEM. AND THE ONES FOR WHOM THEY WOULD HAVE CONTEMPT IS THE ONE WHO DID THE RIGHT THING BECAUSE IT WAS THE RIGHT THING. AND THE REASON THESE ATHLETES CANNOT HAVE THEIR SCHOLARSHIPS TAKEN NOW IF THEY'RE INJURED IS BECAUSE OF A BLACK MAN. YOU ALL DON'T PAY ATTENTION TO ANYTHING. YOU DON'T KNOW ANYTHING. ALL YOU KNOW IS WHAT'S HAPPENING THIS MINUTE, BUT THERE ARE BENEFITS YOUR CHILDREN GET BECAUSE OF ME, NOT YE, NOT THEE, BUT ME. AND THAT WASN'T THE ONLY ONE. NEBRASKA... [LB1109]

SENATOR LINDSTROM: TIME, SENATOR CHAMBERS. [LB1109]

SENATOR CHAMBERS: AND THAT WAS MY THIRD TIME. THANK YOU, MR. PRESIDENT. I'LL HAVE MANY MORE OPPORTUNITIES. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CHAMBERS, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB1109]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHAT I'M TALKING ABOUT IS AT LEAST TANGENTIALLY RELATED TO WHAT'S HAPPENING HERE, BECAUSE THE UNIVERSITY, IN THE SAME WAY THAT THEY HAVE LINED UP TO TAKE AWAY FROM THE PUBLIC INFORMATION ABOUT THE MOST IMPORTANT DECISION THAT'S BEING MADE, THEY LINED UP AGAINST MY BILL, ALL OF THEM. BUT BECAUSE OF WHAT I DID, LET ME TELL YOU SOMETHING ELSE THAT'S IN THE STATUTES NOW. I HAD READ ABOUT A FOOTBALL PLAYER NAMED BUDGE PORTER, DON'T KNOW HIM FROM ADAM'S HOUSE CAT, WOULDN'T KNOW HIM FROM A CAN OF PAINT. BUT YOU KNOW WHAT OUTRAGED ME, SENATOR HILKEMANN? AND I PUT THE "L" BEFORE THE "K", AND THERE IS NO "R" IN HILKEMANN. HERE'S WHAT HAPPENED: WHEN THIS MAN GOT

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HURT AND WHITE PEOPLE SAW HIM HURT, YOU KNOW HOW HE WENT TO THE HOSPITAL? THEY DIDN'T CALL AN AMBULANCE. THEY PUT HIM ON A PLANK OF WOOD. THEY GOT A DOOR AND PUT HIM ON IT, AND I THOUGHT THAT WAS SHAMEFUL, BUT I WASN'T IN THE LEGISLATURE THEN. I GOT IN THE LEGISLATURE AND I GOT A LAW PASSED, AND NEBRASKA WAS THE ONLY STATE IN THE COUNTRY. I SAID, IF YOU'RE NOT GOING TO PAY THEM AS EMPLOYEES, THEN PROTECT THEM AS STUDENTS AND UNPAID WORKERS WHO MAKE YOU A LOT OF MONEY, YOU PUT IN PLACE AN INSURANCE PROGRAM. AT FIRST I WAS GOING TO MAKE THEM JOIN OR BE COVERED BY WORKERS' COMP. BUT THAT WAS TOO CLOSE TO WHAT AN EMPLOYEE IS, SO THEY SAID NO. BUT, UNLIKE SOME OF MY COLLEAGUES AND THE OTHER SUPERIOR WHITE PEOPLE IN THIS STATE WHO HAVE SO MUCH CONTEMPT FOR BLACK PEOPLE, I DIDN'T STOP THERE. I SAID, OKAY, YOU DON'T WANT TO DO IT THROUGH WORKERS' COMP? THEN WE'RE GOING TO SET UP AN INDEPENDENT, FREESTANDING, DISCRETE INSURANCE PROGRAM. YOU WILL INSURE THESE ATHLETES WHETHER THEY MAKE THE TEAM AND PLAY OR NOT, WHETHER THEY'RE HURT IN A GAME OR NOT. THEY CAN BE HURT IN PRACTICE, THEY CAN BE ON FIFTH STRING OR HOWEVER MANY STRINGS YOU HAVE, AND THEY'RE GOING TO BE TREATED WITH THE SAME DIGNITY AND CONCERN AS THE ONE WHO'S SUPPOSED TO BE FIRST STRING, BECAUSE I'M NOT JUDGING THEM, AS YOU ARE, ON THE BASIS OF WHAT THEY PRODUCE, I'M JUDGING THEM ON THE BASIS OF THEIR HUMANITY. AND WHETHER THIS PERSON RIDES THE BENCH ALL THE TIME OR CARRIES THE FOOTBALL AND SCORES ALL THE TIME, THE BASIC HUMAN DIGNITY IS THE SAME. SO THIS PROGRAM IS GOING TO HAVE TO GIVE THEM COVERAGE, AT LEAST THE EQUIVALENT OF WORKERS' COMP. FOR PERMANENT INJURY, SEMIPERMANENT INJURY, AND OTHER CATEGORIES. AND THE UNIVERSITY OBJECTED. BUT THEY HAD A LAWYER. HE HAS SINCE DIED. HIS NAME WAS DICK WOOD. AND IF YOU PUT HIM NEXT TO ME AND HE WERE A LEGISLATOR, I WOULD POINT TO HIM AND I WOULD SAY, THERE'S AN EXAMPLE OF BIG GOVERNMENT, THIS IS AN EXAMPLE OF LITTLE GOVERNMENT. HE WAS TALL AS A PINE TREE AND HE HAD SOME SENSE. SO HE SAID, SENATOR, I UNDERSTAND WHAT YOU'RE DOING, SO WOULD YOU OBJECT IF THE UNIVERSITY BECAME A SELF-INSURER FOR THIS PROGRAM AND YOU WOULD NOT REQUIRE THEM TO PURCHASE A POLICY FROM AN INSURANCE COMPANY? I SAID, I DON'T CARE HOW YOU DO IT, JUST MAKE SURE THAT WHAT WE PUT IN PLACE IS GOING TO PAY FOR THESE YOUNG PEOPLE'S INJURIES, AND IF THEY SHOULD BE INJURED... [LB1109]

SENATOR LINDSTROM: ONE MINUTE. [LB1109]

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SENATOR CHAMBERS: ...FOR WHATEVER PERIOD OF TIME, THAT WILL BE COVERED TOO. AND THAT'S WHAT WE PUT IN THE STATUTE BOOKS, SO THESE WHITE ATHLETES AND BLACK ATHLETES AND THOSE IN BETWEEN HAVE INSURANCE COVERAGE, NOT BECAUSE OF THIS LEGISLATURE, NOT BECAUSE OF THOSE AT THE UNIVERSITY, NOT BECAUSE OF THE COACHES AND OTHERS WHO EXPLOITED THEM. AND THEY ALSO COULDN'T TAKE A SO-CALLED SCHOLARSHIP FROM A PERSON UNTIL HE OR SHE FINISHED SCHOOL. AND YOU WOULD THINK THAT ANY INSTITUTION THAT WAS MAKING SO MUCH MONEY FROM THESE ATHLETES WOULD HAVE THE DECENCY TO TREAT THEM THE WAY THEY'D WANT THEIR OWN CHILDREN TREATED, BUT THAT WAS NOT THE CASE. IT TOOK SOMEBODY WHO THOUGHT OUTSIDE OF THE WHITE PEOPLE'S BOX AND WAS MORE CONCERNED ABOUT THEIR CHILDREN THAN THEY THEMSELVES. MR. PRESIDENT, I'LL ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR CHAMBERS. THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1109]

CLERK: 19 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB1109]

SENATOR LINDSTROM: THE HOUSE IS UNDER CALL. SENATORS SCHNOOR, MELLO, PANSING BROOKS, RIEPE, BOLZ, McCOLLISTER, KRIST, SMITH, COASH, STINNER, KOLTERMAN, DAVIS, HADLEY, KINTNER, THE HOUSE IS UNDER CALL. SENATOR SMITH, PLEASE CHECK IN. SENATORS SCHNOOR, BOLZ, KRIST, DAVIS, STINNER, KINTNER, PLEASE RETURN TO THE CHAMBER, THE HOUSE IS UNDER CALL. SENATORS STINNER, DAVIS, KINTNER, THE HOUSE IS UNDER CALL, PLEASE RETURN TO THE CHAMBER. ALL SENATORS ARE ACCOUNTED FOR, MR. CLERK. PLEASE CALL THE ROLL. [LB1109]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1058-1059.) 1 AYE, 33 NAYS, MR. PRESIDENT. [LB1109]

SENATOR LINDSTROM: MOTION FAILED. RAISE THE CALL. MR. CLERK. [LB1109]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN WITH RESPECT TO FA94. [LB1109]

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SENATOR LINDSTROM: SENATOR CHAMBERS, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. AND AFTER I GET THROUGH TALKING ABOUT ATHLETICS, I'LL HAVE THE OPPORTUNITY TO GET ON THE LAWYERS. BUT THEY DON'T NEED TO SHAKE AND QUAKE. I'M GOING TO GIVE A PREVIEW. THERE'S A COMMENT MADE IN ONE OF SHAKESPEARE'S PLAYS, AND THIS INDIVIDUAL SAYS, FIRST THING WE DO IS KILL ALL THE LAWYERS. AND PEOPLE TAKE THAT TO MEAN THAT LAWYERS ARE SO CONTEMPTIBLE THAT THEY SHOULD BE GOTTEN RID OF, THEY'RE NOT FIT TO WALK THE EARTH. BUT THAT'S NOT WHAT THAT STATEMENT WAS GETTING AT. THERE WAS A WOULD-BE ANARCHIST, AND THEY WANTED TO OVERTHROW SOCIETY AND TAKE CONTROL OF EVERYTHING. AND THEY WERE LOOKING AT WHICH GROUPS OR INDIVIDUALS THEY SHOULD GET OUT OF THE WAY FIRST BECAUSE THEY WOULD PROVIDE THE GREATEST IMPEDIMENT TO THE SUCCESS OF THEIR SCHEME TO OVERTHROW EVERYTHING. AND THAT'S WHEN THEIR LEADER SAID, FIRST THING WE DO, LET'S KILL ALL THE LAWYERS, NOT SHOWING CONTEMPT, BUT HE SAW THE LAWYERS AS THE ONES STANDING BETWEEN ANARCHY AND CIVIL ORDER. SO BECAUSE EDUCATION IS SO POOR IN THIS COUNTRY, EVEN THOSE WHO HAVE GONE TO SCHOOL--AND THERE IS A DIFFERENCE BETWEEN BEING SCHOOLED AND BEING EDUCATED--THEY WENT TO SCHOOL, AND SO THEY MAKE THAT STATEMENT AS A PUTDOWN OF LAWYERS. BUT WHEN SHAKESPEARE PUT THE WORDS IN AN INDIVIDUAL'S MOUTH...AND I WON'T TELL YOU THE NAME OF THE PLAY, BUT IT'S AFTER ONE OF THOSE KINGS WHO HAD A NUMBER FOR A LAST NAME. AND THE MAN WHO WAS THE ANARCHIST HAD A NAME WHICH, IF YOU LOOKED AT IT RIGHT, WOULD GIVE YOU AN INDEX INTO HIS CHARACTER. SHAKESPEARE WAS TELLING PEOPLE...AND THOSE WHO LIVED AT THE TIME HIS PLAYS WERE PERFORMED KNEW WHAT WAS BEING STATED. AND NOT ALL PERSONS WHO WERE MEMBERS OF THE LAW WERE LITIGATORS. "PROFESSOR" KNOWS THE DIFFERENCE BETWEEN A BARRISTER AND...WELL, I'M NOT GOING TO GIVE THE OTHER ONE. IF ANYBODY IS INTERESTED, THEY CAN ASK "PROFESSOR" SCHUMACHER. BUT I'M GOING TO GO BACK TO ATHLETICS. IT MIGHT BE HARD FOR YOU TO BELIEVE BUT I WAS ACTUALLY PAID BY THE NEW YORK TIMES MANY, MANY YEARS AGO TO WRITE AN ESSAY ABOUT PAYING THE ATHLETES. PEOPLE WERE NOT TALKING ABOUT DOING THAT. THE COURSE THAT MY PROPOSALS TOOK WERE FIRST JUST RIDICULED, LAUGHED AT, AND DISMISSED OUT OF HAND. THEN THEY MADE IT TO THE COMIC PAGES, AS I MENTIONED. THEN THEY MADE IT TO THE NEWS COLUMNS. THEN THEY MADE IT TO THE SPORTS PAGES. THEN THEY MADE IT TO THE EDITORIAL PAGES. AND NOT EVERYBODY THOUGHT IT WAS FOOLISH. SOME WONDERED WHY NOBODY HAD

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UNDERTAKEN TO DO ANYTHING FOR THESE ATHLETES BEFORE. I WOULD USE THINGS, AS I DO HERE, LIKE QUOTES FROM THE BIBLE, WHICH PEOPLE PROFESS TO BELIEVE. AND THERE'S A VERSE THAT SAYS, THE WORKMAN IS WORTHY OF HIS HIRE--AND SENATOR HILKEMANN WOULD KNOW, AND I PRONOUNCE HIS NAME CORRECTLY AND KIND OF EMPHASIZE THAT IT'S "L BEFORE "K" AND THERE'S NO "R" IN HILKEMANN--MUZZLE NOT THE OX THAT TREADETH OUT THE CORN. SO WHEN YOU TIE THAT OX TO THAT BIG OLD BEAM AND THE OX WALKS AROUND IN A CIRCLE AND GRINDS THE CORN, YOU DON'T MUZZLE THE OX. THE OX IS ALLOWED TO EAT WHATEVER IS NECESSARY TO MAINTAIN THE STRENGTH TO DO THE WORK THAT IS GOING TO PRODUCE MONEY FOR THE ONE WHO OWNS THE OX. I'D POINT OUT THAT IN PRISONS ALL OVER THE COUNTRY, PEOPLE WHO HAVE COMMITTED CRIMES AND DO WORK IN THE PRISON ARE GIVEN PAY, VERY SMALL, BUT THEY'RE GIVEN COMPENSATION IN RECOGNITION OF THE FACT THAT THERE IS DIGNITY IN ALL LABOR, EVEN IF IT OCCURS BEHIND THE PRISON WALLS TOPPED BY CONCERTINA BARBED WIRE. EVERYBODY GETS PAID. I POINTED OUT THAT THE PRESIDENT OF THE UNIVERSITY WOULD NOT DO WHAT HE OR SHE WAS DOING IF NOT PAID. THE COACH WOULD NOT DO WHAT HE DOES IF NOT PAID. THE ASSISTANT COACHES WOULD NOT DO WHAT THEY DO IF NOT PAID. I POINTED OUT THAT THERE ARE STUDENTS ON THE UNIVERSITY CAMPUS WHO WILL GET COMPENSATION FOR THINGS THAT THEY DO. IT MIGHT BE CALLED A STIPEND, BUT THEY GET PAID FOR WHAT THEY DO. IF A STUDENT WAS TAKING JOURNALISM AND THE LINCOLN JOURNAL STAR OR THE WORLD-HERALD WANTED TO GIVE THAT STUDENT A PAID INTERNSHIP BECAUSE HE OR SHE WAS SO CAPABLE, THAT STUDENT WOULD REMAIN A STUDENT IN GOOD STANDING IN JOURNALISM WHILE ACCEPTING PAY. BUT THEN YOU TAKE THE ATHLETE, WHO MAKES MORE MONEY FOR THE UNIVERSITY THAN ALL OF THEM. ATHLETES, THE ONLY REVENUE GENERATORS ON THE CAMPUS--ALL THE OTHERS CONSUME REVENUE, FROM THE PRESIDENT ON DOWN--THE ONLY ONES WHO GENERATE REVENUE WERE NOT ALLOWED TO HAVE ANY. THEY EVEN RESTRICTED THE KIND OF JOBS THAT AN ATHLETE COULD GET DURING VACATION. AND THEY WERE NOT ALLOWED TO WORK AT ALL DURING SCHOOL BECAUSE THEY NEEDED TO HAVE THEIR ENERGY TO SIT IN THE CLASSROOM AND NOD OFF, GO TO THE STUDY HALL AND NOD OFF, SO THEY'D BE RESTED WELL ENOUGH TO COME OUT AND PRACTICE, PRACTICE, PRACTICE. AND THE WORST THING FOR A FOOTBALL PLAYER ARE THE TWO-A-DAYS. THEY OCCUR AT THE WORST TIME OF THE YEAR. THEY OCCUR AT A TIME WHEN IF ANY PARENT HAD HIS CHILD OUT IN THE SUN DOING WHAT THESE ATHLETES DID, THEY WOULD BE CHARGED WITH CHILD ABUSE. AND PEOPLE WHO HAD JOBS WERE OFTEN ALLOWED TO TAKE TIME OFF IF THE TEMPERATURE GOT TOO HIGH. WHEN I WAS IN THE ARMY, I WAS AT FORT LEONARD WOOD AND THE

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TEMPERATURE GOT VERY HOT. WHEN IT GOT ABOVE 92, THEY COULDN'T HAVE US OUT THERE MARCHING. WE DIDN'T HAVE TO DO ANYTHING AND IT WAS A VIOLATION OF ARMY REGULATIONS IF WE WERE OUT THERE. THEN HERE ARE THESE ATHLETES, THOUSANDS OF PEOPLE, LITERALLY, EVERY SATURDAY CHEERING FOR THEM, NOT FOR THEM AS PEOPLE BUT AS THINGS. AND TO SHOW HOW BRUTAL THE SPORT IS, YOU COULD JUST LOOK AT THE EQUIPMENT THAT THEY WORE, AND EVEN THEN IT DIDN'T PROTECT THEM FROM CONCUSSIONS. SO THEY GO OUT THERE AND PLAY. AND WHAT EXCITED THE CROWD MORE THAN ANYTHING ELSE WAS WHEN ONE MADE WHAT'S CALLED A HARD HIT. AND EVEN THE ANNOUNCERS WOULD SAY ON TELEVISION, HE CLEANED HIS CLOCK, HE RUNG HIS BELL, WHICH MEANS ONE PLAYER INJURED THE OTHER. AND SOME FANS, AS THEY'RE CALLED, WOULD CHEER IF A RUNNING BACK FOR THE OTHER TEAM WERE TACKLED SO HARD THAT HE COULDN'T GET UP. THAT WAS A GOOD HIT. ALL THESE YOUNG PEOPLE PLAYING FOR THE INSTITUTIONS WHERE THERE SHOULD HAVE BEEN THE MOST UNDERSTANDING, THE MOST COMPASSION, THE GREATEST SENSE OF JUSTICE, WHICH SHOULD HAVE BEEN MANIFESTED IN THE TREATMENT ACCORDED THESE PLAYERS, BUT THAT WAS NOT THE CASE. SO WHILE I WAS TRYING TO GET SOMETHING IN THE WAY OF JUSTICE FOR THESE PLAYERS, I WAS MOCKED, SCOFFED, LAUGHED AT, LIKE HERE, BUT ALL IT DID WAS ENERGIZE ME. AND I HAD POINTED OUT--AND I KEEP ARTICLES--THAT ONE OF THESE DAYS SOME OLD WHITE MAN IS GOING TO COME ALONG AND SAY WHAT I'M SAYING AND BEING LAUGHED AT AND HE'S GOING TO GET CREDIT... [LB1109]

SENATOR LINDSTROM: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...FOR BEING SO UNDERSTANDING, FOR TELLING IT LIKE IT IS. NEBRASKA HAD A COACH TO WHOM THE PUBLIC LOOKED ALMOST LIKE A GOD, AND THEY WOULD ATTACH THE WORD "ICON" TO HIS NAME. HIS NAME WAS TOM OSBORNE. TOM OSBORNE AND I DIDN'T GET ALONG. WE DIDN'T LIKE EACH OTHER, AND I CRITICIZED HIM PUBLICLY FOR NOT BEING CONCERNED ABOUT THE PLAYERS. SO YOU KNOW WHAT HE WOUND UP SAYING? WELL, MAYBE SENATOR CHAMBERS HAS A POINT, WE USED TO GET WHAT THEY CALL LAUNDRY MONEY, SO WE OUGHT TO GIVE THEM SOME MONEY, SOME POCKET CHANGE, NOT A SALARY, BUT SOME MONEY. AND THE NCAA SAID, NO, YOU'RE NOT GOING TO GIVE HIM ANYTHING. BUT AT LEAST HE WAS ON RECORD SAYING THAT THE PLAYERS SHOULD GET WHAT THEY WANTED TO CALL A STIPEND. AND THE PLAYERS LIKED THAT AND THOUGHT... [LB1109]

SENATOR LINDSTROM: TIME, SENATOR CHAMBERS. [LB1109]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR MURANTE, YOU ARE RECOGNIZED. [LB1109]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD AFTERNOON. AS WE CONTINUE ALONG THE FILIBUSTER, I AGAIN ENCOURAGE YOU TO VOTE AGAINST THE RECONSIDERATION MOTION. WHAT WE WOULD BE RECONSIDERING IS A FLOOR AMENDMENT TO LB1109 WHICH WOULD STRIKE SECTION 1 OF THE BILL, WHICH WOULD MAKE THE BILL RATHER INCOHERENT IF WE WERE TO ADOPT THE AMENDMENT, SO I THINK PROBABLY NOT BEST THAT WE ADOPT THAT AND THAT WE REJECT THE RECONSIDERATION MOTION. I AGAIN THANK THE MEMBERS FOR THEIR ONGOING SUPPORT OF THE BILL AND URGE YOUR REJECTION OF THE RECONSIDERATION MOTION. THANK YOU, MR. PRESIDENT. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR MURANTE. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. YOU KNOW, I DON'T EVER MIND ANYTHING THAT I'M DOING TO BE CHARACTERIZED EVEN BY SOMEBODY OPPOSING IT WHEN THEY USE THE FOUR-SYLLABLE WORD "INCOHERENT." BUT HE WAS CORRECT IN WHAT HE SAID, BECAUSE WHAT THAT AMENDMENT WOULD HAVE DONE AND WHAT THIS RECONSIDERATION, IF IT'S SUCCESSFUL, WILL ALLOW ME TO ATTEMPT TO DO THE SECOND TIME AROUND IS TO SAY THAT WHAT IS MENTIONED IN THE TEXT OF THIS BILL THAT CREATES THE SECRECY WOULD, IN FACT, NOT BE SECRET. THE IDENTITY OF THOSE FOUR PEOPLE COULD NOT BE WITHHELD. SO EVEN IF THE TEXT OF THE BILL REMAINED AS IT IS, WITHOUT THIS EXCEPTION THAT I'M STRIKING, A PERSON COULD MAKE A PUBLIC RECORDS REQUEST AND OBTAIN THEIR IDENTITY. SO I DO THINGS FOR A PURPOSE AND WITH A PURPOSE. BUT LET ME GET BACK TO MR. OSBORNE. HE AND I HAD A MEETING IN MY OFFICE WHEN I WAS IN A DIFFERENT LOCATION AND I TOLD HIM--NEBRASKA WILL NEVER BEAT OKLAHOMA. HE SAID, WHY DO YOU SAY THAT? I SAID, BECAUSE YOU ALWAYS GIVE THEM AN EXTRA PLAYER, AND WHENEVER YOU GIVE A TEAM ONE MORE PLAYER THAN YOU'VE GOT, YOU CAN'T WIN. HE SAID, WHAT DO YOU MEAN? WE BOTH HAVE 11 PLAYERS ON THE TEAM...ON THE FIELD. AND I SAID, YEAH, BUT YOU WON'T PLAY A BLACK QUARTERBACK AND OKLAHOMA WILL, AND THEY SLICE YOU TO RIBBONS WITH THAT RUNNING ABILITY THAT YOU DON'T SEE A LOT. THEY USED TO BE THE BIG

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EIGHT, AND THEY CALLED IT NEBRASKA...WELL, OKLAHOMA AND THE SEVEN DWARFS. THEN OKLAHOMA AND STEP-SISTER NEBRASKA AND THE SIX DWARFS, AND BEFORE THAT THEY WERE THE BIG SIX, THEN THE BIG SEVEN, THEN THE BIG EIGHT. THEN THEY WENT TO THE BIG 12. THEN NEBRASKA BUGGED OUT AND WENT TO THE BIG TEN, WHERE THEY HAVE MORE THAN TEN TEAMS. SO THAT MAKES YOU WONDER HOW GOOD THEY ARE ACADEMICALLY, HUH? THEY CAN'T EVEN COUNT THE NUMBER OF TEAMS IN THEIR CONFERENCE UNLESS THEY'RE SAYING THAT THERE ARE TEN TEAMS THAT QUALIFY AS BIG AND THE OTHERS ARE JUST TAGALONGS. BUT ANYWAY, I SAID, AND ANOTHER PROBLEM YOU HAVE, COACH OSBORNE, IS THAT YOU WANT TO GET ALL THESE PLAYERS FROM NEBRASKA. I SAID, THEY'RE BIG, THEY'RE CORN FED, BUT THEY'RE NOT FAST, THEY DON'T MOVE FAST, THEY'RE LIKE BLOCKS OF GRANITE, BUT BLOCKS OF GRANITE DON'T MOVE WELL. SO UNTIL YOU START LETTING SOME OF THESE BLACK PLAYERS THAT YOU RECRUIT SO THEY WON'T PLAY FOR ANOTHER TEAM, NEBRASKA'S NOT GOING TO DO ANYTHING. IT TOOK AWHILE, BUT HE CHANGED. NEBRASKA CHANGED THE WAY THEY PUT THEIR TEAMS TOGETHER. BUT THEY DIDN'T WANT TO SAY WE'VE GOT BLACK PLAYERS. THEY DIDN'T WANT TO SAY THAT FOR THE NEBRASKANS, SO THEY GOT EUPHEMISMS, AND ANYBODY WHO KNOWS ABOUT FOOTBALL WILL KNOW WHAT I'M TALKING ABOUT. THEY HAD WHAT THEY CALL THE "SKILLED" POSITIONS, AND THE SKILLED POSITIONS, WHERE YOU PUT THE FAST PLAYERS, THE ATHLETIC PLAYERS. BUT WHAT PEOPLE SHOULD HAVE STOPPED TO THINK: ALL OF THESE PLAYERS ARE ATHLETES, SO ALL OF THEM ARE ATHLETIC. BUT "ATHLETIC" WAS A TERM OF ART. IT DESIGNATED THE BLACK PLAYER. AND WHEN YOU GET A BLACK QUARTERBACK AND THAT QUARTERBACK DOESN'T JUST DROP BACK, AS THEY CALL INTO THE POCKET WHERE HE'S PROTECTED ON TWO SIDES, BUT HE CAN RUN THE BALL ALSO, THEY CALL HIM AN ATHLETIC QUARTERBACK. [LB1109]

SENATOR LINDSTROM: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: SO WHEN YOU HEAR ONE REFERRED TO AS AN ATHLETIC QUARTERBACK, YOU WILL KNOW WHAT THEY'RE TALKING ABOUT. SPLIT ENDS: SOMETIMES YOU'D HAVE A BLACK GUY AS A TIGHT END, BUT THEY WERE MOSTLY WHITE. FULLBACKS WERE WHITE BECAUSE THEY WERE BLOCKING BACKS. THEY BLOCKED. THEY GOT IN THE WAY OF OTHER PEOPLE. A BLACK GUY WOULD HAVE FELT INSULTED AND HE WOULD HAVE BEEN LAUGHED AT IF HE PLAYED FULLBACK, UNLESS IT WAS A RUNNING POSITION, AS IT MIGHT BE AT A SCHOOL LIKE OKLAHOMA, BUT THEY WOULDN'T CALL HIM A FULLBACK. AND THEY HAD WHAT THEY CALLED A "WISHBONE," WHERE YOU DIDN'T KNOW WHO WAS GOING TO HAVE THE BALL. BUT YOU KNEW WHOEVER GOT IT WAS GOING

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TO BE SOMEBODY OF MY COMPLEXION. HE COULD PROBABLY RUN FASTER THAN YOU IF HE WAS YOUR COMPLEXION. I'M JUST TELLING THE FACTS. AND THAT'S HOW COACHES RECRUIT AND THEY ADMITTED IT. THEY NEEDED SOMEBODY WHO COULD GO DOWN SOUTH WHERE THEY COULD GET WHAT THEY CALLED FAST, ATHLETIC PLAYERS, BECAUSE YOU COULDN'T FIND THEM UP NORTH. AND THAT'S WHY TEAMS FROM THE SOUTH... [LB1109]

SENATOR LINDSTROM: TIME. [LB1109]

SENATOR CHAMBERS: ...BEAT TEAMS FROM UP NORTH. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB1109]

SENATOR CHAMBERS: AND BACK TO COACH OSBORNE, HE WAS PRESSURED FINALLY INTO ACKNOWLEDGING THAT THE PLAYERS SHOULD GET A STIPEND, BUT HE WOULDN'T PUSH FOR IT. SO TIME ROCKED ON AND I MANAGED TO GET A BILL PASSED, AFTER YEARS OF TRYING, WHICH WOULD ALLOW THE PLAYERS TO BE GIVEN A STIPEND IF A MAJORITY OF THE LEGISLATURES IN THE SCHOOLS THAT MADE UP THE CONFERENCE WOULD PASS A SIMILAR BILL THAT WOULD ALLOW A STIPEND TO BE PAID. AND IF A MAJORITY OF THE LEGISLATURES IN ANY CONFERENCE DID THAT, THE NCAA WOULD FOLD BECAUSE THAT WOULD BE TOO MUCH MONEY FLYING OUT OF THEIR COFFERS IF THEY TRIED TO RENDER ALL THOSE SCHOOLS IN THAT CONFERENCE INELIGIBLE, AND ESPECIALLY IN NEBRASKA BECAUSE THEY HAD THAT BIG FAN BASE. SO GUESS WHAT HAPPENED? THE CHANCELLOR OF THE UNIVERSITY WROTE A LETTER AND SENT IT OVER HERE. THAT LETTER SAID NEBRASKA HAS BEEN INTERESTED IN THE ATHLETES OBTAINING MORE IN THE WAY OF BENEFITS. NCAA RULES WOULDN'T ALLOW IT. HOWEVER, THIS BILL, THE WAY IT'S DRAFTED, WILL NOT ENDANGER NEBRASKA'S ELIGIBILITY, IT ARTICULATES A GOAL THAT NEBRASKA IS STRIVING FOR, THEREFORE, UNL HAS NO OPPOSITION TO THE BILL. AND FOR THOSE OF YOU WHO DOUBT IT, TALK TO FORMER SENATOR LEE RUPP, WHO HAD LEFT THE LEGISLATURE AND AT THAT TIME WAS A LOBBYIST FOR THE UNIVERSITY HE HAND-CARRIED THE LETTER. WE GOT THE LETTER PASSED. KAY ORR WAS THE GOVERNOR. SHE WAITED UNTIL WE WERE OUT OF SESSION, THEN VETOED THE BILL. AND YOU KNOW WHY SHE VETOED IT? BECAUSE TOM OSBORNE TALKED TO HER BEHIND THE CHANCELLOR'S BACK, AND SHE WROTE IN HER LETTER THAT THE COACH TOLD HER THIS AND THAT. AND THEN I RIDICULED HER BY SAYING THIS PROVES THAT THE FOOTBALL PROGRAM IS THE

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TAIL THAT WAGS THE DOG BECAUSE YOU LISTENED TO THE COACH AND WENT CONTRARY TO WHAT THE CHANCELLOR HAD SAID, YOU DIDN'T RESPECT THE CHANCELLOR, WHO IS THE ACADEMIC LEADER OF THE UNIVERSITY, BUT YOU LISTENED TO THE COACH, AFTER THE CHANCELLOR SAID THIS BILL WAS IN LINE WITH UNL POLICY. THAT'S WHAT OSBORNE DID AND HE WAS CRITICIZED HARSHLY BY LEE RUPP, THE LOBBYIST FOR THE UNIVERSITY, IN THE NEWSPAPER. AND I HAVE THE ARTICLE, BUT HE'LL SAY IT HIMSELF. HE SAID THE COACH WAS WRONG, HE DID AN END RUN AROUND THE CHANCELLOR. THAT'S WHAT HE SAID ABOUT THE COACH THAT EVERYBODY SAYS IS SO HOLY, SO CONCERNED FOR THE PLAYERS. AND THE PLAYERS WERE VERY UPSET. AND SOME TALKED TO ME AND SAID, WE THOUGHT COACH WAS IN OUR CORNER. AND THEY KNEW THE MONEY WOULD NOT BE FORTHCOMING FROM THAT BILL, BUT THEY SAW IT AS A STEP TOWARD THEM GETTING SOMETHING FAIR. AND I HAD ALWAYS POINTED OUT THAT BILLS LIKE THAT WOULD START A DISCUSSION, NOT ONLY IN THE BIG EIGHT BUT IN THE NCAA, THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION. AND THAT'S WHAT WAS HAPPENING. AND THE HEAD OF THE NCAA HAD SAID THIS WOULD NOT IMPACT ON THE ELIGIBILITY OF THE UNIVERSITY BECAUSE IT DOES NOT REQUIRE THE UNIVERSITY TO PAY ANYTHING. BUT KAY ORR, LISTENING TO THE COACH, VETOED IT. THERE WAS ONE SPORTS WRITER FOR THEN-LINCOLN STAR, WHO SAID THAT WOULD NOT BE THE END OF IT. HE KNEW THAT I WOULD COME BACK AND COME BACK AND COME BACK. AND TO SKIP THROUGH A LOT OF OTHER THINGS,... [LB1109]

SENATOR LINDSTROM: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...BUT ALONG THE WAY I DID GET A BILL THAT WAS CALLED THE DUE PROCESS BILL, WHERE NO COLLEGIATE ATHLETIC ASSOCIATION COULD SANCTION THE UNIVERSITY, ANY EMPLOYEE, OR ANY ATHLETE WITHOUT GRANTING DUE PROCESS, BECAUSE ALL THEY DO IS RUN IN THERE AND TELL THEM, WE'RE GOING TO DO THIS, WE'RE GOING TO DO THAT. AND THE NCAA WAS OUTRAGED BECAUSE THEY THOUGHT THAT WOULD START A BANDWAGON EFFECT, AND SOME OTHER LEGISLATURES DID IT. BUT THE BILL WAS NOT UNCONSTITUTIONAL. IT REMAINS ON THE LAW BOOKS TODAY. I'M GOING TO TURN ON MY LIGHT. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR CHAMBERS. SENATOR BAKER, YOU ARE RECOGNIZED. [LB1109]

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SENATOR BAKER: THANK YOU, MR. PRESIDENT. AS WE'RE KIND OF BURNING TIME HERE AND SENATOR CHAMBERS IS TALKING A LOT ABOUT FOOTBALL, GOT A TRUE STORY. SENATOR CHAMBERS HAD HIS MOMENT OF GLORY IN NEBRASKA MEMORIAL STADIUM. IT WAS IN THE 1980s, NEBRASKA WAS PLAYING OKLAHOMA STATE. ONE OF THE OKLAHOMA STATE RUNNERS TORE OFF A PRETTY GOOD RUN. AND THE PUBLIC ADDRESS ANNOUNCER IN THAT SQUAWKY OLD SYSTEM SAID, ANNOUNCEMENT, THURMAN THOMAS HAS JUST BROKEN ERNEST CHAMBERS' BIG EIGHT RUSHING RECORD. DEAD SILENCE. PEOPLE LOOKING AROUND SAYING, I DIDN'T KNOW THAT SON OF A GUN PLAYED FOOTBALL. SO THERE IT IS, SENATOR CHAMBERS. YOU DID HAVE YOUR ONE MOMENT BEFORE HE SAID, CORRECTION, THURMAN THOMAS HAS BROKEN ERNEST ANDERSON'S BIG EIGHT RUSHING RECORD. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR BAKER. SENATOR MURANTE, YOU ARE RECOGNIZED. [LB1109]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD AFTERNOON. I RISE IN CONTINUED SUPPORT OF LB1109, IN OPPOSITION OF THE RECONSIDERATION MOTION, AND IN OPPOSITION OF FA94. AND I THINK IT'S IMPORTANT TO REMEMBER WHAT THIS BILL DOES AND WHAT THIS BILL DOES NOT DO. BECAUSE THERE ARE NUMEROUS UNIVERSITIES, NUMEROUS PUBLIC UNIVERSITIES IN THIS COUNTRY AND THE VAST MAJORITY OF THE PUBLIC UNIVERSITIES THAT ARE OUR PEER INSTITUTIONS HAVE CLOSED HIRING PROCESSES. NOW WHAT IS A CLOSED HIRING PROCESS? ONE THAT DOES NOT HAVE TRANSPARENCY. A CLOSED PROCESS IS WHEN YOUR SITTING PRESIDENT OF YOUR UNIVERSITY ANNOUNCES HIS RETIREMENT, AND THE NEXT DAY THE SUCCESSOR IS ANNOUNCED WITH NO PUBLIC INPUT, NO PUBLIC AWARENESS THAT A VACANCY EVEN EXISTS, NO OPPORTUNITY FOR MEDIA OR TAXPAYERS TO QUESTION THE CANDIDATE THAT IS HIRED, AND NO UNDERSTANDING OF WHAT SORT OF SEARCH PROCESS TOOK PLACE TO RESULT IN THE PERSON WHO WAS ULTIMATELY CHOSEN. MOST OF OUR PEER INSTITUTIONS DO IT THAT WAY. THAT WAS NOT A PUBLIC POLICY THAT I WAS WILLING TO PURSUE WITH LB1109, AND ACCORDINGLY, WHAT WE HAVE COME UP WITH STRIKES A BALANCE. IT DOES NOT CLOSE THE PROCESS. IT DOES NOT REMOVE THE PEOPLE FROM THIS DECISION MAKING...FROM THE DECISION MAKING OF HIRING THE PRESIDENT OR CHANCELLOR OF THE UNIVERSITY. WHAT IT DOES DO IS GIVE A TRADEOFF. BECAUSE I WOULD SUBMIT TO YOU, COLLEAGUES, THAT A PROCESS THAT INCLUDES PUBLIC HEARINGS IS NOT A CLOSED PROCESS AND IT IS A TRANSPARENT PROCESS. A PROCESS WHICH REQUIRES THE PRIORITY CANDIDATE TO BE INTERVIEWED BY THE MEDIA IS NOT A CLOSED PROCESS; IT IS

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A TRANSPARENT PROCESS. I WOULD SUBMIT THAT A 30-DAY WAITING PERIOD BETWEEN THE TIME WHEN THE PRIORITY CANDIDATE IS ANNOUNCED AND A VOTE ON WHETHER TO CONFIRM THAT PRIORITY CANDIDATE IS TAKEN, THAT HAVING SUCH A COOLING-OFF PERIOD IS NOT A CLOSED PROCESS. IT IS AN OPEN PROCESS AND IT IS A TRANSPARENT PROCESS. NOW, THE TRUTH OF THE MATTER IS THERE'S MORE THAN ONE WAY TO BE TRANSPARENT. IT'S NOT A SIMPLE CUT-AND-DRY ISSUE. THERE ARE MANY WAYS TO BE TRANSPARENT. AND WHAT WE HAVE BEFORE US TODAY ENCOURAGES PUBLIC INPUT, ESTABLISHES A VETTING PERIOD THAT DOES NOT CURRENTLY EXIST IN LAW, MANDATES PUBLIC INPUT BEFORE ANY DECISION IS MADE WHICH DOES NOT CURRENTLY EXIST IN LAW, AND FORCES THE BOARD OF REGENTS, WHEN THEY MAKE A HIRE, TO OPEN UP THE STATE OF NEBRASKA TO THE TAXPAYERS, TO THE FACULTY, TO THE STUDENTS, TO THE STAFF, TO THE MEDIA, TO OPEN UP THE PROCESS TO THEM SO THAT THEY CAN HAVE A SEAT AT THE TABLE. I THINK THAT'S A GOOD PROCESS. [LB1109]

SENATOR LINDSTROM: ONE MINUTE. [LB1109]

SENATOR MURANTE: THAT IS AN OPEN AND TRANSPARENT PROCESS TO ME AND THAT IS WHY I SUPPORT LB1109. THANK YOU, MR. PRESIDENT. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR MURANTE. SENATOR CHAMBERS, YOU ARE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB1109]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I HEAR SOME OF THE MOST TRANSPARENTLY INSULTING THINGS ON THIS FLOOR WHEN AN ARGUMENT IS MADE. SENATOR MURANTE SAYS THE PUBLIC SITS AT THE TABLE. NOT EVERYBODY WHO SITS AT THE TABLE IS ON A PAR. WE PUT SENATOR McCOLLISTER AT THE TABLE. WE PUT WHATEVER HE LIKES, PRIME RIB, IN FRONT OF HIM. WE PUT SENATOR MORFELD AT THE TABLE. HE'S A YOUNG MAN. WE GIVE HIM SOME BIG MACS. THEN WE LOOK AT SENATOR SCHEER OVER THERE AND HE'S TRYING TO IMPROVE HIS HEALTH SO WE GIVE HIM SOME RABBIT FOOD. THEN SENATOR MURANTE, WE PUT HIM AT THE TABLE AND WE GIVE HIM A BIG DISH OF BALONEY. THEN WE PUT SENATOR HARR/HAAR AT THE TABLE--AND I WON'T SAY HOW HARR/HAAR IS TO BE SPELLED IN THIS EXAMPLE--AND WE PUT NOTHING IN FRONT OF HIM. SITTING AT THE TABLE DOES NOT MAKE YOU A DINER. YOU ARE A DINER ONLY IF YOU HAVE SOMETHING TO PARTAKE OF IN THE NATURE OF FOOD OR NOURISHMENT. THE PUBLIC MIGHT SIT AT THE TABLE, BUT THEY'RE NOT DINERS. THERE'S NOTHING

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ON THE PLATE. THEY ARE PART OF A DOG-AND-PONY SHOW. THE DECISION HAS BEEN MADE. AND I DON'T KNOW HOW STUPID THE LOBBY THINKS THE MEMBERS OF THE LEGISLATURE...I DON'T EVEN THINK YOU'RE THAT STUPID, EVEN WHEN I'M AT MY WORST AND ANGRICEST BECAUSE IF I THOUGHT YOU WERE THAT STUPID, YOU WOULDN'T HAVE SENSE ENOUGH TO UNDERSTAND HOW I'M DIGGING YOU, GOADING YOU, MOCKING YOU. HE'S GOING TO TELL YOU THAT TRANSPARENCY CAN MEAN MORE THAN ONE THING. LET ME GIVE AN ANALOGY IN CASE YOU ARE AS DUMB AS HE THINKS YOU ARE. IF YOU LOOK AT THIS POST THAT IS A PART OF THIS MICROPHONE, IT'S CROOKED. IT HAS CURVES. IT HAS BENDS. THERE MIGHT BE AN INFINITE VARIETY OF CONFIGURATIONS YOU CAN PUT THIS POST IN, BUT THERE CAN ONLY BE ONE WAY TO MAKE A STRAIGHT LINE. A STRAIGHT LINE CAN BE MADE ONLY ONE WAY. AND YOU ALL ARE NOT BEING SHOWN THE STRAIGHT LINE BECAUSE THEY DON'T HAVE RESPECT FOR YOU. TRANSPARENCY IS TRANSPARENCY IS TRANSPARENCY. WHEN THE MAIN THING THAT YOU NEED TO KNOW IS HIDDEN FROM VIEW, THAT IS NOT TRANSPARENCY. HOW DUMB DO THEY THINK YOU ARE? THREE OUT OF FOUR ITEMS YOU'RE NOT GOING TO SEE AND THAT'S TRANSPARENT AND YOU ACCEPT IT? WELL, MAYBE SO. LET ME TELL YOU SOMETHING ELSE ABOUT THE ATHLETIC PROGRAM VERSUS THE ACADEMIC PROGRAM AT THE UNIVERSITY OF NEBRASKA. THERE WAS A YOUNG MAN, YOUNG WHITE GUY, HE HAD A REGENTS SCHOLARSHIP. AND YOU GET THAT BASED ON ACADEMIC ACUMEN, SOME SAY A-CUE-MEN (PHONETICALLY), BUT INTELLECTUAL CAPABILITY. HE HAD AN ACADEMIC SCHOLARSHIP. HE MADE... [LB1109]

SENATOR LINDSTROM: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...THE TEAM. BUT HE COULDN'T GET A SCHOLARSHIP. HERE'S WHAT THEY TOLD HIM: IF YOU'RE GOING TO PLAY HERE, YOU HAVE TO GIVE UP THAT ACADEMIC SCHOLARSHIP. AND I SAID THAT WAS THE WORST POSSIBLE THING A UNIVERSITY COULD SAY. SO YOU KNOW THE KIND OF LEGISLATION THAT I GOT ON THAT? YOU CAN ANTICIPATE IT ALREADY, CAN'T YOU? THEY CANNOT MAKE A PERSON GIVE UP THE ACADEMIC SCHOLARSHIP IN ORDER TO BE A WALK-ON AND GET ASSISTANCE OF AN ACADEMIC NATURE. WHY DIDN'T THE COACH THINK OF THAT? THE COACH WAS GOING TO USE HIM, AND THAT'S WHAT DO. THEY USE THEM, THEY ABUSE THEM. AND THE PLAYERS COULD NOT SPEAK FOR THEMSELVES, SO I MEAN IT WHEN I SAY I'M THE VOICE OF THE VOICELESS AND THE DEFENDER OF THE DOWNTRODDEN. THE ONES THEY SHOULD BE ABLE TO TRUST ARE THE ONES WHO BETRAY THEM. AND I WOULD SAY ABOUT THESE ATHLETES WHAT GEORGE BERNARD SHAW WROTE IN

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PYGMALION: THE DIFFERENCE BETWEEN A FLOWER GIRL AND A LADY IS NOT SO MUCH IN HOW SHE ACTS AS IN HOW SHE'S TREATED. [LB1109]

SENATOR LINDSTROM: TIME. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. WAS THAT MY THIRD TIME? [LB1109]

SENATOR LINDSTROM: THAT WAS YOUR THIRD TIME. THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU ARE RECOGNIZED TO CLOSE ON YOUR RECONSIDER MOTION. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. AND I DO HAVE ANOTHER AMENDMENT DRAFTED BECAUSE I PROMISED I WOULD TAKE FOUR HOURS AND I KNOW PEOPLE THOUGHT I COULDN'T DO IT OR WOULDN'T DO IT, BUT I'M GOING TO DO IT. AND LET ME TELL YOU ANOTHER THING RIGHT NOW. SEVENTEEN DAYS LEFT, YOU THINK THAT MEANS ANYTHING TO ME? YOU HEARD WHAT THE SPEAKER SAID, HOW FRUSTRATED HE IS. YOU ALL WANTED 80-SOMETHING BILLS ON THE CONSENT CALENDAR. THAT IS LIKE WATER FLUSHED DOWN THE TOILET STOOL. EVERYTHING JUST GOES, OR TO GET PEOPLE'S ATTENTION--AND IF YOU'RE OVER THERE EATING NOW I'D USE THIS EXAMPLE--IT'S LIKE SOMEBODY EATING TOO MUCH EX-LAX AND THINKING THAT IS HERSHEY CANDY. AND THEY'LL RUN FASTER THAN THAT GUY FROM THE ISLAND WHO HAS THE WORLD RECORD IN THE 100-METER DASH. THAT'S WHAT HAPPENS. EIGHTY-SOMETHING BILLS ON CONSENT CALENDAR? WHAT ARE YOU SAYING ABOUT THE NATURE OF THE LEGISLATION THAT'S PROPOSED HERE? IT DOESN'T HELP ANYBODY, IT DOESN'T HURT ANYBODY, IT DOESN'T COST ANYTHING, IT DOESN'T DO ANYTHING, SO PUT IT ON THE CONSENT CALENDAR AND LET IT JUST ALL FLY THROUGH. AND WHAT IS THE PUBLIC GOING TO THINK? WHAT ARE THEY DOING DOWN THERE? AND IF IT'S THAT INCONSEQUENTIAL, WHY WAS IT INTRODUCED IN THE FIRST PLACE? THE SPEAKER IS BENDING OVER BACKWARDS TRYING TO DO THE BEST HE CAN AND YOU'RE ALL LUCKY YOU'VE GOT A KIND PERSON SUCH AS HE WHO WANTS TO ACCOMMODATE EVERYBODY INSTEAD OF A SIMON LEGREE SUCH AS ME. THERE WOULDN'T EVEN BE A CONSENT CALENDAR. EVERY ONE OF THEM WOULD HAVE TO STAND ON ITS OWN BOTTOM. AND WHEN THEY PUT THAT PROVISION IN THEIR RULES WHERE EVERY BILL ON CONSENT CALENDAR WOULD BE VOTED ON AT THE END OF 15 MINUTES, THAT WAS A RULE TO STOP ME. MUCH GOES ON AROUND HERE TO STOP ME, LIKE YOU ALL ARE TERM-LIMITED OUT BECAUSE THEY WANTED TO GET RID OF ME. BUT

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TO GET RID OF ME, THEY CUT ALL YOU ALL'S HEADS OFF, TOO, AND I RIDICULED THEM. I SAID, YOU WHITE PEOPLE ARE WILLING TO GET RID OF 48 WHITE PEOPLE TO GET RID OF ME? THAT'S WHY I SAY LIKE ALI BABA AND THE 40 THIEVES, I'M MORE IMPORTANT THAN ALL OF THEM. THE ONES YOU VOTED FOR, YOU HATE ME SO MUCH YOU'D THROW THEM OUT TOO. THEY AIN'T WORTH A QUARTER. THAT'S WHAT YOU'RE TELLING ME, AND I'M MORE VALUABLE AND OF GREATER SIGNIFICANCE THAN ALL 48 OF THESE WHITE PEOPLE. AND YOU ALL ARE GOING TO SUFFER FOR IT. SOME OF YOU JUST AFTER YOU BEGIN TO CATCH ON TO WHAT'S HAPPENING AND CAN BE CALLED SEASONED, YOU'VE GOT TO GET OUTTA HERE BECAUSE YOUR PEOPLE WANTED TO GET RID OF ME. BUT A FUNNY THING: I GET CALLS NOW FOR HELP FROM SOME OF THOSE SAME PEOPLE AND THEY WILL ADMIT THAT THEY VOTED FOR TERM LIMITS TO GET RID OF ME, BUT THEY WISH THEY HADN'T DONE IT. I SAY, WELL, YOU MAKE YOUR BED, YOU'VE GOT TO SLEEP IN IT. BUT THAT'S THE WAY IT GOES. SO THEY CHANGE A LOT OF THE RULES TO STOP ME. CLOTURE WAS PUT IN PLACE TO STOP ME AND IF YOU GO BACK AND READ THE TRANSCRIPTS, YOU'LL SEE IT. SENATOR EBKE SAID SHE WAS LOOKING AT SOME OF THE THINGS OF PEOPLE WHO HAVE BEEN HERE BEFORE. SHE OUGHT TO READ SOME OF THE THINGS ABOUT THE ONE WHO'S HERE NOW. AND I DO MENTION IT FROM TIME TO TIME, THE ONLY REASON YOU GET EXPENSES WHILE YOU'RE IN SESSION IS BECAUSE I GOT A BILL THROUGH THE LEGISLATURE, OVERRODE THE GOVERNOR'S VETO, THEN FORCED THEIR HAND ON FILING A LAWSUIT BECAUSE I TOLD THEM IF THEY DIDN'T DO IT THE WAY THEY SHOULD, I WOULD FILE ONE AND EMBARRASS THEM. SO THEY FILED A LAWSUIT TO CHALLENGE THE CONSTITUTIONALITY OF THE LAW AND THE SUPREME COURT RULED WITH ME, RULED WITH ME AGAINST ALL OF... [LB1109]

SENATOR LINDSTROM: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...THOSE WHITE ATTORNEYS GENERAL WHO SAID IT COULDN'T BE DONE. BUT WHILE THEY'RE SAYING IT COULDN'T BE DONE, I'M FINDING A WAY TO GET IT DONE AND GOT IT DONE. SO WHEN YOU ALL CASH THOSE CHECKS, DON'T SAY THANK YOU JESUS UNLESS YOU'RE GOING TO COMMIT SACRILEGE BECAUSE YOU'LL BE THANKING ME IN REALITY. JESUS DIDN'T DO IT. AND BY THE WAY, THE REALITY IS THAT I DIDN'T DO IT ALONE. IT TOOK 30 VOTES TO OVERRIDE THE GOVERNOR. BUT IF YOU'VE GOT 30 SPIRITED HORSES WHICH ARE REFERRED TO AS STEEDS, YOU HAVE TO HAVE SOMEBODY WHO CAN KIND OF GET THEM TOGETHER AND WORKING WITH ONE MIND ON ONE ACCORD TO ACCOMPLISH A COMMON PURPOSE. BUT THERE ARE A LOT OF THINGS AROUND HERE THAT YOU MIGHT THINK HAVE ALWAYS BEEN HERE BECAUSE THEY'RE HERE NOW. BUT HERE'S WHAT I'D DO, I'D READ EVERY ONE OF

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THOSE BILLS, AND WHEN I SAW ONE THAT WAS NO GOOD OR IF SOMEBODY HAD MESSED OVER ME, I'D TALK UP ALL THE TIME AND IT CAME OFF THE AGENDA. SO TO FIX ME THEY SAID AT THE END OF 15 MINUTES, EVERY BILL WILL GET A VOTE. THAT'S WHY... [LB1109]

SENATOR LINDSTROM: TIME, SENATOR CHAMBERS. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB1109]

SENATOR LINDSTROM: THANK YOU, SENATOR CHAMBERS. THE QUESTION IS, SHALL THE RECONSIDERATION MOTION BE ADOPTED? [LB1109]

SENATOR CHAMBERS: I WOULD LIKE A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB1109]

SENATOR LINDSTROM: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1109]

CLERK: 23 AYES. 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB1109]

SENATOR LINDSTROM: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS SCHNOOR, MELLO, SEILER, BURKE HARR, KRIST, SCHILZ, PLEASE RETURN TO THE CHAMBER, THE HOUSE IS UNDER CALL. SENATOR SCHNOOR, PLEASE RETURN TO THE CHAMBER, THE HOUSE IS UNDER CALL. ALL MEMBERS ARE PRESENT. MR. CLERK, PLEASE READ THE ROLL. [LB1109]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1059-1060). 4 AYES, 34 NAYS, MR. PRESIDENT. [LB1109]

SENATOR LINDSTROM: MOTION FAILS. RAISE THE CALL. MR. CLERK, SOME ITEMS FOR THE RECORD. [LB1109]

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CLERK: THANK YOU, MR. PRESIDENT. VERY QUICKLY, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS THEY HAVE ENGROSSED LB722A. SENATOR MORFELD WOULD LIKE TO PRINT AN AMENDMENT TO LB586. (LEGISLATIVE JOURNAL PAGE 1060.) [LB722A LB586]

MR. PRESIDENT, WITH RESPECT TO LB1109, SENATOR CHAMBERS WOULD MOVE TO AMEND WITH FA95. (LEGISLATIVE JOURNAL 1060.) [LB1109]

SENATOR LINDSTROM: SENATOR KRIST, YOU'RE RECOGNIZED. [LB1109]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. THIS IS JUST A QUICK REMINDER FOR YOU ALL AS LONG AS MOST OF YOU ARE STILL IN THE CHAMBER, PURSUANT TO RULE 4, SECTION 3(b), THE RULES OF THE NEBRASKA UNICAMERAL, INTERIM STUDY RESOLUTIONS MAY BE INTRODUCED UP TO AND INCLUDING THE FIFTIETH LEGISLATIVE DAY. THIS MEANS THAT INDIVIDUAL SENATOR RESOLUTIONS MUST BE INTRODUCED PRIOR TO ADJOURNMENT ON TUESDAY, MARCH 29; THAT'S TUESDAY, MARCH 29. STANDING COMMITTEES MAY INTRODUCE ONE ADDITIONAL STUDY RESOLUTION PRIOR TO THE ADJOURNMENT OF SINE DIE. ALSO IN THE PAST, EACH SENATOR IS AUTHORIZED TO PICK UP 1,500 STAMPS FROM THE LEGISLATIVE ACCOUNTING OFFICE FOR USE DURING THE INTERIM PERIOD. STAMPS ARE ISSUED PRIOR TO THE END OF THE SESSION. PLEASE NOTIFY THE ACCOUNTING OFFICE BY THURSDAY, MARCH 31, THE NUMBER OF STAMPS THAT YOU WILL NEED. THANK YOU FOR YOUR ATTENTION.

SENATOR LINDSTROM: THANK YOU, SENATOR KRIST. SENATOR CHAMBERS, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, AS I STATED EARLIER, WHEN I HAVE A MOTION TO STRIKE CERTAIN LANGUAGE, I WANT TO READ THAT LANGUAGE INTO THE RECORD. THIS IS WHAT MY CURRENT AMENDMENT WOULD STRIKE. ON PAGE 2 IN LINES 23 THROUGH 26 YOU'LL FIND THE FOLLOWING WORDS, AND REMEMBER, EACH ONE OF THESE REPRESENTS MATERIAL THAT IS EXEMPT FROM PUBLIC DISCLOSURE. IF YOU ADOPT MY AMENDMENT, IT NO LONGER WILL BE EXEMPT. YOU CAN MAKE THAT PUBLIC RECORDS REQUEST AND GET THIS INFORMATION. HERE'S WHAT IT COMPRISES: "RECORDS WHICH REPRESENT THE WORK PRODUCT OF AN ATTORNEY AND THE PUBLIC BODY INVOLVED WHICH ARE RELATED TO PREPARATION FOR LITIGATION, LABOR NEGOTIATIONS, OR CLAIMS MADE BY OR

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AGAINST THE PUBLIC BODY OR WHICH ARE CONFIDENTIAL COMMUNICATIONS AS DEFINED IN SECTION 27-503". MR. PRESIDENT, IS SENATOR BURKE HARR ON THE FLOOR? HE'S NOT HERE? I DON'T SEE HIM. [LB1109]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: I DON'T SEE HIM, SENATOR CHAMBERS. [LB1109]

SENATOR CHAMBERS: OKAY, AND I DON'T SEE A...IS SENATOR HANSEN A LAWYER? [LB1109]

SPEAKER HADLEY: SENATOR HANSEN, WILL YOU YIELD TO A QUESTION? (LAUGHTER) [LB1109]

SENATOR HANSEN: YES. [LB1109]

SENATOR CHAMBERS: THANK YOU. AND, MR. PRESIDENT, I GET A PERSON TO EITHER SAY YEA OR NAY. SO I'LL LET...SENATOR HANSEN, I CAN PHRASE THE QUESTION EITHER THIS WAY--ARE YOU A LAWYER?--OR A LEADING QUESTION--YOU'RE A LAWYER, AREN'T YOU? [LB1109]

SENATOR HANSEN: YES. [LB1109]

SENATOR CHAMBERS: DID YOU HEAR THE LANGUAGE THAT I READ? I'LL READ IT AGAIN BECAUSE THERE'S A QUESTION THAT I WANT TO ASK YOU. [LB1109]

SENATOR HANSEN: IF YOU WOULD. [LB1109]

SENATOR CHAMBERS: AND LIKE I SAY, THIS IS NOT SUBTERFUGE. THIS WOULD NO LONGER BE EXEMPT. "RECORDS WHICH REPRESENT THE WORK PRODUCT OF AN ATTORNEY AND THE PUBLIC BODY INVOLVED WHICH ARE RELATED TO PREPARATION FOR LITIGATION, LABOR NEGOTIATIONS, OR CLAIMS MADE BY OR AGAINST THE PUBLIC BODY OR WHICH ARE CONFIDENTIAL COMMUNICATIONS AS DEFINED IN SECTION 27-503". SENATOR, IS THE HEAD OF ANY DEPARTMENT A PUBLIC BODY? [LB1109]

SENATOR HANSEN: I'M NOT SURE, SENATOR. [LB1109]

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SENATOR CHAMBERS: WHAT IS A...OKAY. WOULD YOU SAY AN INDIVIDUAL AND A DEPARTMENT ARE THE SAME? [LB1109]

SENATOR HANSEN: NO, I WOULD NOT. [LB1109]

SENATOR CHAMBERS: WOULD YOU SAY THAT THE ATTORNEY GENERAL IS THE SAME AS THE DEPARTMENT OF JUSTICE? [LB1109]

SENATOR HANSEN: NO, I WOULD NOT. [LB1109]

SENATOR CHAMBERS: OKAY, AND I'M NOT TRYING TO BE TRICKY, BUT I WANT IT CLEAR WHAT I'M GOING TO ASK YOU. THIS DOES NOT SAY THAT IF A PUBLIC OFFICIAL IS SUED THEN THAT IS EXEMPT FROM PUBLIC DISCLOSURE, EVEN IF IT'S THE WORK PRODUCT OF THE LAWYER. IT DOESN'T SAY THAT, DOES IT? IT SAYS THE PUBLIC BODY, DOESN'T IT? [LB1109]

SENATOR HANSEN: NOT HAVING A COPY DIRECTLY IN FRONT OF ME, I WOULD TRUST YOUR READING OF IT. [LB1109]

SENATOR CHAMBERS: I DIDN'T UNDERSTAND YOU. [LB1109]

SENATOR HANSEN: I SAID, NOT HAVING A COPY OF THE LANGUAGE DIRECTLY IN FRONT OF ME, I WOULD TRUST YOUR INTERPRETATION OF IT. [LB1109]

SENATOR CHAMBERS: I CAN GIVE IT TO YOU. THE BILL IS LB1109. AND IT'S PAGE 2, LINES 23 THROUGH 26. HE'S...THIS IS LAWYER-LIKE WORK THAT YOUNG SENATOR HANSEN IS ENGAGING IN. HAVE YOU FOUND IT, COUNSELOR? [LB1109]

SENATOR HANSEN: I BELIEVE SO. [LB1109]

SENATOR CHAMBERS: ALL RIGHT. NOW I'M GOING TO READ IT. "RECORDS WHICH REPRESENT THE WORK PRODUCT OF AN ATTORNEY AND THE PUBLIC BODY INVOLVED WHICH ARE RELATED TO PREPARATION FOR LITIGATION, LABOR NEGOTIATIONS, OR CLAIMS MADE BY OR AGAINST THE PUBLIC BODY". IF THE SUIT WAS FILED AGAINST THE HEAD OF AN AGENCY, THIS LANGUAGE WOULD NOT EXEMPT THAT WORK PRODUCT WOULD IT? [LB1109]

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SENATOR HANSEN: YES, THAT'S CORRECT. [LB1109]

SENATOR CHAMBERS: IT WOULDN'T EXEMPT IT, WOULD IT? [LB1109]

SENATOR HANSEN: NO, IT WOULD NOT EXEMPT IT. [LB1109]

SENATOR CHAMBERS: BUT YOU AND I BEING TRAINED IN THE LAW KNOW THAT THERE IS, WHAT YOU MIGHT CALL FOR THE SAKE OF LAYPEOPLE, IMMUNITY FROM DISCLOSURE OF THE WORK PRODUCT OF ANY LAWYER BETWEEN THE LAWYER AND A CLIENT WITHOUT REGARD TO WHETHER THAT PERSON IS A PUBLIC OFFICIAL OR NOT, WOULD YOU AGREE WITH THAT? [LB1109]

SENATOR HANSEN: I WOULD. [LB1109]

SENATOR CHAMBERS: SO IT DOESN'T NEED...THE LANGUAGE WOULDN'T HAVE TO SAY A PUBLIC BODY OR A PERSON BECAUSE THERE IS A PRIVILEGE TO THAT INFORMATION BETWEEN THE LAWYER AND THE INDIVIDUAL, WHOEVER THAT INDIVIDUAL IS, WOULD YOU AGREE? [LB1109]

SENATOR HANSEN: I WOULD. [LB1109]

SENATOR CHAMBERS: THANK YOU. AND THE REASON I WANTED TO ASK A LAWYER IS SO PEOPLE WOULDN'T THINK THAT I'M JUST PLAYING WITH LANGUAGE. BUT I'M TRAINED IN THE LAW. I KNOW THE LAW AND I KNOW WHAT IT MEANS. AND IF I WOULD HAVE GOT A LAYPERSON UP HERE, I COULD HAVE TURNED THAT PERSON INSIDE OUT AND MADE THAT PERSON THINK THAT I COULD COMPEL THE LAWYER TO REVEAL THE WORK PRODUCT BETWEEN THAT LAWYER AND THE PUBLIC OFFICIAL THAT LAWYER IS REPRESENTING. BUT DEALING WITH SOMEBODY WHO KNOWS THE LAW, THAT PERSON IS AWARE OF THE PRIVILEGED NATURE OF THAT COMMUNICATION, JUST LIKE THE DOCTOR-PATIENT PRIVILEGE, THE HUSBAND-WIFE PRIVILEGE, OR THEY NOW WOULD SAY THE SPOUSE TO SPOUSE, UNLESS THERE IS A SPECIFIC CHANGE BY STATUTE, BECAUSE NOT EVERYTHING IN THE COMMON LAW OBTAINS IN NEBRASKA IF A STATUTE SAYS SOMETHING TO THE CONTRARY. BUT FOR THOSE WHO ARE LAYPERSONS, ANY LAW PASSED BY THE LEGISLATURE IN DEROGATION OF THE COMMON LAW, OR WHICH MEANS IT CHANGES OR DEVIATES FROM THE COMMON LAW, IS STRICTLY CONSTRUED. THAT STATUTE IS GOING TO DO AWAY WITH AS LITTLE OF THE COMMON LAW AS THE COURT CAN MAKE POSSIBLE. SO

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SINCE THERE'S NO SUCH THING AS A COMMON LAW CRIME, AND CRIMES EXIST ONLY WHEN THE STATE DEFINES THEM, EVERY CRIMINAL LAW IS STRICTLY CONSTRUED. THERE'S NO GIVING THE STATE THE BENEFIT OF THE DOUBT. THE STATE MUST PROVE EVERY ELEMENT OF AN OFFENSE BEYOND A REASONABLE DOUBT WITHOUT ANY ASSISTANCE FROM THE ACCUSED PERSON BECAUSE UNDER THE FIFTH AMENDMENT TO THE CONSTITUTION, NOBODY IS REQUIRED TO TESTIFY AGAINST HIMSELF OR HERSELF OR SAY ANYTHING THAT COULD INCRIMINATE HIMSELF OR HERSELF. BUT TO PROCEED WITH MY AMENDMENT, DO YOU KNOW WHAT? TIME FLIES WHEN YOU'RE HAVING FUN. I ONLY HAVE AN HOUR AND SIX MINUTES LEFT. WHY, I WON'T EVEN GET THROUGH ALL OF THE AMENDMENTS THAT I'M GOING TO MAKE ON SECTION 1. BUT I GUESS IF IT DOESN'T KILL US, IT MAKES US STRONGER. I DID NOT OFFER THIS AMENDMENT BECAUSE I'M INTERESTED IN DOING AWAY WITH THE LAWYER-CLIENT PRIVILEGE; THAT IS ABSOLUTELY ESSENTIAL TO THE PROPER FUNCTIONING OF THE LEGAL SYSTEM WHICH IS BASED ON A PERSON BEING ENTITLED TO COUNSEL. AND IF THE COMMUNICATIONS BETWEEN THE LAWYER AND THE CLIENT COULD BE FORCIBLY DISCLOSED, THEN YOU'RE MAKING THE PERSON TESTIFY AGAINST HIMSELF OR HERSELF. LAWYERS ARE OFTEN HELD UP TO CONTEMPT, SCORN, DEGRADING, DEBASING JOKES, BUT THE FIRST THING A PERSON THINKS OF WHEN THEY'RE IN TROUBLE: I'VE GOT TO GET A LAWYER. AND EVEN THESE CORPORATIONS WHO CONDEMN THE DEFENSE LAWYERS HAVE LAWYERS REPRESENTING THEM, EVEN WHEN THEY MAKE THOSE SWEEPING, ALL-INCLUSIVE COMMENTS OF A NEGATIVE VARIETY ABOUT LAWYERS. YOU KNOW WHAT A LAWYER HAS TO DO? DOESN'T HAVE TO DO IT, BUT ONCE A LAWYER UNDERTAKES TO DEFEND SOMEBODY, A LAWYER HAS TO DO IT. A LAWYER HAS TO DEFEND A CLIENT ZEALOUSLY. A LAWYER,... [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...IN A SENSE, IS THE ONE WHO HAS TO MAKE SURE THAT THE CRIMINAL JUSTICE SYSTEM FUNCTIONS AS IT SHOULD. THE STATE HAS ALL THE COERCIVE POWER. IT HAS ALL THE RESOURCES NEEDED TO OVERCOME, OVERWHELM ANY INDIVIDUAL, EVEN SOMEBODY LIKE DONALD TRUMP WHO RIGHT NOW IS BEGINNING TO THINK THAT HE IS MORE OR LESS UNTOUCHABLE. I'M GOING TO TURN ON MY LIGHT, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB1109]

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SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD AFTERNOON. I RISE IN OPPOSITION TO FA95 AND IN CONTINUED SUPPORT OF LB1109, BUT I DO HAVE A QUESTION FOR SENATOR CHAMBERS IF HE WOULD ANSWER. [LB1109]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB1109]

SENATOR CHAMBERS: YES. [LB1109]

SENATOR MURANTE: SENATOR CHAMBERS, DO I RECALL YOUR...YOU STATING EARLIER TODAY, I BELIEVE IT WAS SHAKESPEARE, ARTICULATING THE POINT THAT LAWYERS SHOULD BE...WE SHOULD JUST DISPENSE WITH LAWYERS WAS THAT ABOUT CORRECT? [LB1109]

SENATOR CHAMBERS: THOSE WERE WORDS WHERE A GUY HAD STATED THE FIRST THING WE DO, LET'S KILL ALL THE LAWYERS. BUT IT WAS NOT MEANT TO SAY THAT LAWYERS WERE UNWORTHY, BUT THAT THEY WERE THE LINE OF DEFENSE BETWEEN ANARCHY AND ORDERLY SOCIETY. BUT PEOPLE MISINTERPRET THAT AS A SLAM AGAINST ALL LAWYERS. [LB1109]

SENATOR MURANTE: SO THEN WHEN YOU WERE SEEKING OUT LAWYERS ON THE FLOOR LIKE SENATOR HANSEN, THIS WASN'T SOMETHING...WE SHOULDN'T BE WORRIED FOR SENATOR HANSEN'S SAKE, IS THAT CORRECT? [LB1109]

SENATOR CHAMBERS: NO, IT'S BECAUSE I RESPECT HIS KNOWLEDGE AND I WANTED SOMEBODY...THEM TO SEE THAT WHAT I'M SUGGESTING IS WHAT A LAWYER WOULD AGREE TO SO THEY'D KNOW THAT I'M NOT JUST MANUFACTURING THINGS. [LB1109]

SENATOR MURANTE: OH, I UNDERSTAND COMPLETELY. I'M JUST WORRIED FOR MY FRIEND SENATOR HANSEN, AND I ALWAYS HAVE HIS BACK. SO I COULD URGE THE BODY TO OPPOSE FA95 AND CONTINUE TO SUPPORT LB1109. THANK YOU, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. SENATOR COOK, YOU'RE RECOGNIZED. [LB1109]

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SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I RISE TODAY BECAUSE I REALIZE THAT I'M ONE OF THE FEW VOTING NONVOTING OR NO OR IN LACK OF SUPPORT FOR MY FRIEND'S BILL, LB1109, AND I HAVE NOT GONE ON RECORD TO EXPLAIN MY POSITION ON THE BILL. SO I WANT TO DO THAT AT THIS TIME. WHEN I SPOKE WITH REPRESENTATIVES OF THE UNIVERSITY ABOUT THE BILL PROPOSAL AND FIRST LEARNED OF IT, MY INITIAL RESPONSE WAS, OOH, THAT DOESN'T SOUND LIKE THE KIND OF BILL I RAN FOR OFFICE TWICE TO SUPPORT NOT BECAUSE I'M NOT IN SUPPORT OF THE MISSION, VISION, VALUES OF THE UNIVERSITY OF NEBRASKA-LINCOLN BUT BECAUSE I RAN AND I WANT TO SERVE TO ENSURE THAT ALL PROCESSES, AS THEY ARE DRIVEN AND THE POLICY IS WRITTEN HERE AT THE STATE OF NEBRASKA, ARE PUBLIC AND INCLUSIVE AS POSSIBLE. I RECOGNIZE AS AN INSTITUTION, GIVEN THE HISTORY OF OUR STATE AND THE HISTORY OF THE UNITED STATES, THAT FOR MANY REASONS THAT HAS NOT OCCURRED. AND ON ITS FACE, ABSOLUTELY, I BELIEVE WHEN PEOPLE DESCRIBE TO ME THEIR INTENT IN BRINGING THE BILL, BUT I SIMPLY CAN'T SUPPORT A BILL THAT'S GOING TO GIVE ME FEWER OPPORTUNITIES TO LEARN THE BACKGROUNDS, THE INTERESTS OF THE PEOPLE WHO ARE GOING TO BE RUNNING THE UNIVERSITY OR PERHAPS TEACHING AT THE UNIVERSITY, DOING RESEARCH UNDER THE AUSPICES OF THE UNIVERSITY. I CANNOT DO THAT, ESPECIALLY AT THIS JUNCTURE, AND THAT IS WHAT I THINK THIS BILL WOULD DO. SO WITH THAT, MR. PRESIDENT, I WOULD YIELD THE BALANCE OF MY TIME TO SENATOR CHAMBERS IF HE WOULD LIKE IT. [LB1109]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 3:01. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR COOK. AND NOT BEING PATRONIZING, BUT SHE SUMMED UP EVERY ARGUMENT THAT I WOULD OFFER. IT WOULD BOIL DOWN TO WHAT SHE SAID. WHAT MY ROLE IS HERE TODAY IS TWOFOLD: TO DELIVER ON A PROMISE I MADE, THAT I CAN TAKE THE FOUR HOURS VIRTUALLY ALONE BECAUSE SENATOR MURANTE FELT HE HAD TO HORN IN AND TAKE AWAY SOME OF MY GLORY. BUT ALSO, THIS ISN'T THE ONLY BILL WHERE THIS CAN OCCUR. AND I'M BEGINNING TO LIKE LESS AND LESS THE PROCESS THAT IS UNFOLDING IN THIS LEGISLATURE. AND ONE OF THEM, AS I SAID EARLIER, IS ALL THOSE BILLS THAT PEOPLE ARE TRYING TO GET ON CONSENT CALENDAR. BUT THAT'S WHAT THE SPEAKER GETS PAID FOR AND HE CAN HANDLE IT, BUT AS A MEMBER OF THE LEGISLATURE, IT DOESN'T MEAN THAT I CANNOT SEE SOMETHING DEVELOPING THAT IS NOT WHOLESOME AND IT'S ON THE PART OF THE MEMBERS. AND I MAY HAVE SAID TO SOMEBODY AND MAYBE I DIDN'T, I THINK I SAID: HERE THEY'RE LUCKY THAT

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THERE IS A KIND PERSON LIKE SENATOR HADLEY, AND I'M NOT CHEESING UP TO HIM, WHO WILL TRY TO ACCOMMODATE PEOPLE INSTEAD OF A SIMON LEGREE SUCH AS ME WHO WOULD SAY, UH-UH, THAT'S NOT GOING TO GO. THAT LEGISLATION IS OF NO EARTHLY VALUE. AND IN FACT, IF YOU CAN BRING ME LEGISLATION THAT HAS NO OPPOSITION, THAT'S WHEN I KNOW I DID THIS, I CITE THE LORAN SCHMIT FORMULA: IT DOESN'T HELP ANYBODY, IT DOESN'T HURT ANYBODY, IT DOESN'T COST ANYTHING, DOESN'T DO ANYTHING. BUT FOR MY COLLEAGUES WHO PRAY EVERY MORNING IN HERE, I'LL QUOTE A SCRIPTURE FOR YOU, AND THIS IS MAINLY FOR SENATOR STINNER. HE ALWAYS ASKS ME WHEN WE'RE GOING TO GET A BIBLE LESSON AGAIN. WELL, HERE IT IS, SENATOR STINNER. IT SAYS: WOE UNTO YOU, WHEN ALL MEN SPEAK WELL OF YOU. I APPLY IT TO A BILL. WOE UNTO THE BILL, WHEN ALL SPEAK WELL OF IT. SOMETHING IS WRONG WITH IT, UNLESS YOU DON'T BELIEVE THE BIBLE, OF COURSE. BUT IF YOU DO BELIEVE THE BIBLE, THEN... [LB1109]

SPEAKER HADLEY: ONE MINUTE... [LB1109]

SENATOR CHAMBERS: ...IF YOU BRING A BILL TO ME IT'S CURTAINS. [LB1109]

SPEAKER HADLEY: ...BUT YOU ARE NEXT IN THE QUEUE. [LB1109]

SENATOR CHAMBERS: YOU SAID ONE MINUTE? [LB1109]

SPEAKER HADLEY: ONE MINUTE AND YOU'RE NEXT IN THE QUEUE. [LB1109]

SENATOR CHAMBERS: OH, THANK YOU. WHAT I WAS GETTING READY TO SAY WITH REFERENCE TO THE LAWYERS, AND SINCE I'M NEXT IN THE QUEUE--AND I LEARNED A SPANISH WORD...A FRENCH WORD, NEXT IN THE QUEUE--WHAT LAWYERS DO IS WHAT SOCIETY WILL CONDEMN THEM FOR DOING UNLESS THEY FALL INTO A SITUATION WHERE THE LAWYER MUST DO FOR THEM WHAT THEY CONDEMN THE LAWYER FOR DOING FOR SOMEBODY ELSE. IN AMERICA, CONTRARY TO WHAT PEOPLE SAY, THEY DON'T WANT TO SEE 100 GUILTY PERSONS ESCAPE RATHER THAN PUNISH 1 INNOCENT PERSON; THEY'D RATHER PUNISH 100 INNOCENT PEOPLE ON THE CHANCE THAT SOMEBODY IS GUILTY... [LB1109]

SPEAKER HADLEY: YOU'RE ON YOUR OWN TIME, SENATOR. [LB1109]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT--CHANCE THAT SOMEBODY WHO IS GUILTY MAY ESCAPE. THIS SOCIETY IS FICKLE. YOU WANT A LAWYER TO BE CAPABLE IF HE OR SHE IS DEFENDING YOU AND THAT IS THE LAWYER'S JOB. BUT HERE'S THE EXAMPLE I GIVE. IF IT'S ADOLF EICHMANN WHO IS THE ONE WHO IS THE ARCHITECT OF THE SO-CALLED FINAL SOLUTION AND ANYBODY JEWISH KNOWS WHAT THAT MEANS, ANYBODY WHO STUDIED THE WAR KNOWS WHAT THAT MEANS, IF IT'S ADOLPH HITLER, AND ADOLPH HITLER HAS A DOPPELGANGER IN AMERICA RIGHT NOW NAMED DONALD TRUMP, LOOK UP DOPPELGANGER IN THE DICTIONARY. IT'S A GERMAN WORD. IF IT'S JACK THE RIPPER, IF IT IS MATA HARI, AND THEY ARE CHARGED WITH A CRIME, THEY ARE ENTITLED TO REPRESENTATION. NO LAWYER IS COMPELLED TO DEFEND ANYBODY. BUT IF A LAWYER UNDERTAKES THE DEFENSE OF A PERSON, THE LAWYER IS HONOR-BOUND TO PROVIDE THE BEST DEFENSE AVAILABLE. AND WHEN A LAWYER TAKES A CASE, IT DOES NOT MEAN THAT THE LAWYER AGREES WITH WHAT A PERSON IS ACCUSED OF HAVING DONE. AND UNTIL ALL OF THE ADMISSIBLE EVIDENCE HAS BEEN INTRODUCED AND WEIGHED AND THE EVIDENCE HAS SUFFICIENT WEIGHT TO FIND EVERY ELEMENT OF THE CRIME BEYOND A REASONABLE DOUBT, ONLY THEN IS THAT PERSON CONVICTED. ANYTHING LESS AND THAT PERSON IS NOT GUILTY. THAT PERSON BEFORE THE LAW IS AS INNOCENT AS YOU THINK JESUS CHRIST WAS, EVEN THOUGH HE WAS SUBJECTED TO CAPITAL PUNISHMENT AS A COMMON CRIMINAL. SO IF YOU GO BY THE PUNISHMENT, OR THE FACT THAT SOMEBODY WAS PUT IN THE POSITION OF ONE WHO HAD COMMITTED A CRIME, WHETHER HE OR SHE HAD OR NOT, THEN JESUS WAS A CONVICTED FELON. AND SINCE THE STATE SAID HE SHOULD BE EXECUTED, HE SHOULD HAVE BEEN EXECUTED AND HE HAD IT COMING. AND HE WAS A CRIMINAL, WHATEVER YOU SAY HE WAS. BUT YOU DON'T LIKE THAT ABOUT JESUS, DO YOU? BUT THERE ARE MANY INNOCENT PEOPLE IN JAIL CELLS, RIGHT NOW, INNOCENT PEOPLE MOLDERING IN GRAVES, BECAUSE THEY WERE IMPROPERLY CONVICTED AND UNJUSTLY AND CRIMINALLY EXECUTED BY THE STATE. AND THAT HAS HAPPENED. PEOPLE WERE OUTRAGED THE OTHER DAY, INCLUDING LAW ENFORCEMENT OFFICERS IN MARYLAND, WHEN A BLACK COP WAS SHOT AND ALL THE COPS WERE HOLDING HANDS IN MOURNING. A BAD GUY HAD A GUN. BUT YOU KNOW WHAT HAPPENED WHEN THE FACTS CAME IN? A GOOD GUY WITH A GUN SHOT HIM AND SHOT HIM DELIBERATELY. THE COP WAS BLACK, DOING UNDERCOVER WORK RIGHT NEAR THE POLICE STATION. AND THE WHITE COP WHO SHOT HIM SAID, WELL, I DIDN'T RECOGNIZE HIM AND I SAW HIM AS A THREAT. HE SAW HIS COLOR LIKE MINE AND THAT WAS A THREAT AND SHOT HIM DEAD ON PURPOSE. BUT THAT'S NOT THE WAY THE STORY CAME UP ORIGINALLY. AND THERE ARE OTHER INSTANCES WHERE POLICE ENGAGED IN MISCONDUCT. ONE IN DALLAS WAS JUST CHARGED WITH

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MURDER FOR HAVING SHOT A 16-YEAR-OLD BLACK SUPPOSED SUSPECT. A STATE TROOPER PLEADED GUILTY BECAUSE THEY CAUGHT HIM IN A VIDEO IN A FILLING STATION WHERE HE PULLED UP AND DECIDED TO MESS WITH A YOUNG BLACK GUY AND TOLD HIM TO GET IDENTIFICATION. YOUNG GUY WENT IN THE CAR AND GOT THE IDENTIFICATION AND CAME OUT AND THE COP UNLOADED ON HIM. AND HE WOULD HAVE BEEN EXONERATED IF IT WASN'T FOR THE VIDEO. AND IN ALL OF THESE CASES, THE POLICE UNION DEFENDS... [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...THESE GUYS. AND AS ROTTEN AS THESE COPS ARE, AND I USE THEM AS THE EXAMPLE BECAUSE I THINK PEOPLE ARE AWARE OF HOW I FEEL ABOUT WRONGDOING COPS, IF A LAWYER UNDERTAKES TO DEFEND ONE OF THOSE RATS, HE OWES THAT RAT THE BEST POSSIBLE DEFENSE HE CAN MOUNT--HE OR SHE. AND THAT LAWYER MUST MAKE SURE THAT BEFORE THE STATE... [LB1109]

SPEAKER HADLEY: TIME, SENATOR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1109]

SENATOR CHAMBERS: THAT LAWYER SHOULD MAKE SURE THAT BEFORE THE STATE--AND THIS IS THE LAWYER'S JOB--MAKE SURE THE STATE DOTS EVERY I, CROSSES EVERY T, AND DOES EVERYTHING THAT IS REQUIRED UNDER THE LAW BEFORE THE COERCIVE POWER OF THE STATE CAN BE BROUGHT TO BEAR AGAINST THAT COP THAT I WOULD REFER TO AS A RAT. SEE, I GOT SENSE ENOUGH TO KNOW WHAT THE LAW IS SUPPOSED TO DO, THE ROLE THAT LAWYERS PLAY. AND PEOPLE OUGHT TO BE GLAD THAT THERE ARE PEOPLE IN THIS SOCIETY WHO WILL BE LAWYERS AND DO THE JOB THE WAY A LAWYER IS SUPPOSED TO DO IT, DESPITE THE CONDEMNATION, THE CRITICISM, THE RIDICULE, OFTEN THE HATRED. AND THERE ARE LAWYERS WHO HAVE BEEN KILLED FOR HAVING PROVIDED DEFENSE FOR A PERSON WHO WAS ACCUSED. NOW YOU'RE NOT GOING TO DEFEND ADOLPH EICHMANN. YOU'RE NOT GOING TO DEFEND ADOLPH HITLER. YOU'RE NOT GOING TO DEFEND JACK THE RIPPER. YOU'RE NOT GOING TO DEFEND MATA HARI. BUT IF I SAY, WHAT ABOUT MOTHER TERESA? I WILL, I WILL. HOW ABOUT MARTIN LUTHER KING? I WILL, I WILL. WHAT ABOUT MAHATMA GANDHI? OH, I CERTAINLY WILL. WHAT CREDIT ARE YOU DUE? IT'S THOSE PEOPLE WHO ARE WILLING TO BE LIKE THE SALMON AND SWIM UPSTREAM AND THEY RUN THE SAME RISK THAT A SALMON DOES BECAUSE THERE ARE LARGE BEARS AND OTHER BIG PREDATORS WHO WAIT FOR

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THESE SALMON, THEY LIE IN WAIT KNOWING THAT THEY COME. THEY'RE GOING TO JUMP OUT OF THE WATER AND YOU SNAG THEM. AND THAT'S WHAT THESE LAWYERS ARE DOING. NOT EVERY LAWYER IS A SAINT. THERE IS ONLY ONE LAWYER WHO THEY TURNED INTO A SAINT AND THAT WAS THOMAS MORE. HE CARED SO MUCH ABOUT THE LAW HE LOST HIS HEAD OVER THE LAW. ACTUALLY, IT WAS MORE THAN JUST THAT, BUT HE IS CONSIDERED THE PATRON SAINT OF LAWYERS. SO I WANTED TO OFFER THIS AMENDMENT TO GIVE ME A CHANCE TO TALK ABOUT THE LAWYERS. THOSE LAWYERS WHO DOWN SOUTH WILL LOOK AT A BLACK MAN AND KNOW THAT HE DID NOT COMMIT THE CRIME OF WHICH HE WAS ACCUSED AND THAT EVERYBODY IN THAT COMMUNITY WOULD HATE THE LAWYER AND MAYBE TAKE ACTION AGAINST THE LAWYER AND THE LAWYER'S FAMILY IF THE FAMILY WAS AVAILABLE BECAUSE THAT IS WHAT THOSE KIND OF PEOPLE DID--COWARDS. AND HE WOULD DEFEND THE PERSON. ONE OF THE HEROES THEY TALK ABOUT IN LITERATURE, CREATED BY A WOMAN, WAS CONSIDERED TO HAVE BEEN DEFAMED BY THE SAME WOMAN WHEN SHE WROTE ANOTHER BOOK ABOUT HIM AT A DIFFERENT POINT IN HIS LIFE. AND THEY TREATED THIS GUY AS THOUGH HE WAS A REAL LIVE BREATHING HUMAN BEING, AND PEOPLE WENT INTO SHOCK, SOME OF THEM HAD STROKES, SOME OF THEM WERE DEPRESSED BECAUSE ATTICUS FINCH WAS SHOWN TO BE IN REALITY WHAT HE WAS. AND THEY THOUGHT SHE SHOULD NOT HAVE DONE THAT AND SOME WISHED THAT SHE HAD DIED BEFORE SHE HAD WRITTEN THAT BOOK, THE SECOND ONE. AND THEY SAID THAT THE TITLE OF HER FIRST BOOK, TO KILL A MOCKINGBIRD, SHOULD HAVE BEEN APPLIED TO HER, AND SHE SHOULD HAVE BEEN THE MOCKINGBIRD THAT PEOPLE WOULD HAVE DONE THINGS TO KILL. PEOPLE IN AMERICA ARE CRAZY. THEY ARE SILLY. THEY ARE FOOLISH. [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: AND THEY TALK A GOOD GAME AND THEN EVERYTHING THEY DO IS CONTRARY TO IT. THEN WHEN THEY'RE CRITICIZED FOR IT THEY FEEL LIKE THEY'RE A VICTIM. THEN DON'T PROFESS TO BE SOMETHING THAT YOU'RE NOT BECAUSE THERE ARE PEOPLE WHO ARE WATCHING YOU. AND WHEN THEY CALL YOU WHAT YOU ARE, DON'T GET ANGRY AT THE PEOPLE WHO CALLED YOU WHAT YOU ARE, BE ANGRY AT YOURSELF EITHER FOR BEING THAT OR BEING THAT SO FOOLISHLY YOU GET CAUGHT DOING IT. THANK YOU, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU'RE IN THE QUEUE, AND THIS IS ALSO YOUR CLOSING. [LB1109]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. BUT KNOWING ME AS YOU DO, YOU KNOW THAT I'M NOT THROUGH. THIS IS FA95. SO YOU KNOW, IF YOU CAN COUNT, THAT THE NEXT AMENDMENT WILL BE FA96. AND IF SOMEBODY RUBS ME THE WRONG WAY, INSTEAD OF JUST TALKING I MIGHT SPEND SOME TIME SINGING. AND I MIGHT SING ABOUT SHERRY, BABY, WITH HER RED DRESS ON. THAT'S A LITTLE IN-HOUSE JOKE. EVERYTHING THAT I'M DOING HERE IS FOR THE PURPOSE, ULTIMATELY, OF TRYING TO KEEP THIS BILL FROM MOVING FORWARD. I OFFERED THAT AMENDMENT, AS I SAID, TO GIVE THE LAWYERS THE CONSIDERATION TO WHICH THEY ARE ENTITLED. THOSE WHO ARE WILLING TO DO THE WORK OF A LAWYER, WHEN ANYBODY WOULD SAY, EVEN IF HE OR SHE IS A GOOD LAWYER, I'D RATHER BE DOING SOMETHING ELSE, ANYPLACE ELSE. BUT SOMEBODY HAS TO DO IT. AND AFTER THOSE PEOPLE HAVE DONE IT AND MAYBE HAVE BEEN REVEILED WHILE THEY WERE ALIVE, WHEN THEY ARE SAFELY IN THE GROUND, ENOUGH YEARS HAVE PASSED, THEN THEY BECOME LIONIZED AND HEROES. THEY'RE HELD UP AS PROFILES IN COURAGE. BUT THAT IS NOT THE WAY THEY WERE VIEWED WHILE THEY WERE ALIVE. I DON'T REMEMBER IF THIS GUY WAS SAMUEL TAYLOR COLERIDGE, BUT SOMEBODY WROTE A POEM CALLED OZYMANDIAS. AND ALL THAT WAS LEFT THAT I RECOLLECT, AND I MAY NOT BE REMEMBERING IT CORRECTLY, JUST TWO LEGS. AND ON TOP OF THOSE LEGS HAD BEEN A HUGE STATUE AND THERE WAS AN INSCRIPTION THAT INDICATED THIS GUY WAS GREAT, HIS KINGDOM WAS GOING TO LAST FOREVER, AND NOW THIS IS ALL THAT WAS LEFT. BEFORE THAT HAPPENED, THEN PEOPLE MIGHT HAVE THOUGHT HE REALLY WAS GOING TO BE THERE FOREVER. BUT THEY RECKONED WITHOUT AWARENESS OF HOW FORTUNES CHANGE AND THAT THINGS DON'T REMAIN FOREVER THE WAY THEY ARE AT THE MOMENT. AND MY VIEW, WHILE A MEMBER OF THIS LEGISLATURE, HAD BETTER BE THAT THINGS ARE NOT GOING TO REMAIN FOREVER THE WAY THEY ARE AT THE MOMENT BECAUSE I AM THE GARBAGE MAN. I DO HAVE TO COME BEHIND PEOPLE WHEN WE GET TRASH LEGISLATION LIKE THIS, WHICH GOES AGAINST ALL THE THINGS THE SENATORS SAY THEY BELIEVE IN: REPRESENTING THE PEOPLE, DOING THE PEOPLE'S BUSINESS BEFORE THE PEOPLE, MAKING SURE THEY DO NOT HAVE A DIVIDED LOYALTY. AND MAYBE WHAT I NEED TO DO IS FIND MY VERSION OR MY COPY OF THAT SUPREME COURT CASE THAT I QUOTED FROM EARLIER BECAUSE THE COURT SAID IT BETTER THAN I COULD SAY IT. AND THE COURT FOUND SOMEBODY WHO COULD SAY IT BETTER THAN THEY COULD SAY IT BECAUSE THEY WERE QUOTING THE SUPREME COURT FROM ANOTHER STATE. AND THAT INDICATED THAT THERE WAS A GREAT AMOUNT OF TRUTH IN THE PROPOSITION THAT THE COURT WAS SETTING FORTH. [LB1109]

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SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: AND IT HAD TO DO WITH THE DUTY THAT IS OWED BY A PUBLIC OFFICIAL TO THE PUBLIC. AND THAT DUTY IS NOT BEING PROPERLY DISCHARGED IF THE LEGISLATURE ACCEPTS A BILL LIKE THIS. A DAY WILL COME WHEN PEOPLE WILL WANT TO SEPARATE THEMSELVES FROM IT AND SAY, YEAH, WELL THAT WASN'T GOOD AND MAYBE I SHOULDN'T HAVE DONE IT. BUT I WANT THE RECORD TO BE CLEAR THAT THERE WAS OPPORTUNITY AFTER OPPORTUNITY FOR THE SENATORS TO COME TO THEIR SENSES, REMEMBER THE PROMISES THAT THEY MADE, THE CONVERSATIONS THEY ENGAGED IN WHERE TRANSPARENCY WAS THE WORD SPOKEN AD NAUSEAM. AND THEN WHEN WE COME TO SOMETHING VERY IMPORTANT THAT IS INVOLVING THE PUBLIC INSTITUTION, WHICH AS I CALL IT THE FLAGSHIP UNIVERSITY IN THIS STATE, AND THE PUBLIC IS TO BE SHUT OUT OF THE PROCESS AND WHEN SENATOR MURANTE WANTS TO SAY HOW MUCH TRANSPARENCY THERE IS, I DON'T KNOW WHY ALL... [LB1109]

SPEAKER HADLEY: TIME, SENATOR. [LB1109]

SENATOR CHAMBERS: ...THE MEDIA--THANK YOU, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS...SENATOR CHAMBERS. [LB1109]

SENATOR CHAMBERS: I WOULD ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB1109]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GOES UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1109]

ASSISTANT CLERK: 18 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER

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CALL. SENATORS McCOLLISTER, WATERMEIER, MORFELD, WILLIAMS, BURKE HARR, RIEPE, BOLZ, GLOOR, BAKER, DAVIS, SMITH, BRASCH, SCHILZ, SCHUMACHER, JOHNSON, FRIESEN, AND HILKEMANN, THE HOUSE IS UNDER CALL. SENATOR MORFELD, SENATOR BURKE HARR, SENATOR GLOOR, SENATOR DAVIS, SENATOR SMITH, SENATOR SCHUMACHER, SENATOR FRIESEN, SENATOR HILKEMANN, THE HOUSE IS UNDER CALL. SENATOR MORFELD, IF YOU WOULD CHECK IN, PLEASE. HOW WOULD YOU LIKE TO PROCEED, SENATOR CHAMBERS? [LB1109]

SENATOR CHAMBERS: ROLL CALL, REGULAR ORDER. [LB1109]

SPEAKER HADLEY: MR. CLERK, THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. [LB1109]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1060-1061.) THE VOTE IS 2 AYES, 32 NAYS, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THE AMENDMENT...THE MOTION FAILS, I RAISE THE CALL. MR. CLERK. [LB1109]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE ON FA95. [LB1109]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1109]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I COULD GO AROUND THIS CHAMBER AND I WOULD HAVE TO SAY THIS SAME THING 32 TIMES: ET TU, BRUTE? RIGHT DOWN THE LIST. BUT THESE ARE AMENDMENTS THAT NOBODY COULD VOTE FOR, NOT EVEN TO MAKE A POINT. AND WHILE I'M DOING THIS THAT HAS PEOPLE TIRED, I'M GOING TO BE ARROGANT AND I'M GOING TO BE-- NOT POMPOUS, I'M NOT BIG ENOUGH TO BE POMPOUS--IMMODEST. IF YOU PUT A QUESTION TO THE PEOPLE OF NEBRASKA, WHO IS THE BEST KNOWN PERSON IN POLITICS? I BET I'D BE NAMED MORE THAN ANYBODY ELSE. THEN THERE'S A FOLLOW-UP QUESTION, WHO IS THE MAN YOU HATE THE MOST IN NEBRASKA? IT WOULD BE THE SAME PERSON. BUT IF YOU WERE IN TROUBLE, WHO WOULD YOU RATHER HAVE HELP YOU? BE THE SAME PERSON. I KNOW THINGS AND I CAN DEAL WITH REALITY. AND EVEN AROUND HERE, IF PEOPLE WERE HONEST, THEY WOULD ASK WHO WOULD YOU LIKE LEAST, WHO WOULD YOU WANT

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LEAST TO BE AGAINST YOU? WE KNOW WHO THAT IS. WHO WOULD YOU MOST WANT TO BE FOR YOU? AND I KNOW WHO THAT WOULD BE BECAUSE I'VE HAD THAT HAPPEN TO ME IN BOTH INSTANCES. BUT I NOT ONLY SURVIVED, I THRIVE. YOU KNOW WHY I SAY THRIVE? BECAUSE "THRIVE" RHYMES WITH "SURVIVE" AND ALL THE GOOD, MEANINGFUL WORDS DO RHYME WITH EACH OTHER. I'VE GOT SOMETHING THAT I'M GOING TO READ THAT I HAVE BEEN PARAPHRASING BECAUSE I WANT IT IN THE RECORD. THIS COMES FROM THE CASE OF STATE v. DOUGLAS, 217 NEB. 199, PAGE 225. THE SUPREME COURT OF NEBRASKA SPEAKING: WE BELIEVE THAT THE ATTORNEY GENERAL--AND SUBSTITUTE YOURSELVES FOR WHAT IS BEING SAID ABOUT THE ATTORNEY GENERAL--WE BELIEVE THAT THE ATTORNEY GENERAL HAD THE DUTY OF SERVING THE PUBLIC WITH UNDIVIDED LOYALTY. UNDIVIDED LOYALTY. AND YOU ALL WANT TO TALK ABOUT CONSERVATIVE MEANS INTEGRITY. AS THE CAMEL SAID IN ONE OF RUDYARD KIPLING'S PLAYS, "HMMPF", AND THAT'S WHY HE GOT A HUMP, BASED ON KIPLING. I'M GOING TO CONTINUE. UNINFLUENCED IN HIS OFFICIAL ACTIONS, BY ANY PRIVATE INTEREST OR MOTIVE WHATEVER. MR. HAWKS HAS SOME PRIVATE MOTIVES AND YOU ALL ARE COCONSPIRATORS. YOU ARE ALL AIDERS AND ABETTORS. THEY SAID THAT THE PERSON WHO WILL BITE THE HAND THAT FEEDS IT WILL LICK THE BOOT THAT KICKS IT. AS STATED, BY CHIEF JUSTICE VANDERBILT OF THE SUPREME COURT OF NEW JERSEY IN THE CASE OF DRISCOLL V. BURLINGTON-BRISTOL BRIDGE COMPANY, 8 N.J. 433, 474-476, 86 A.2d 201, 221-22, 1952. PUBLIC OFFICERS STAND IN A FIDUCIARY RELATIONSHIP TO THE PEOPLE WHOM THEY HAVE BEEN ELECTED OR APPOINTED TO SERVE. AS FIDUCIARIES AND TRUSTEES OF THE PUBLIC WEAL--WEAL--THEY ARE UNDER AN INESCAPABLE OBLIGATION TO SERVE THE PUBLIC WITH THE HIGHEST FIDELITY. IN DISCHARGING THE DUTIES OF THEIR OFFICE, THEY ARE REQUIRED TO DISPLAY SUCH INTELLIGENCE AND SKILL AS THEY ARE CAPABLE OF, TO BE DILIGENT AND CONSCIENTIOUS, TO EXERCISE THEIR DISCRETION NOT ARBITRARILY BUT REASONABLY, AND ABOVE ALL TO DISPLAY GOOD FAITH, HONESTY AND INTEGRITY. THEY MUST BE IMPERVIOUS TO CORRUPTING INFLUENCES AND THEY MUST TRANSACT THEIR BUSINESS FRANKLY AND OPENLY IN THE LIGHT OF PUBLIC SCRUTINY. I'M GOING TO READ THAT AGAIN FOR EMPHASIS AND SO THAT IT CAN BE IGNORED TWICE. THEY MUST TRANSACT THEIR BUSINESS FRANKLY AND OPENLY IN THE LIGHT OF PUBLIC SCRUTINY SO THAT THE PUBLIC MAY KNOW AND BE ABLE TO JUDGE THEM AND THEIR WORK FAIRLY. THESE OBLIGATIONS ARE NOT MERE THEORETICAL CONCEPTS OR IDEALISTIC ABSTRACTIONS OF NO PRACTICAL FORCE AND EFFECT; THEY ARE OBLIGATIONS IMPOSED BY THE COMMON LAW ON PUBLIC OFFICERS AND ASSUMED BY THEM AS A MATTER OF LAW UPON THEIR ENTERING PUBLIC OFFICE. AND THERE ARE PEOPLE IN THESE OFFICES WHO DO NOT TAKE THOSE

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OBLIGATIONS SERIOUSLY, DO NOT ASSUME THEM, DO NOT FEEL THE PUBLIC IS OWED ANYTHING, AND THEY CERTAINLY HAVE DIVIDED LOYALTIES. YOU OWE MORE TO MR. HAWKS THAN YOU DO TO THE PUBLIC. YOU OWE MORE TO THESE HEAD HUNTERS WHO NEED TO BE ABLE TO GO AROUND AND ROUND UP SOME PEOPLE WHO ARE THE LEAVINGS, THE SCRAPS THAT NOBODY WANTS, WHO HAVE APPLIED FOR JOB AFTER JOB AFTER JOB AND BEEN REJECTED AND THEN THEY WANT TO SAY, I DON'T WANT MY NAME OUT THERE. AND YOU KNOW WHY THEY DON'T WANT IT OUT THERE? BECAUSE THE UNIVERSITY THAT'S THINKING ABOUT HIRING THEM WOULD BE A LAUGHINGSTOCK BECAUSE IT WOULD HAVE BEEN KNOWN HOW MANY TIMES THEY'VE BEEN TURNED DOWN BY OTHER INSTITUTIONS. THAT'S WHY THEY WANT THE SECRECY. IF THEY HAD COMPETENCY AND CAPABILITY, THEY WOULDN'T WORRY. IF WE WERE TALKING ABOUT FOOTBALL, I COULD MAKE THE POINT AND YOU WOULD UNDERSTAND IT. THEY HAVE WHAT THEY CALL IN FOOTBALL A FRANCHISE PLAYER. AND THAT'S AN INDIVIDUAL WHO IS GOING TO BE THE ONE AROUND WHOM THE TEAM IS BUILT. AND THAT PERSON IS NOT FREE TO GET AWAY, BUT THAT PERSON MUST BE PAID A LOT OF MONEY. AND BECAUSE THE TEAM THAT WANTS THAT PERSON KNOWS HOW VALUABLE THAT PERSON IS, IS NOT GOING TO SAY, WELL, GO SOMEWHERE ELSE, BECAUSE THEY KNOW THAT ALL THOSE SOMEWHERE ELSE ARE JUST WAITING WITH OPEN ARMS TO RECEIVE THAT PLAYER AND PAY HIM WHATEVER HE WANTS, SO THEY WON'T LET HIM GO. BUT YOU FIND THESE PLAYERS WHO ARE AT THE END OF THEIR CAREER, THE LAST TWO SEASONS. OUT OF 32 GAMES, THEY'VE BEEN INJURED 28 OF THEM AND THEY'RE ON THE OPEN MARKET NOW. THEY'VE HAVE BEEN RELEASED. THEY'VE BEEN WAIVED, W-A-I-V-E-D. NOBODY PICKS THEM UP. NOBODY HIRES THEM. BUT THE GREAT PLAYERS, EVERYBODY WANTS THEM. AND THE GREAT PLAYERS KNOW IT AND THEY SAY IF YOU GET ME YOU'RE GOING TO HAVE TO PAY FOR ME...PAY ME AND HE'S GOING TO TELL THE TEAM HE'S WITH, YOU'RE GOING TO HAVE TO MEET THEIR OFFER. WHEN YOU'VE GOT THESE NE'ER-DO-WELLS, THEY SAY, WELL, LET'S KEEP IT SECRET. I DON'T WANT ANYBODY TO KNOW BECAUSE THEY'RE JUST LOOKING FOR A REASON TO FIRE ME AND THAT'S WHAT YOU ALL ARE GOING ALONG WITH. WHAT DO...DOES THE WORD "DIGNITY" MEAN ANYTHING TO YOU? THE UNIVERSITY, ITS DIGNITY, BECAUSE YOU WANT THE SCRAPS AND THE LEAVINGS, PEOPLE WHO HAVE TO GO SKULKING AROUND IN THE DARKNESS, NOT WILLING... [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...TO GO OUT ON THE PUBLIC STREET, GO SLINKING DOWN THE ALLEY, LEANING AGAINST THE BUILDING, IN THE SHADOWS LIKE A RAT?

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BUT THE RAT IS OBEYING THE RAT'S NATURE AND THAT'S A TACTIC FOR SURVIVAL. SO YOU CAN SEE WITHOUT BEING SEEN AND DISAPPEAR WHEN A PREDATOR COMES THAT YOU CANNOT WHIP BECAUSE BY DEFINITION IF YOU'RE THE PREY ANIMAL AND THAT'S THE PREDATOR, YOU'RE NOT GOING TO WIN IN A CONTEST. ALTHOUGH IF YOU'RE VERY COLD, VERY, VERY COLD, THEN THERE'S THE SYMBIOTIC RELATIONSHIP BETWEEN THE PREY AND THE PREDATOR. BECAUSE, IF YOU'RE VERY, VERY COLD, SENATOR RIEPE, THE BEAR EATS YOU. THE BEAR GETS A DINNER AND YOU GET A FUR COAT. SO THAT'S THE BENEFIT. HERE WE'RE TALKING ABOUT A UNIVERSITY. LOOKING FOR THE LEAVINGS... [LB1109]

SPEAKER HADLEY: TIME, SENATOR. YOU'VE HEARD THE OPENING ON THE RECONSIDER MOTION. SENATOR MURANTE, YOU ARE RECOGNIZED. [LB1109]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD AFTERNOON. AFTER CAREFUL CONSIDERATION OF SENATOR CHAMBERS' MOTION, I HAVE DECIDED THAT IT'S PROBABLY NOT THE BEST COURSE OF ACTION AND I'M GOING TO HAVE TO OPPOSE HIS RECONSIDERATION MOTION. WE ARE IN THE FINAL COUNTDOWN OF THIS FILIBUSTER. WE ARE 20 MINUTES AWAY FROM A MOTION TO INVOKE CLOTURE SO THOSE MEMBERS WHO ARE IN THEIR OFFICES, I WOULD ENCOURAGE YOU TO START MOSEYING YOUR WAY UP TO THE LEGISLATIVE CHAMBER AND HEARING THE FINAL ARGUMENTS ON THIS VERY IMPORTANT BILL. THE FLOOR AMENDMENT, FA95, AS SENATOR CHAMBERS HAS STATED, IS NOT AN ATTEMPT TO IMPROVE THE BILL IN ANY WAY. IT IS AN ATTEMPT TO RUN OUT THE CLOCK, WHICH HE HAS VERY ABLY DONE HERE TODAY. AND I WOULD ENCOURAGE YOUR OPPOSITION TO THE RECONSIDERATION MOTION, YOUR OPPOSITION TO FA95, AND I APPRECIATE YOUR CONTINUED SUPPORT OF BILL LB1109. THANK YOU, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THAT WAS NOT A VERY ENTHUSIASTIC...COME ON, WAS IT? BUT I DON'T BLAME HIM. IF I WERE THE SPEAKER, I WOULDN'T HAVE BEEN THAT ENTHUSIASTIC. I'D SAY, OH. AND IF THE SPEAKER WERE CHAMBERS, HE'D UNDERSTAND WHAT THAT MEANS AND GO AHEAD AND START TALKING, UNDERSTANDING THINGS AS CHAMBERS UNDERSTANDS THINGS. SENATOR MURANTE IS RIGHT. HE'LL OFFER A CLOTURE MOTION. BUT I'LL TELL YOU WHAT, IT'LL BE EASIER FOR ME TO LIVE WITH

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MYSELF AND WHAT I'M DOING THAN YOU, BECAUSE THE REST OF THIS SESSION I'M GOING TO REMIND YOU EVERY TIME YOU OPEN YOUR MOUTH AND THE WORD "TRANSPARENCY" COMES OUT OF IT THAT IT SHOULD BE FOLLOWED BY "HYPOCRITE" BECAUSE THAT'S WHAT IT IS. YOU TALK ABOUT THE PUBLIC, BIG GOVERNMENT, AND YOU DON'T EVEN WANT THE GOVERNMENT THAT DOES EXIST AT THE UNIVERSITY TO CARRY OUT ITS BUSINESS IN PUBLIC. WHAT ARE YOU HYPOCRITES TALKING ABOUT? OR YOU ONLY MEAN IN CERTAIN SITUATIONS WHERE YOU CAN TALK ABOUT THOSE ON THE LEFT AND THOSE ON THE RIGHT AND NEITHER ONE OF THEM IS RIGHT IN THE SENSE OF BEING CORRECT. BUT I SAID I WOULD TAKE US FOUR HOURS AND I'LL TAKE ADDITIONAL TIME ON FINAL READING. AND A LOT OF YOU ARE NOT COMING BACK, SO WHAT...IF I WAS ONE OF THESE KIND OF PEOPLE WHO WAS WORRIED ABOUT SOMEBODY GETTING EVEN WITH ME, YOU'RE NOT GOING TO BE HERE TO GET EVEN WITH ME. AND THOSE OF YOU WHO COME BACK AND YOU TRY TO GET EVEN WITH ME, I'LL GET EVEN WITH YOU AND YOU'LL HAVE 90 DAYS TO DEAL WITH ME INSTEAD OF 60. IF THIS BILL DID NOT DEAL WITH A PRINCIPLE THAT IS SO IMPORTANT, SO CENTRAL TO WHAT THE ROLE OF GOVERNMENT IS, WHAT THE VERY GRAVAMEN OF A SENATOR'S DUTY IS, I MIGHT HAVE FOLDED EARLIER. AND I HAVE TO ACKNOWLEDGE SOMETHING NOW. WHEN I STARTED OUT, I STARTED OUT SLOWLY BECAUSE I WANTED MY COLLEAGUES TO FEEL GOOD. AND LIKE, I WASN'T GOING TO BE ABLE TO STAY HERE AND GO THROUGH THIS FOR FOUR HOURS BECAUSE IF I WAS THAT HAGGARD AND WORN OUT AT THE BEGINNING, THERE'S NO WAY I COULD GO FOUR HOURS. BUT I'M ON SUCH A ROLL NOW, LET ME SEE WHAT COMES UP AFTER THIS ONE BECAUSE SOMETIMES THERE'S WHAT THEY CALL AN AFTERGLOW. THERE'S A SONG: THE SONG HAS ENDED BUT THE MELODY LINGERS ON. I'M SURE SENATOR RIEPE HAS HEARD THAT SONG, BUT RIGHT NOW HE LOOKS LIKE HE'S IN A TRANCE SO I'M NOT GOING TO MESS WITH HIM. HMM. THAT NEXT BILL MAY BE INTERESTING. IT WILL GET A VOTE, BUT IT MIGHT HAVE TO SACRIFICE A LITTLE TIME. I'M THE TOLLGATE NOW; I JUST HAVE TO DECIDE HOW MUCH TOLL WILL BE COLLECTED. I UNDERSTAND DONALD TRUMP NOW. WHEN YOU'VE GOT ALL OF THE POWER IN YOUR HANDS AND YOU LOOK OUT AND YOU SEE YOUR ENEMIES DISCOMFORTED, HOW CAN YOU HELP BUT FEEL INVINCIBLE? BUT, SENATOR RIEPE, I CANNOT COMB MY HAIR TO LOOK LIKE WHAT HIS LOOKS LIKE, SO I CAN NEVER BE DONALD TRUMP. AND WHEN HE MAKES HIS MOST FEROCIOUS EXPRESSIONS AND HIS LITTLE MOUTH OPENS, HE LOOKS LIKE A FISH IN A FISHBOWL TRYING TO GET SOME OXYGEN FROM THE WATER. AND YOU'VE SEEN FISH... [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

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SENATOR CHAMBERS: ...LOOK JUST LIKE HE LOOKS. SO HE'S GOT A LOT OF SKILLS. HE CAN IMITATE HITLER, HE CAN IMITATE MUSSOLINI, AND HE CAN IMITATE A FISH IN THE WATER AND MAYBE SOMEBODY WILL SNAG HIM. BUT I HOPE HE WINS THE NOMINATION OF THAT PARTY OF WHICH HE IS A MEMBER. AND I SAY IT AGAIN, HE'S LIKE A HAND GRENADE SOMEBODY THREW IN THE MIDDLE OF A COVEY OF QUAIL. HE'S MAKING THAT PARTY IMplode. THEY DON'T KNOW WHAT TO DO. THEY CAN'T LIVE WITH HIM. THEY CAN'T LIVE WITHOUT HIM. AND YOU KNOW WHAT DONALD TRUMP WOULD SAY? THAT, MY FRIENDS, IS THE STORY OF LOVE. THAT'S THE GLORY OF LOVE. THAT'S WHAT MAKES LOVE SO INTERESTING. YOU WANT IT BUT YOU DON'T WANT IT. YOU WANT TO LET IT GO BUT YOU CAN'T LET IT GO. YOU ARE REPULSED BY IT, BUT YOU'RE ALSO ATTRACTED BY IT. DONALD TRUMP IS PLAYING THIS COUNTRY... [LB1109]

SPEAKER HADLEY: TIME, SENATOR. [LB1109]

SENATOR CHAMBERS: WAS THAT MY...? [LB1109]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB1109]

SENATOR CHAMBERS: SAY IT AGAIN. [LB1109]

SPEAKER HADLEY: TIME. [LB1109]

SENATOR CHAMBERS: OKAY. [LB1109]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1109]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I'VE RESTED, BACK, SAT ON THE BENCH FOR A WHILE. I GO BACK TO...JUST WANT TO REMIND THE PUBLIC THAT THIS IS ABOUT OUR OPEN RECORD LAWS IN THE STATE OF NEBRASKA. THIS IS NOT JUST ABOUT THE UNIVERSITY. NORMALLY THE UNIVERSITY EMPLOYEES WERE JUST NO DIFFERENT THAN YOUR SCHOOL ADMINISTRATORS WHO APPLIED FOR A JOB AND THEY OPENED RECORDS ON THEIR RESUMES AND THEIR JOB APPLICATIONS AND THEIR PAST WAS OPEN FOR SCRUTINY. THIS IS ABOUT CREATING A PRIVILEGED CLASS OF GOVERNMENT EMPLOYEES--FIVE TO BE EXACT--WHO ARE ABOVE AND BEYOND THE REST OF US AND ALL YOUR

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PUBLIC EMPLOYEES, THAT THEY DON'T HAVE TO FACE SCRUTINY BECAUSE WE'VE ALREADY DECIDED HOW GREAT THEY ARE. BUT WE SEE IT OVER AND OVER AGAIN ACROSS THE NATION WHERE SOME CHANCELLOR OR COLLEGE PRESIDENT DOES SOMETHING BAD. YOU KNOW, NOBODY WANTS TO TALK ABOUT THE GUY WHO WE HAD HERE WHO WENT TO PENN STATE. I THINK HE'S IN PRISON RIGHT NOW, BUT. YEAH, I THINK HIS NAME WAS SPANIER, WASN'T IT? BUT ANYWAY, IF LOOK AT HIS RECORD HERE, IT PRETTY MUCH POINTED TO WHAT HE DID THERE AT PENN STATE. BUT ANYWAY, HE WAS CHOSEN BY AN OPEN PROCESS SO THAT EVEN MAKES A MISTAKE. BUT AT LEAST WE CAN SAY...LOOK BACK AT IT AND JUST SAY, HEY, WE TRIED, WE DID IT THE BEST, WE DID IT OPENLY. THIS IS ABOUT TRANSPARENCY. IT'S ONE OF MY MAIN TENETS. IT'S...WHEN I STARTED MY TAX GROUP WHEN I CAME BACK TO NEBRASKA AND I FOUGHT SCHOOL BOARDS, I FOUGHT CITY COUNCILS, FOUGHT COLLEGE BOARDS. THERE'S SOMETHING IN HUMAN NATURE TO TAKE OWNERSHIP AND SOME OF THESE FOLKS WHEN THEY GET ELECTED, IT DOESN'T TAKE THEM LONG. I SEEN IT HERE WHEN I FIRST CAME DOWN. PEOPLE ONLY HAVE BEEN HERE SIX YEARS. I WONDER WHAT IT WAS LIKE IN THE OLD DAYS WHEN THEY'D BEEN HERE 30. BUT THEY TAKE OWNERSHIP AND ALL OF A SUDDEN A TAXPAYER COMES IN AND SAYS...WANTS SOME INFORMATION AND, NO, YOU CAN'T HAVE IT. WHAT DO YOU...YOU KNOW, WE WERE ELECTED. WHO ARE YOU? LOBBYISTS SPENT A LOT OF MONEY TO GET ME ELECTED. WHY DO YOU THINK YOU CAN TELL ME WHAT TO DO? WE JUST SHOULDN'T GO DOWN THIS ROAD. IT'S NOT NECESSARY. IT HASN'T BEEN PROVEN THAT THIS IS NECESSARY TO DO THIS. I'VE BEEN TOLD, WELL, THEY'RE GOING TO GET AROUND IT ANYWAY. WELL, LET'S JUST MAKE THE LAWS BETTER. WE CAN GO BACK IN AND SAY, NO, YOU CAN'T COME DOWN TO ONE CANDIDATE AND DUMP IT ON US AND CLAIM NOBODY ELSE APPLIED. WE CAN STRAIGHTEN THAT OUT. I DON'T KNOW WHY THEY NEED TO DO IT. I REALLY DON'T KNOW WHY OUR ELECTED OFFICIALS, WHEN YOU THINK ABOUT IT AT THE REGENTS, WHY THEY THINK THEY NEED TO DO THIS. WHY ARE THEY PUTTING THEMSELVES ABOVE EVERY OTHER ELECTED OFFICIAL IN THE STATE WHO, WHEN THEY HIRE A FIRE CHIEF OR A SUPERINTENDENT OF SCHOOLS, THEY HAVE TO SUPPLY THE RECORDS OF THAT INDIVIDUAL WHO'S APPLYING. BUT SOMEHOW THIS GROUP AT THE UNIVERSITY THINKS, NO, OUR JUDGMENT IS BETTER THAN YOU. OUR JUDGMENT IS BETTER THAN THE FACULTY AT THE SCHOOL WHO WANTS TO PERUSE THE QUALIFICATIONS, OR THE PRESS. AND I'LL TELL YOU SOMETHING, FOLKS. YOU JUST TURN TO THE WORLD-HERALD AND THE LINCOLN JOURNAL STAR LOOSE ON THESE GUYS AFTER YOU PASS THIS. THOSE REGENTS ARE GOING TO WISH THEY NEVER CAME...DID WHAT THEY DID. THEY'LL DIG UP EVERYTHING THEY CAN. THEY'LL BE CALLING PEOPLE ACROSS THE COUNTRY AND TRYING TO FIND OUT IF THEY WERE

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APPROACHED BY THE UNIVERSITY. IT'S GOING TO BE A...AND THERE'S GOING TO BE PEOPLE SAYING I'M NOT APPLYING THERE. WE GOT THIS PRESS. AND THEN THEY'RE GOING TO HAVE TO BE FACED WITH FACT, OOH, SHOULD I LIE TO THE WORLD-HERALD? YES, I'M ONE OF THE FINALISTS, BUT I'VE MADE A COMMITMENT TO THESE REGENTS THAT I TOLD THEM I'D KEEP IT SECRET. SO NOW YOU'RE PUTTING THESE APPLICANTS INTO A POSITION... [LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR GROENE: ...WHERE THEY'RE GOING TO HAVE TO LIE TO THE PRESS. THAT'S GOING TO START THEM OFF ON THE RIGHT FOOT WITH THE PRESS IN THE FUTURE. THIS IS UNNECESSARY, IT'S UNCALLED FOR, AND I DON'T THINK THEY THOUGHT IT THROUGH. SO THANK YOU AND, MR. PRESIDENT, AND NEVER THOUGHT I'D COME DOWN HERE AND START BEING THE ONLY OTHER GUY THAT'S VOTING WITH SENATOR CHAMBERS, BUT LIFE IS WHAT IT IS. [LB1109]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB1109]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD AFTERNOON. WE NOW HAVE NINE MINUTES LEFT UNTIL THE CLOTURE VOTE. SO I WOULD REITERATE TO MY FRIENDS WHO ARE CHECKED OUT, IT'S TIME TO MAKE YOUR WAY BACK UP TO THE FLOOR. DON'T GO ANYWHERE, SENATOR WATERMEIER. I BELIEVE WHAT IS LAID OUT IN LB1109 IS A VERY TRANSPARENT PROCESS. AND ESPECIALLY IF YOU LOOK THE AT IT FROM A COMPARATIVE BASIS, WHAT OTHER PEER INSTITUTIONS ARE DOING, IT'S A VERY COMPARATIVE...IT'S A VERY TRANSPARENT PROCESS. IF I DIDN'T BELIEVE THAT I WOULDN'T HAVE INTRODUCED THIS BILL AND I WOULDN'T HAVE FOUGHT SO HARD TO GET IT TO WHERE WE ARE TODAY. SENATOR CHAMBERS AND I HAVE GONE BACK AND FORTH OVER MY FIRST THREE YEARS IN THE LEGISLATURE. AND HE BROUGHT UP THOMAS MORE AGAIN TODAY, AND WE HAVE QUOTED BACK AND FORTH TO EACH OTHER FROM THE PLAY A MAN FOR ALL SEASONS. SENATOR CHAMBERS, I'LL USE ANOTHER QUOTE FOR YOU HERE TODAY: THAT YOU BELIEVE THAT IT'S...THAT THIS BILL CURTAILS TRANSPARENCY; I BELIEVE IT DOES NOT. BUT WHAT MATTERS TO ME IS NOT SO MUCH WHETHER WHAT I'M SAYING IS TRUE, BUT WHETHER I BELIEVE IT TO BE TRUE. AND NOT SO MUCH WHETHER I BELIEVE IT TO BE TRUE, BUT WHETHER I BELIEVE IT TO BE TRUE. AND I BELIEVE WHAT WE HAVE UNDER LB1109 IS AN OPEN AND TRANSPARENT PROCESS WHICH ALLOWS THE PEOPLE OF NEBRASKA TO ULTIMATELY HAVE A

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SAY IN WHO THE PRESIDENT AND THE CHANCELLOR OF THE UNIVERSITY WILL BE. I BELIEVE IN MANY WAYS IT STRENGTHENS THE TRANSPARENCY OF THE HIRING PROCESS. AND I COULD GO THROUGH THE LITANY OF WAYS THAT POLITICAL SUBDIVISIONS COULD UNDERMINE THE LAW AS IT'S CURRENTLY WRITTEN, CAN PLAY GAMES, THE WIDE-OPEN LOOPHOLES THAT EXIST IN THE LAW AS IT IS CURRENTLY WRITTEN AND HOW LB1109 FIXES THOSE LOOPHOLES AND MAKES SURE THAT NO GAMESMANSHIP CAN BE PLAYED. WE HAVE VERY FEW MINUTES REMAINING IN THIS DEBATE TO GO OVER THAT. BUT, SENATOR CHAMBERS, I BELIEVE THAT THIS IS THE RIGHT COURSE OF ACTION. I BELIEVE THAT IT MAINTAINS AN OPEN AND TRANSPARENT PROCESS. BUT AT THE SAME TIME, IT MAKES US COMPETITIVE WITH OUR PEER INSTITUTIONS AND ENSURES THAT THE HIGHEST QUALITY PERSONNEL, THAT OUR HIRING POOL IS AS LARGE AND AS QUALIFIED AS IT CAN POSSIBLY BE. AND I ENCOURAGE THE MEMBERS TO OPPOSE THE RECONSIDERATION MOTION AND TO CONTINUE TO SUPPORT LB1109. THANK YOU, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1109]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. AND MEMBERS OF THE LEGISLATURE, ONE THING I WOULD SAY TO SENATOR MURANTE ABOUT HIS COMMENTS, BELIEVING SOMETHING DOES NOT MAKE IT SO. CHICKEN LITTLE, WHEN A NUT FELL ON HIS HEAD, THOUGHT THE SKY WAS FALLING, BUT IN FACT IT WAS NOT. THIS IS A SITUATION THOUGH WHERE A PROBLEM IS GOING TO BE GENERATED. WHAT SENATOR MURANTE DOESN'T REALIZE, BECAUSE HE HASN'T BEEN AROUND A LONG TIME, IS THAT THE CURRENT LAW WAS FASHIONED AS A COMPROMISE BETWEEN THE UNIVERSITY AND THE MEDIA, BECAUSE SOME OF THE REGENTS AND OFFICIALS WENT DOWN TO KANSAS CITY TO INTERVIEW SOME PEOPLE SO THAT NOBODY UP HERE WOULD KNOW WHAT WAS GOING ON. THAT'S THE DEPTH TO WHICH THEY SANK. SO THEY ALL GOT TOGETHER--THE MEDIA, THE UNIVERSITY, AND THE OFFICIALS--AND SAID THIS IS THE WAY IT WILL BE. THE LAST...THE TOP FOUR PEOPLE YOU SELECT WILL BE MADE KNOWN TO THE PUBLIC. AND THERE WILL BE ACCESS TO THEM. SEE, PEOPLE LIKE SENATOR MURANTE AND THE REST OF YOU WHO HAVEN'T BEEN HERE AND DON'T STUDY HISTORY, EVEN WHEN IT'S JUST A FEW YEARS AGO, DON'T KNOW HOW SOME THINGS CAME TO BE. IF I TOLD YOU THIS THAT IS THE LAW NOW WAS A COMPROMISE, YOU WOULDN'T BELIEVE IT BECAUSE I TOLD YOU. BUT IF YOU PAID ANY ATTENTION TO AND HAD ANY RESPECT FOR THE PROCESS, YOU WOULD KNOW THAT. BUT IT DOESN'T MAKE YOU ANY DIFFERENCE SO WHY BRING IT UP? WHY GO THROUGH IT? YOU LOOK AT WHO TOLD YOU TO DO THIS.

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AND SO-AND-SO TOLD YOU TO DO IT, THEN YOU DO IT AND YOU'D TAKE COMFORT AND SOLACE FROM THE FACT THAT SOMEBODY YOU HAVE A GREAT AMOUNT OF RESPECT OR ADMIRATION FOR HAS TOLD YOU IT'S OKAY. YOU'RE LIKE THOSE PEOPLE WHO SAID I DON'T KNOW WHAT IT MEANS, BUT THERE ARE THOSE WHO DO KNOW AND I TRUST THEM. THIS IS SQUARELY ON US. IT IS OUR RESPONSIBILITY. AND FRANKLY, IF YOU MAKE IT PERSONAL, I DON'T CARE HOW YOU VOTE. IT'S NOT GOING TO HURT ME AT ALL. IT'LL JUST SAY SOMETHING ABOUT YOU AND ABOUT THE LEGISLATURE AND PUT ME IN A POSITION TO THROW AROUND THE WORD "HYPOCRISY" AND "HYPOCRITE" BECAUSE YOU'RE GOING TO BE TALKING ABOUT TRANSPARENCY. AND I HOPE YOU'RE NOT SO DUMB THAT YOU SWALLOW WHAT SENATOR MURANTE TOLD YOU, THAT IF YOU CONCEAL THREE OUT OF FOUR ELEMENTS, THE FACT THAT YOU'RE ALLOWED TO SEE THE LAST ONE MAKES IT TRANSPARENT. NO, IT MAKES YOU A FOOL AND THEY KNOW WHAT YOU ARE. AND WHEN YOU SEE A FOOL, YOU BUMP HIS HEAD. I WON'T GET TO BUMP YOUR HEAD ON THIS BILL, BUT WE'VE GOT 17 DAYS OR SO LEFT AND MY MOOD IS GETTING SOURER AND SOURER AND WHAT CAN YOU DO ABOUT IT? I CAN TIE UP EVERY DAY OF THE REST OF THE SESSION. I CAN TIE UP EVERY DAY OF THE REST OF THE SESSION, AND I WANT ONE PERSON TO TELL ME I CAN'T. ONE PERSON TELL ME I CANNOT. AND YOU KNOW I'M NOT GOING TO SAY IT BECAUSE I'D BE LYING. AND YOU SEE WHAT I CAN DO NOW AND YOU SAW HOW TIRED I WAS WHEN I STARTED. BUT MY INTENTION WAS NOT TO TAKE THE WHOLE SESSION, BUT IF IT'S GOING TO BE CORRUPTED IN THIS FASHION I MAY AS WELL STOP BAD THINGS AND LET YOU BE MAD AT ME BECAUSE I CAN TAKE IT. BUT SAVE THE COMMONWEAL, SAVE THE PUBLIC. BETWEEN US AND THEM, THERE IS SUPPOSED TO BE A FIDUCIARY RELATIONSHIP, ONE OF TRUST...
[LB1109]

SPEAKER HADLEY: ONE MINUTE. [LB1109]

SENATOR CHAMBERS: ...AND UNDIVIDED LOYALTY. AND YOU AS THE LEGISLATURE ARE GOING TO CONCEAL FROM THE PUBLIC WHAT THEY HAVE A RIGHT TO KNOW BECAUSE THE UNIVERSITY HAS JOINED A CONFERENCE WHERE MOST OF THE PEOPLE ARE GOING THE WRONG DIRECTION SO YOU GO THAT DIRECTION TOO. WHY DON'T JUST FOR ONCE YOU STAND UP AND LET THEM FOLLOW YOU. AND I WILL MAKE A COMMENT AND THEN I WILL BE THROUGH: IF ONLY ONCE A FLOCK OF SHEEP COULD BEHAVE LIKE A PRIDE OF LIONS, IF ONLY ONCE. THANK YOU, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. MR. CLERK, FOR ANY ITEMS? [LB1109]

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ASSISTANT CLERK: MR. PRESIDENT, TWO ITEMS. SENATOR SMITH HAS AN AMENDMENT TO LB977 TO BE PRINTED. A NEW RESOLUTION, LR493, BY SENATOR SCHEER. IT CALLS FOR AN INTERIM STUDY; THAT WILL BE REFERRED TO THE EXECUTIVE BOARD. (LEGISLATIVE JOURNAL PAGES 1063-1065.) [LB1109 LB977 LR493]

SPEAKER HADLEY: MR. CLERK, YOU HAVE A MOTION ON THE DESK. [LB1109]

ASSISTANT CLERK: MR. PRESIDENT, A PRIORITY MOTION. SENATOR MURANTE WOULD MOVE TO INVOKE CLOTURE ON LB1109 PURSUANT TO RULE 7, SECTION 10. [LB1109]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS FULL AND FAIR DEBATE ACCORDED TO LB1109. SENATOR MURANTE, FOR WHAT PURPOSE DO YOU RISE? [LB1109]

SENATOR MURANTE: MR. PRESIDENT, I WOULD ASK FOR A CALL OF THE HOUSE AND ROLL CALL VOTE IN REVERSE ORDER. [LB1109]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1109]

ASSISTANT CLERK: 34 AYES, 0 NAYS TO GO TO UNDER CALL. [LB1109]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS FOX, BURKE HARR, SENATORS BOLZ, SCHNOOR, GLOOR, AND SEILER, SENATOR DAVIS, SENATOR COASH, SENATOR HUGHES, SENATOR SCHUMACHER, THE HOUSE IS UNDER CALL. SENATOR BURKE HARR, SENATOR BOLZ, SENATOR GLOOR, SENATOR DAVIS, SENATOR SCHUMACHER, THE HOUSE IS UNDER CALL. MR. CLERK, THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. MEMBERS, THE FIRST VOTE IS TO INVOKE CLOTURE. ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. [LB1109]

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ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1061-1062.) VOTE IS 37 AYES, 8 NAYS ON THE MOTION TO INVOKE CLOTURE, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE IS ADOPTED. MEMBERS, THE NEXT VOTE IS ON THE ADOPTION OF SENATOR CHAMBERS' RECONSIDERATION MOTION. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE, MR. CLERK. [LB1109]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1062.) 4 AYES, 40 NAYS, MR. PRESIDENT, ON THE MOTION TO RECONSIDER. [LB1109]

SPEAKER HADLEY: THE MOTION TO RECONSIDER FAILS. THE NEXT MOTION IS ON THE ADOPTION OF LB1109. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE, MR. CLERK. [LB1109]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1062-1063.) VOTE IS 36 AYES, 8 NAYS ON THE MOTION TO ADVANCE, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: LB1109 ADVANCES. I RAISE THE CALL. MR. CLERK. [LB1109]

CLERK: MR. PRESIDENT, LB754, NO ENROLLMENT AND REVIEW. SENATOR GARRETT WOULD MOVE TO AMEND, AM2625. (LEGISLATIVE JOURNAL PAGES 1065-1072.) [LB754]

SPEAKER HADLEY: SENATOR GARRETT, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB754]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT, MR. SPEAKER. GOOD AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. FIRST I'D LIKE TO THANK SENATOR CRAWFORD FOR BRINGING THIS BILL AND WORKING WITH US ON AM2625. AM2625 TO LB754 WILL ESTABLISH A SUMMARY ARTICLE 15, ALSO KNOWN AS NONJUDICIAL PUNISHMENT, UNDER THE NEBRASKA CODE OF MILITARY JUSTICE AND OUTLINES THE PROCEDURES FOR IMPLEMENTATION AND APPROVE DISCIPLINARY PUNISHMENTS. THE PROPOSED LEGISLATION GIVES NATIONAL GUARD COMMANDERS THE OPTION TO ADDRESS MINOR

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NONCRIMINAL DISCIPLINARY VIOLATIONS THROUGH AN ADMINISTRATIVE PROCESS RATHER THAN A CRIMINAL PROCESS. THE PROCESS IS UNDER THE CONTROL OF COMMANDERS AND HANDLED AT THE UNIT LEVEL TO INCREASE TRANSPARENCY. THE POTENTIAL PUNISHMENTS UNDER THE LEGISLATION ARE ADMINISTRATIVE IN NATURE AND MINOR IN SEVERITY. PASSAGE OF THIS AMENDMENT WILL ADDRESS NATIONAL GUARD COMMANDERS' COMPLAINTS THAT THE DISCIPLINARY PROCESS CURRENTLY IN USE TAKES THE PROCESS OUT OF THE COMMANDER'S CONTROL AND THAT THE CURRENT PROCESS IS NOT VISIBLE TO SERVICE MEMBERS IN THE UNIT, THAT THE CURRENT PROCESS IS TOO LIMITING WITH REGARD TO POTENTIAL PUNISHMENTS, AND THAT THE PUNISHMENTS UNDER THE CURRENT PROCESS ARE TOO SEVERE IN MOST CASES, AND THAT THE CURRENTS PROCESS TAKES TOO LONG. THE NEW PROCESS IS COMMAND DIRECTED AND HANDLED WITHIN THE UNIT. THIS WILL PROVIDE MORE VISIBILITY TO MEMBERS OF THE UNIT AND SERVES AS A DETERRENT. THE NEW PROCESS IS MORE INFORMAL AND WILL EXPEDITE DISPOSITION OF THE RESPECTIVE DISCIPLINARY MATTER. THE SUMMARY ARTICLE 15 PROCEDURES AUTHORIZED ADDITIONAL PUNISHMENTS, WHICH ARE LESS SEVERE, TO PROVIDE MORE FLEXIBLE, REALISTIC, AND APPROPRIATE DISCIPLINE FOR MINOR OFFENSES. WE'RE NOT TRYING TO BE HEAVY HANDED HERE. THESE PUNISHMENTS WOULD ALLOW COMMANDERS TO HAVE AT THEIR DISPOSAL THE FOLLOWING: FOR OFFICERS, THEY CAN HAVE A RESTRICTION TO CERTAIN SPECIFIED LIMITS, WITH OR WITHOUT SUSPENSION OF DUTY, FOR UP TO SEVEN DAYS; AND SECONDLY, FORFEITURE OF PAY FOR ONE DAY. FOR ENLISTED PERSONNEL, THE PUNISHMENTS, THERE IS THREE: RESTRICTION TO CERTAIN SPECIFIED LIMITS, WITH OR WITHOUT SUSPENSION OF DUTY, FOR UP TO SEVEN DAYS; FORFEITURE OF PAY FOR ONE DAY; AND EXTRA DUTY NOT TO EXCEED TEN DAYS. ON GENERAL FILE WE APPROVED AM2103. SECTION 2 OF SENATOR CRAWFORD'S AMENDMENT STATES THAT THE COMMISSION SHALL "ADDRESS MATTERS OF MILITARY SIGNIFICANCE TO NEBRASKA" AND "PROMOTE AND OPTIMIZE STATE AND U.S. DEPARTMENT OF DEFENSE INITIATIVES THAT WILL IMPROVE THE MILITARY VALUE OF THE NEBRASKA NATIONAL GUARD." AS A RETIRED COLONEL AND FORMER COMMANDER HAVING SERVED IN SEVERAL COMMAND POSITIONS, I UNDERSTAND THE NEED FOR GENERAL BOHAC AND OTHER COMMANDERS TO HAVE THESE TOOLS AVAILABLE TO MAINTAIN GOOD ORDER AND DISCIPLINE. VERY FEW THINGS HAVE A GREATER IMPACT ON WAR-FIGHTING READINESS AND OUR ABILITY TO ACCOMPLISH THE MISSION THAN GOOD ORDER AND DISCIPLINE. COLLEAGUES, I RESPECTFULLY REQUEST YOUR GREEN VOTE ON AM2625 TO LB754. THANK YOU, MR. SPEAKER. [LB754]

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SPEAKER HADLEY: THANK YOU, SENATOR GARRETT. YOU HEARD THE OPENING ON AM2625. SENATOR KRIST, YOU'RE RECOGNIZED. [LB754]

SENATOR KRIST: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. GOOD AFTERNOON, NEBRASKA. I CAN'T TELL YOU HOW IMPORTANT THIS IS AS A TOOL FOR A COMMANDER. IN MY LAST TWO YEARS ON ACTIVE DUTY, I SERVED AS THE ACTIVE DUTY ADVISOR UNDER GENERAL HANG FOR THE GUARD UNIT HERE IN LINCOLN AT GENERAL MUSIC, THEN COLONEL MUSIC, WAS THE WING COMMANDER. THEY SENT ME ON WHAT WE CALL THE TWO-WEEK TOUR, WHICH IF YOU WATCH GILLIGAN'S ISLAND, THAT MEANT YOU WERE ON A THREE-HOUR TOUR. AND WHEN I WAS DEPLOYED, PARDON THE EXPRESSION, ALL HELL BROKE LOOSE. THE PRESIDENTIAL RECALL WAS HELD IN PLACE AND I BECAME THE COMMANDER AND PERMANENT RESIDENT IN GERMANY OF OVER 30 KC 135 TANKERS. I HAD UNDER MY COMMAND GUARD, RESERVE, AND ACTIVE DUTY. THIS TOOL, THE ARTICLE 15, WAS NOT AVAILABLE WITH GUARD MEMBERS. THE FACT THAT YOU WOULD SAY WHY WOULD YOU WANT THIS TOOL? WELL, THIS TOOL IS NONJUDICIAL PUNISHMENT UNDER THE UNIFORM CODE OF MILITARY JUSTICE AND ALLOWS YOU IN SOME CASES TO SAY, YOUNG MAN, STAND UP AND TAKE NOTICE BECAUSE YOUR CONDUCT IS UNBECOMING. AND PUT THAT ARTICLE 15 IN YOUR CENTER DRAWER AND WAIT TO SEE WHAT THE REACTION IS OF THAT OFFICER OR ENLISTED PERSON. WE HAD MANY ARTICLE 15s THAT WERE SIMPLY DESK DRAWER PIECES OF PAPER AND CONDUCT BECAME MORE ACCEPTABLE AND A PERSON STRAIGHTENED THEMSELVES OUT AND IT NEVER WENT ANY FURTHER. ON THE OTHER HAND, I'VE BEEN ON THE GIVING END OF AN ARTICLE 15 THAT REQUIRED A GREAT DEAL OF EFFORT AND WENT TO A COURT MARSHAL. IT'S A TOOL THAT A COMMANDER CAN USE ON ACTIVE DUTY AND IT IS NOT AVAILABLE CURRENTLY TO OUR GUARD MEMBERS. GENERAL BOHAC IS WELL IN LINE AND I ADMIRE HIS TENACITY IN TRYING TO PUT THIS TOOL IN THE COMMANDERS' TOOL BOX, TOOL CHEST, BECAUSE IT'S GOOD FOR YOUR TROOPS; IT'S GOOD COMMAND DISCIPLINE. AND I ENCOURAGE YOUR POSITIVE VOTE ON AM2625. AND I THANK SENATOR GARRET FOR BRINGING IT FORWARD AND SENATOR CRAWFORD FOR HER COURTESY IN ALLOWING SENATOR GARRETT TO ATTACH IT TO LB754. PLEASE VOTE GREEN ON AM2625. [LB754]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB754]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, COLLEAGUES. I RISE IN SUPPORT OF AM2625 AND I THANK SENATOR GARRETT

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FOR HIS WORK WITH THE GUARD TO MAKE THAT HAPPEN AND THANK SENATOR KRIST FOR HIS EXPLANATION OF WHY IT IS SO IMPORTANT AS WELL. AND SO I URGE YOUR VOTE, YOUR GREEN VOTE ON THE AMENDMENT AS WELL AS MOVING LB754 FORWARD TO THE NEXT ROUND. THANK YOU. [LB754]

SPEAKER HADLEY: THANK YOU, SENATOR CRAWFORD. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB754]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. LOOKS LIKE WE'RE IN THE MIDST OF A LOVE FEST. I, TOO, STAND IN SUPPORT OF AM2625 AND THE UNDERLYING BILL. THANK YOU. [LB754]

SPEAKER HADLEY: SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB754]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. EVERY ENLISTED MAN IN THE MILITARY KNOWS WHAT AN ARTICLE 15 IS. I'VE NEVER GOT ONE, SO DON'T LOOK AT ME LIKE THAT. BUT NONETHELESS, WE KNOW WHAT IT IS. SENATOR GARRETT, WILL YOU YIELD TO A QUESTION, PLEASE? [LB754]

SPEAKER HADLEY: SENATOR GARRETT, WILL YOU YIELD? [LB754]

SENATOR GARRETT: YES, I WILL. [LB754]

SENATOR SCHNOOR: SENATOR GARRETT, WHAT HAS BEEN DONE...I GUESS WHAT IS PRESENTLY DONE IN PLACE OF THIS? [LB754]

SENATOR GARRETT: THEY REALLY DON'T HAVE...UNLESS THEY WERE WILLING TO TAKE SOMETHING TO COURT, THEY REALLY DON'T HAVE ANYTHING AVAILABLE TO THEM. THAT'S WHY THIS WAS SO IMPORTANT. [LB754]

SENATOR SCHNOOR: NOW I KNOW THE GUARD IS DIFFERENT, OBVIOUSLY DIFFERENT THAN THE ACTIVE DUTY. BUT WHEN A, I'LL SAY, AN INFRACTION HAPPENS WHILE THEY'RE ON DUTY, THEN THEY CAN USE THIS ARTICLE 15 PUNISHMENT. WHAT ABOUT WHEN THEY'RE OFF-DUTY? [LB754]

SENATOR GARRETT: WHEN THEY'RE OFF DUTY, THAT'S BEYOND THE PURVIEW OF THE NATIONAL GUARD TO DO ANYTHING. SO IT HAS TO BE AN OFFENSE THAT'S

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COMMITTED WHILE THEY'RE DOING AN ACTIVE DUTY TRAINING DAY, YOU KNOW, FOR THE WEEKEND...GUYS WHO WORK ON THE WEEKENDS. [LB754]

SENATOR SCHNOOR: OKAY. THOSE ARE ALL THE QUESTIONS I HAVE. THANK YOU. [LB754]

SPEAKER HADLEY: THANK YOU, SENATOR SCHNOOR. SEEING NO ONE ELSE IN THE QUEUE, SENATOR GARRETT, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB754]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. AGAIN, I CAN'T THANK SENATOR CRAWFORD ENOUGH FOR ALLOWING US TO BRING THIS BILL. WE BROUGHT THIS BILL ON BEHALF OF GENERAL BOHAC, AND JUST ANOTHER TOOL FOR...TO HELP THE NATIONAL GUARD WITH THE MANAGEMENT OF THE DAY-TO-DAY WORK FORCE. AND AGAIN, THIS IS NONJUDICIAL PUNISHMENT. IT'S A GREAT TOOL TO HAVE IN THEIR KIT FOR DEALING WITH MINOR KINDS OF ISSUES. I HIGHLY ENCOURAGE YOUR SUPPORT FOR AM2625. THANK YOU, MR. SPEAKER. [LB754]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB754]

CLERK: 30 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF SENATOR GARRETT'S AMENDMENT. [LB754]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB754]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB754]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB754]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB754 TO E&R FOR ENGROSSING. [LB754]

SPEAKER HADLEY: YOU HAVE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED NAY. [LB754]

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CLERK: MR. SPEAKER. [LB754]

SENATOR CHAMBERS: (MICROPHONE MALFUNCTION) MACHINE VOTE. [LB754]

SPEAKER HADLEY: I'M SORRY. I DID NOT HEAR THAT. THERE HAS BEEN A REQUEST FOR A MACHINE VOTE. [LB754]

SENATOR CHAMBERS: (MICROPHONE MALFUNCTION) AND A ROLL CALL VOTE. [LB754]

SPEAKER HADLEY: AND A ROLL CALL. IN REVERSE OR REGULAR ORDER? [LB754]

SENATOR CHAMBERS: DOESN'T MATTER. [LB754]

SPEAKER HADLEY: REGULAR ORDER, MR. CLERK. [LB754]

CLERK: (ROLL CALL VOTE TAKEN.) 40 AYES, 1 NAY, MR. PRESIDENT, ON THE ADVANCEMENT. [LB754]

SPEAKER HADLEY: LB754 ADVANCES. MR. CLERK. [LB754]

CLERK: MR. PRESIDENT, THE NEXT BILL, LB754A. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB754A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB754A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB754A TO E&R FOR ENGROSSING. [LB754A]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB754A FOR ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL IS ADVANCED. MR. CLERK. [LB754A]

CLERK: LB1082A, SENATOR. I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER185, LEGISLATIVE JOURNAL PAGE 970.) [LB1082]

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SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1082]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1082. [LB1082]

SPEAKER HADLEY: MOTION FOR THE BODY IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. ALL OPPOSED SAY NO. ADVANCES. I'M SORRY. WE ADOPTED THE E&R AMENDMENTS. [LB1082]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB1082]

SPEAKER HADLEY: SENATOR HANSEN. [LB1082]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1082 TO E&R FOR ENGROSSING. [LB1082]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB1082. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1082 ADVANCES. MR. CLERK. [LB1082]

CLERK: MR. PRESIDENT, LB1082A, I HAVE NO E&R. SENATOR SCHILZ WOULD MOVE TO AMEND WITH AM2620. (LEGISLATIVE JOURNAL PAGE 1072.) [LB1082A]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1082A]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT; MEMBERS OF THE BODY, GOOD AFTERNOON. AM2620 WOULD AMEND LB1082A. AND THIS AMENDMENT REDUCES THE AMOUNT OF CASH FUNDS THAT THE OIL AND GAS CONSERVATION COMMISSION NEEDS AUTHORITY TO SPEND TO CARRY OUT THE DUTIES IN LB1082. THE CLARIFICATION MADE IN THIS COMMITTEE AMENDMENT LED TO THE REEVALUATION OF FUNDING AUTHORITY NECESSARY TO FULFILL THE DUTIES REQUIRED BY THE BILL, SEVERAL OF WHICH ARE PERMISSIVE. BECAUSE THE BILL DOES NOT REQUIRE AND THE LEGISLATURE HAS NOT AUTHORIZED THE ADDITION OF STAFF, THE NEW DUTIES WILL NEED TO BE CONDUCTED BY CURRENT STAFF, WHICH IN TURN REDUCES THE FISCAL NOTE. AND WITH THAT, I WOULD ASK FOR YOUR GREEN VOTE ON LB1082A. THANK YOU. [LB1082A LB1082]

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SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON THE AMENDMENT. IS THERE ANYONE WISHING TO SPEAK? SEEING NONE...SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1082A]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'D LIKE TO ASK SENATOR SCHILZ A QUESTION. [LB1082A]

SPEAKER HADLEY: SENATOR SCHILZ, WILL YOU YIELD? [LB1082A]

SENATOR SCHILZ: I SURE WOULD, YES. [LB1082A]

SENATOR CHAMBERS: SENATOR SCHILZ, DOES THIS HAVE ANYTHING TO DO, WHATSOEVER, WITH ACTIVITIES BY GAME AND PARKS? [LB1082A]

SENATOR SCHILZ: I DON'T BELIEVE SO, NO. [LB1082A]

SENATOR CHAMBERS: DO YOU KNOW THAT FOR A FACT? [LB1082A]

SENATOR SCHILZ: I KNOW THAT FOR A FACT, YES. [LB1082A]

SENATOR CHAMBERS: NONE OF THIS ACTIVITY IS CARRIED ON, ON LAND CONTROLLED OR ATTENDED BY GAME AND PARKS? [LB1082A]

SENATOR SCHILZ: I DON'T BELIEVE SO. I CAN'T SAY 100 PERCENT, BUT I DON'T BELIEVE SO. [LB1082A]

SENATOR CHAMBERS: CAN YOU GIVE ME A PERCENT...98 PERCENT SURE? [LB1082A]

SENATOR SCHILZ: THAT SOUNDS GOOD TO ME. [LB1082A]

SENATOR CHAMBERS: THEN MAYBE I OUGHT TAKE ONLY 98 PERCENT OF THE TIME THAT I CAN TAKE ON THIS BILL? OR SHOULD I TAKE 2 PERCENT OF THE TIME? [LB1082A]

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SENATOR SCHILZ: SENATOR CHAMBERS, THAT IS UP TO YOU ENTIRELY. BUT I WOULD PREFER 2 PERCENT. THANK YOU. OR EVEN LESS IF THAT'S OKAY. [LB1082A]

SENATOR CHAMBERS: NOW YOU'RE CATCHING ON. I'M NOT GOING TO TAKE ANY TIME. I'M TRYING TO DO SOME INSTRUCTING AROUND HERE. THANK YOU, SENATOR SCHILZ. [LB1082A]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1082A]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SCHILZ' AMENDMENT. [LB1082A]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. MR. CLERK. [LB1082A]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB1082A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1082A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1082A TO E&R FOR ENGROSSING. [LB1082A]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB1082A. ALL IN FAVOR SAY AYE. OPPOSED, NAY. THE BILL ADVANCES. MR. CLERK. [LB1082A]

CLERK: LB906, SENATOR; I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER186, LEGISLATIVE JOURNAL PAGE 971.) [LB906]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB906]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB906. [LB906]

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SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR VOTE AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB906]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB906]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB906]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB906 TO E&R FOR ENGROSSING. [LB906]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB906 TO E&R. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. (VISITORS INTRODUCED.) MR. CLERK. [LB906]

CLERK: MR. PRESIDENT, LB794. SENATOR I HAVE NO AMENDMENTS TO THE BILL. [LB794]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB794]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB794 TO E&R FOR ENGROSSING. [LB794]

SPEAKER HADLEY: THE MOTION IS THE ADVANCEMENT OF LB794. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB794 ADVANCES. MR. CLERK. [LB794]

CLERK: LB867, SENATOR; DOES HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER180, LEGISLATIVE JOURNAL PAGE 955.) [LB867]

SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED. [LB867]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB867. [LB867]

SPEAKER HADLEY: MOTION IS TO ADOPT THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB867]

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CLERK: SENATOR WATERMEIER WOULD MOVE TO AMEND WITH AM2548.
(LEGISLATIVE JOURNAL PAGE 1008.) [LB867]

SPEAKER HADLEY: SENATOR WATERMEIER, YOU'RE RECOGNIZED TO OPEN ON
YOUR AMENDMENT. [LB867]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. AM2548 IS PURELY
TECHNICAL. AN AMENDMENT THAT SIMPLY STATES THAT THE SECTIONS OF THIS
BILL THAT DEAL WITH THE DEPARTMENT OF CORRECTIONAL SERVICES WILL
NOW BE PART OF THE NEBRASKA TREATMENT AND CORRECTIONS ACT. THANK
YOU, MR. PRESIDENT. [LB867]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR WATERMEIER
WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2548. ALL IN FAVOR
VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK.
[LB867]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR
WATERMEIER'S AMENDMENT. [LB867]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB867]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB867]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB867]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB867 TO E&R FOR
ENGROSSING. [LB867]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB867. ALL IN
FAVOR SAY AYE. OPPOSED, NAY. LB867 ADVANCES. MR. CLERK. [LB867]

CLERK: LB867A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB867A]

SPEAKER HADLEY: SENATOR HANSEN, FOR A MOTION. [LB867A]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB867A TO E&R FOR ENGROSSING. [LB867A]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB867A. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB867A ADVANCES. MR. CLERK. [LB867A]

CLERK: MR. PRESIDENT, LB894. SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER181, LEGISLATIVE JOURNAL PAGE 955.) [LB894]

SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED FOR A MOTION. [LB894]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB894. [LB894]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB894]

CLERK: SENATOR HOWARD WOULD MOVE TO AMEND, AM2600. (LEGISLATIVE JOURNAL PAGE 1009.) [LB894]

SPEAKER HADLEY: SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB894]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. AM2600 TO LB894 IS A TECHNICAL AMENDMENT TO MY BILL, LB709, THAT WAS AMENDED INTO LB894 VIA THE ADOPTED COMMITTEE AMENDMENT. AM2600 AMENDS THE DEFINITION OF ALTERNATIVE TO DETENTION TO INCLUDE THE USE OF MANUALLY CONTROLLED DELAYED EGRESS OF NOT MORE THAN 30 SECONDS. CURRENTLY, THE DEFINITION STATES THAT NO INGRESS OR EGRESS FROM PLACEMENT ARE ALLOWED. THE AMENDMENT ALIGNS THE STATUTE WITH GUIDELINES FROM THE FEDERAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND REPRESENTS AN AGREEMENT WITH JUVENILE SHELTER CARE PROVIDERS SUCH AS BOYS TOWN AND CEDARS. I WOULD URGE YOUR ADOPTION OF AM2600 TO LB894. AND I WOULD BE HAPPY TO TRY TO ANSWER ANY QUESTIONS. THANK YOU, MR. PRESIDENT. [LB894 LB709]

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SPEAKER HADLEY: THANK YOU FOR YOUR OPENING ON THE AMENDMENT, SENATOR HOWARD. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB894]

SENATOR PANSING BROOKS: SORRY. THANK YOU. I URGE YOU TO VOTE FOR AM2600, SENATOR HOWARD'S. IT IS SOMETHING THAT WE MET WITH CEDARS AND WITH BOYS TOWN AND IT ADDRESSES A COUPLE OF THEIR CONCERNS ON THE UNDERLYING BILL. SO WE WANT THEM TO CONTINUE THE WONDERFUL WORK THAT THEY'RE DOING. AND I THANK SENATOR HOWARD FOR THIS AMENDMENT. [LB894]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR HOWARD, YOU'RE RECOGNIZED TO CLOSE. SENATOR HOWARD WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF THE AMENDMENT, AM2600. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB894]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR HOWARD'S AMENDMENT. [LB894]

SPEAKER HADLEY: AM2600 IS ADOPTED. MR. CLERK. [LB894]

CLERK: SENATOR KRIST WOULD MOVE TO AMEND WITH AM2610. (LEGISLATIVE JOURNAL PAGE 1009.) [LB894]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB894]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND AGAIN, GOOD AFTERNOON, COLLEAGUES AND NEBRASKA. THE INTENT OF THIS AMENDMENT IS TO INCORPORATE INTO LB894 THE CONTEXT OF WHAT WAS LB673, WHICH WAS HEARD IN THE JUDICIARY COMMITTEE AND VOTED OUT. IT WOULD PROVIDE THE FLEXIBILITY FOR AN INDIVIDUAL COUNTY TO CREATE AN INTERNAL GUARDIAN AD LITEM OR THE GAL DIVISION, IN ADDITION TO PROVIDING THE COUNTY A BOARD AND THE AUTHORITY TO OVER RATES AND FEES, TO SOME EXTENT, AND THE ATTORNEY FEES. IT IS ENABLING LANGUAGE. IT IS NOT MANDATORY THAT THE COUNTIES DO THAT. IT IS ENABLING IF THEY SEE FIT TO SET UP THIS OFFICE. IT WOULD BE VERY SIMILAR TO A PUBLIC DEFENDER'S OFFICE WHERE THERE WILL BE A POOL OF EXPERTS, IF YOU WILL, IN HOW TO DEAL WITH OUR

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CHILDREN AND PROVIDE SERVICES UNDER THE GUARDIAN AD LITEM ACT. THERE ARE A FEW OTHER PROVISION, BUT THAT IS THE CRUX OF IT. I'D BE HAPPY TO ANSWER ANY QUESTIONS. [LB894 LB673]

SPEAKER HADLEY: YOU HEARD THE OPENING ON AM2610. SENATOR HOWARD, YOU'RE RECOGNIZED. [LB894]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. WOULD SENATOR KRIST YIELD TO A QUESTION? [LB894]

SPEAKER HADLEY: SENATOR KRIST, WILL YOU YIELD TO A QUESTION? [LB894]

SENATOR KRIST: ABSOLUTELY. [LB894]

SENATOR HOWARD: THANK YOU. ONE OF THE CONCERNS THAT MY CONSTITUENTS HAVE BROUGHT TO ME ABOUT THIS BILL IS THAT IF THERE IS A SPECIAL CASE IN JUVENILE COURT, SAY A CHILD WITH A DISABILITY OR A CHILD WITH LINGUISTIC BARRIER, WOULD THIS BILL ALLOW THE JUDGE TO APPOINT A MORE SPECIALIZED GUARDIAN AD LITEM? [LB894]

SENATOR KRIST: YES, MA'AM. AND THANK YOU FOR THE QUESTION. YOU CAN REFER TO THE INITIAL ACT AND THE ACT ON PAGE 3, 13 THROUGH 15 OF AM2610 AND LB894. AND I QUOTE, STARTING WITH LINE 13, NUMBER 3: NOTHING IN THE SECTION SHALL OPERATE...SHALL OPERATE TO LIMIT THE DISCRETION OF THE JUVENILE COURT IN PROTECTING THE BEST INTEREST OF THE JUVENILE WHO IS THE SUBJECT OF THE JUVENILE COURT PETITION. IN OTHER WORDS, NO INTERRUPTION WITH JUDICIAL INDEPENDENCE NOR WITH WHAT IS THE RIGHT THING TO DO FOR THE CHILD. [LB894]

SENATOR HOWARD: AND CAN YOU CLARIFY THE JUDICIAL DISCRETION IN REGARDS TO AN INCIDENCE OF A CONFLICT OF INTEREST WITH THE GUARDIAN AD LITEM? [LB894]

SENATOR KRIST: YES, MA'AM. THAT'S IN THE AMENDMENT WORD FOR WORD. IF THERE IS A CONFLICT, IN OTHER WORDS, IF THIS OFFICE WOULD...IF A LAWYER IN THE OFFICE WOULD BE REPRESENTING THE MOTHER, FATHER, OR FAMILY MATTERS, AND THEN BE CALLED UPON TO REPRESENT THE CHILD AS GUARDIAN

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AD LITEM, THEY WOULD CONFLICT OUT AND THE JUDGE WOULD CHOOSE ANOTHER GUARDIAN AD LITEM. [LB894]

SENATOR HOWARD: THANK YOU, SENATOR KRIST. THANK YOU, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: MR. CLERK. [LB894]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO AMEND SENATOR KRIST'S AMENDMENT WITH AM2630. (LEGISLATIVE JOURNAL PAGE 1073-1074.) [LB894]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB894]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I DISCUSSED THIS WITH SENATOR KRIST AND SENATOR PANSING BROOKS. AND WHAT IT INDICATES IS THAT IF IN THE JUDGE'S OPINION, A LAWYER OTHER THAN THOSE IN THIS ORGANIZATION OF THE COUNTY WOULD BE IN THE BEST INTEREST OF THE CHILD, THE JUDGE IS FREE TO MAKE AN APPOINTMENT OUTSIDE OF THAT ORGANIZATION. AND FOR THOSE WHO ARE CONCERNED ABOUT RUN-AWAY FEES, THE MAXIMUM THAT ONE OF THESE LAWYERS CAN CHARGE IS \$65 AN HOUR, WHICH I THINK IS LOW. BUT THE MAIN THING THAT I'M PUSHING IN THIS AMENDMENT IS THAT THE JUDGE SHOULDN'T BE RESTRICTED TO ONLY THAT ORGANIZATION. THEN ANOTHER PART RELATES TO THE QUALIFICATION OF THE INDIVIDUAL WHO WOULD BE IN CHARGE OF THAT OFFICE. THE BILL, AS IT STANDS NOW, WOULD REQUIRE FIVE YEARS, I BELIEVE, OF EXPERIENCE IN THAT WORK. BUT THERE IS AN ADDITIONAL REQUIREMENT OF KNOWLEDGE OF LITIGATION, APPELLATE...I MEAN APPELLATE WORK. AND IF YOU READ THE AMENDMENT, YOU'LL SEE WHAT ANOTHER WORD IS. BUT BASICALLY THAT'S WHAT IT IS. IT ALLOWS THE JUDGE TO GO OUTSIDE OF THIS ORGANIZATION. THERE ARE CURRENTLY FIVE JUVENILE JUDGES IN DOUGLAS COUNTY. THE CASES ARE ROTATED SO IT WOULDN'T EVEN BE IN THIS INSTANCE ONE JUDGE SAYING IN EVERY CASE THAT WILL COME BEFORE THE COURT, THERE SHOULD BE A LAWYER OUTSIDE OF THIS OPERATION. THAT'S WHAT THE AMENDMENT WOULD DO. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR COOK, YOU'RE RECOGNIZED. [LB894]

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SENATOR COOK: THANK YOU, MR. PRESIDENT; AND THANK YOU, COLLEAGUES. I ALSO HAD NUMEROUS CONTACT FROM CONSTITUENTS REGARDING THIS BILL PROPOSAL AND I APOLOGIZE THAT I DIDN'T HAVE A CHANCE TO DISCUSS IT WITH YOU DIRECTLY. I THINK THAT SENATOR CHAMBERS' PROPOSED AMENDMENT, AM2630, ADDRESSES THESE ISSUES, BUT I WOULD LIKE TO, IF I COULD, ASK SENATOR KRIST A QUESTION IF I COULD. [LB894]

SPEAKER HADLEY: SENATOR KRIST, WILL YOU YIELD TO A QUESTION? [LB894]

SENATOR KRIST: ABSOLUTELY. [LB894]

SENATOR COOK: THANK YOU, SENATOR. SOME OF THE QUESTIONS THAT ARE NOT ADDRESSED IN SENATOR CHAMBERS' AMENDMENT, PARTICULARLY, RELATE TO THE AMOUNT OF EXPERIENCE THAT A POTENTIAL, I'LL CALL HER OR HIM, AN EMPLOYEE OF THIS PROPOSED GUARDIAN AD LITEM OFFICE MIGHT HAVE. WOULD IT BE POSSIBLE, ON AN OUTSIDE CHANCE, THAT THE PERSON MIGHT BE...NOT BE QUALIFIED TO THOROUGHLY AND RIGOROUSLY REPRESENT THE CHILD? [LB894]

SENATOR KRIST: WOULD IT BE POSSIBLE, SENATOR COOK? I CAN'T TELL YOU THAT IT WOULD NOT BE POSSIBLE. BUT I CAN TELL YOU THAT WITH SENATOR CHAMBERS' CHANGES TO THE DIRECTOR OR SUPERVISION LEVEL BEING FIVE YEARS AND HAVING THE EXPERIENCE IN THE JUVENILE COURT, AS WELL AS THE GAL PROCESS, ONE WOULD HOPE THAT THEY WOULD ALWAYS HAVE THE SUPERVISION IF THEY ARE ON THE...LET'S SAY THE LEANER SIDE OF EXPERIENCE. I BELIEVE THAT THAT CHANGE THAT SENATOR CHAMBERS PUTS IN IS WARRANTED AND THAT SUPERVISION NEEDS TO BE THERE TO MAKE SURE THAT THOSE PEOPLE ARE QUALIFIED. WITH HIS AMENDMENT, I FEEL MORE COMFORTABLE THAN I FELT BEFORE. [LB894]

SENATOR COOK: OKAY, THANK YOU, SENATOR KRIST. AND THAT WOULD BE MY CONCERN, TOO. HAVING SERVED ON THE HEALTH AND HUMAN SERVICES COMMITTEE FOR A NUMBER OF YEARS AND LEARNING WHAT I'VE LEARNED ABOUT THE CHILD WELFARE SYSTEM AS IT STANDS, THE CHILD WELFARE SYSTEM, AS IT STOOD WHEN I JOINED THE BODY, I GET VERY NERVOUS WHEN WE IDENTIFY CHANGES THAT MAY NOT OFFER THE BEST POSSIBLE REPRESENTATION FOR THESE CHILDREN WHO HAVE BEEN THROUGH SO MUCH AND HAVE SO MUCH TO NAVIGATE. SO THANK YOU VERY MUCH, SENATOR KRIST. WITH THAT I'D YIELD THE BALANCE OF MY TIME TO THE CHAIR. [LB894]

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

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SPEAKER HADLEY: THANK YOU, SENATOR COOK. SENATOR KRIST, YOU'RE RECOGNIZED. [LB894]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. JUST A QUICK WORD. THANK YOU, SENATOR CHAMBERS, FOR THE AMENDMENT. PLEASE VOTE GREEN ON AM2630 AND ON AM2610. AND THANK YOU, JUDICIARY COMMITTEE, FOR ALLOWING US TO PUT THIS IN PLACE. AND, SENATOR PANSING BROOKS, AND THANK YOU FOR PUTTING IT ON LB894. [LB894]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT, AM2630. SENATOR CHAMBERS WAIVES. THE QUESTION IS THE ADOPTION OF AM2630. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB894]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR CHAMBERS' AMENDMENT TO SENATOR KRIST'S AMENDMENT. [LB894]

SPEAKER HADLEY: AMENDMENT, AM2630, IS ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR KRIST WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM2610. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB894]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR KRIST'S AMENDMENT. [LB894]

SPEAKER HADLEY: AM2610 IS ADOPTED. MR. CLERK. [LB894]

CLERK: MR. PRESIDENT. SENATOR COASH, I HAVE AM2556, WITH A NOTE YOU WISH TO WITHDRAW. [LB894]

SPEAKER HADLEY: WITHOUT OBJECTION, SO ORDERED. MR. CLERK. [LB894]

CLERK: MR. PRESIDENT, SENATOR COASH WOULD MOVE TO AMEND WITH AM2616. (LEGISLATIVE JOURNAL PAGE 1015.) [LB894]

SPEAKER HADLEY: SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB894]

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SENATOR COASH: THANK YOU, MR. PRESIDENT; GOOD AFTERNOON, COLLEAGUES. AM2616 IS AN ADDITION TO THE PART OF LB894 THAT REQUIRES A REPORT FROM THOSE FACILITIES WHO USE ROOM CONFINEMENT SUCH AS DOUGLAS COUNTY YOUTH CENTER, LANCASTER COUNTY CORRECTIONAL CENTER...NOT CORRECTIONAL CENTER, THE LANCASTER COUNTY YOUTH DETENTION CENTER, ALREADY ADVANCED BY THIS BODY THROUGH THE COMMITTEE AMENDMENT IN LB894 IS A WHOLE LAUNDRY LIST OF THINGS THAT WILL BE DOCUMENTED AND REPORTED ON ANY TIME A JUVENILE IS PLACED IN THEIR ROOM CONFINEMENT. MY AMENDMENT, AM2616, ADDS ONE MORE ELEMENT TO BE DOCUMENTED, WHICH IS THE STAFFING LEVELS AT THE TIME OF CONFINEMENT. ONE OF THE THINGS THAT I'VE LEARNED IN WORKING WITH THE JUVENILE DETENTION FACILITIES IS THAT FREQUENTLY STAFFING IS A CHALLENGE. IT'S A CHALLENGE FOR THEM, JUST AS IT IS A CHALLENGE IN THE ADULT CORRECTION SYSTEM. AND WE SHOULDN'T HAVE CHILDREN CONFINED FOR LACK OF STAFFING. AND WE SHOULDN'T HAVE CHILDREN CONFINED LONGER THAN IS NEEDED FOR LACK OF STAFFING. AND THAT'S A CONSIDERATION THAT I THINK OUGHT TO BE PART OF THIS REPORT. SO IN TWO PLACES ON THESE REPORTS, WE'VE ADDED THE LANGUAGE "FACILITY STAFFING LEVELS AT THE TIME OF CONFINEMENT." THIS WILL ALLOW THE REPORT TO REFLECT THAT, AND FOR FUTURE LEGISLATORS TO TAKE A LOOK AT THAT ELEMENT AS WELL AS THE OTHER ELEMENTS WHICH INCLUDE...I'LL READ FOR THE RECORD: THE RACE, ETHNICITY, AGE, GENDER OF THE JUVENILE, THE REASON THEY WERE PLACED IN ROOM CONFINEMENT, AND AN EXPLANATION OF WHY LESS RESTRICTIVE MEANS WERE UNSUCCESSFUL, AND THE DURATION OF CONFINEMENT. THIS AMENDMENT SIMPLY ADDS--WHAT WERE THE STAFFING LEVELS AT THE TIME, SO THAT THAT CAN BE EVALUATED IN THAT CONTEXT AS WELL. I WOULD APPRECIATE YOUR ADOPTION OF AM2616. THANK YOU, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR COASH, FOR YOUR OPENING ON AM2616. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB894]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. WOULD SENATOR COASH YIELD TO SOME QUESTIONS? [LB894]

SPEAKER HADLEY: SENATOR COASH, WILL YOU YIELD? [LB894]

SENATOR COASH: YES, I WILL. [LB894]

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SENATOR KINTNER: NOTE, I'M NOT GOING TO TRY TO TRICK YOU OR ANYTHING, JUST STRAIGHT INFORMATION HERE. ARE WE TRYING TO...AND THIS PROBABLY COULD BE ASKED OF SENATOR PANSING BROOKS, TOO. ARE WE TRYING TO DISCOURAGE FACILITIES FROM PUTTING KIDS IN SOLITARY CONFINEMENT? [LB894]

SENATOR COASH: SENATOR KINTNER, I WOULD SAY WE ARE NOT TRYING TO DISCOURAGE THE USE. WE ARE TRYING TO ENCOURAGE THE APPROPRIATE USE. AND THE APPROPRIATE USE OF ROOM CONFINEMENT, IN MY OPINION, AND THE OPINION OF THE JUDICIARY COMMITTEE, IS WHEN THAT CONFINEMENT IS NEEDED TO PROTECT THE SAFETY OF THAT CHILD OR THE OTHER CHILDREN IN THE FACILITY. ROOM CONFINEMENT SHOULD NOT BE USED BECAUSE IT'S EASIER TO MANAGE A PERSON BY PUTTING THEM AWAY THAN PROVIDING THE SUPERVISION AND THE SUPPORT THAT THAT CHILD NEEDS. IT SHOULD NOT BE A CONVENIENCE. IT SHOULD BE USED TO PROTECT THE SAFETY, AND THERE WERE CONCERNS ABOUT THAT, WHICH WAS PART OF THE GENESIS OF LB894. AND WHAT THE BILL IS GOING TO DO IS ALLOW SOME ANALYSIS OF THAT. AND I JUST WANT TO INCLUDE THE STAFFING LEVEL AS PART OF THAT ANALYSIS. [LB894]

SENATOR KINTNER: SO REALLY THEN, THE ONLY TIME YOU PUT A KID IN SOLITARY, IF HE'S FIGHTING, HURTING HIMSELF OR HURTING A STAFF, OR ANOTHER INMATE OR ANOTHER CHILD... [LB894]

SENATOR COASH: A SAFETY-RELATED REASON SHOULD BE THE ONLY REASON THAT A CHILD IS CONFINED. [LB894]

SENATOR KINTNER: OKAY. ALL RIGHT. THANK YOU VERY MUCH, APPRECIATE IT. [LB894]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR COASH, YOU'RE RECOGNIZED TO CLOSE. SENATOR COASH WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF AM2616. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB894]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR COASH'S AMENDMENT. [LB894]

SPEAKER HADLEY: AM2616 IS ADOPTED. MR. CLERK. [LB894]

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CLERK: SENATOR COASH, I HAVE AM2621. (LEGISLATIVE JOURNAL PAGE 1074.)
[LB894]

SPEAKER HADLEY: YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT,
SENATOR COASH. [LB894]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, I WOULD LIKE YOU TO CONSIDER AM2621, WHICH IS THE AMENDMENT...AN AMENDED VERSION OF LB707, A BILL THAT I INTRODUCED THIS YEAR WHICH INCREASES THE NUMBER OF JUDGES IN A SEPARATE JUVENILE COURT IN DOUGLAS COUNTY. LB707 ADVANCED OUT OF THE JUDICIARY COMMITTEE WITH SEVEN YES VOTES. AM2621 INCREASES THE JUDGESHIP IN DOUGLAS COUNTY FROM FIVE JUDGES TO SIX JUDGES. IT DOESN'T SAY DOUGLAS COUNTY IN THE AMENDMENT; IT SAYS IN COUNTIES WHICH HAVE ESTABLISHED A SEPARATE JUVENILE COURT WITH AT LEAST 400,000 RESIDENTS. THE BILL WOULD HAVE A DIRECT IMPACT, LIKE I SAID, ON DOUGLAS COUNTY. I INTRODUCED SIMILAR LEGISLATION IN 2014 AS THE RESULT OF AN INTERIM STUDY ON BARRIERS TO PERMANENCY. THAT INTERIM STUDY WAS BROAD. HOWEVER, ONE OF THE SUGGESTIONS WE HEARD FROM THE STUDY WAS THE ISSUE OF TIMELY ACCESS TO COURT PROCEEDINGS. IN OMAHA, THERE ARE MANY CHILDREN IN A SYSTEM; AND GETTING IN FRONT OF A JUDGE IN A TIMELY FASHION CAN BE A CHALLENGE BECAUSE OF THE SIZE OF THE CASELOADS. ACCORDING TO THE FOSTER CARE REVIEW OFFICE 2015 REPORT, DOUGLAS COUNTY HAD 1,264 CHILD ABUSE/NEGLECT CASES, NOT INCLUDING THE OFFICE OF JUVENILE SERVICES, PROBATION, OR OTHER CHILDREN ON A TRIAL HOME VISIT. THAT'S 253 CASES PER JUDGE. AND IN COMPARISON, LANCASTER COUNTY HAS JUST UNDER 500, OR 126 CASES PER JUDGE, WHICH IS BASICALLY HALF THE CASELOAD OF A LINCOLN JUDGE COMPARED TO AN OMAHA JUDGE. REQUESTING INTO OUR BLOCK IN DOUGLAS COUNTY IS SCHEDULED ONE TO TWO MONTHS IN ADVANCE. A HALF DAY BLOCK OF TIME IS SCHEDULED THREE MONTHS OUT; AND A FULL DAY IS SCHEDULED OUT FIVE MONTHS OR LONGER. MANY CASES TAKE ALMOST TWO YEARS TO RESOLVE. CHILDREN WHO ARE MOVED FROM THEIR HOME, SPEND A LOT OF TIME IN OUT-OF-HOME-CARE AT A GREAT COST TO THE STATE OF NEBRASKA. I ALSO OFFER THIS LEGISLATION AT THE RECOMMENDATION OF THE NEBRASKA JUDICIAL RESOURCES COMMISSION. THIS IS AN INDEPENDENT COMMISSION. SINCE AT LEAST 2008, THE COMMISSION HAS PASSED A MOTION RECOMMENDING TO THE LEGISLATURE THAT AN ADDITIONAL JUDGESHIP BE CREATED AND FULLY FUNDED IN THE SEPARATE JUVENILE COURT OF DOUGLAS COUNTY. THERE HAS NEVER BEEN ANY OPPOSITION TO THAT MOTION FROM ANY VOTING MEMBER SINCE THE MOTION WAS FIRST CARRIED AND ALWAYS PASSES UNANIMOUSLY.

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THIS BILL HAS BEEN A RECOMMENDATION OF THAT INDEPENDENT COMMISSION FOR EIGHT YEARS. AND YET THIS LEGISLATURE HAS, AT THIS POINT, IGNORED THEIR INPUT. IT IS PAST TIME THAT I THINK WE LISTEN TO THIS RECOMMENDATION AND ADD THIS JUVENILE JUDGE TO DOUGLAS COUNTY. COLLEAGUES, YOU MAY WONDER WHY LANCASTER COUNTY SENATOR IS INTRODUCING A BILL TO INCREASE THE JUVENILE COURT JUDGE BENCH IN DOUGLAS COUNTY. LET ME GIVE YOU A COUPLE COMMENTS ON THAT. FIRST OF ALL, THOSE OF YOU THAT ARE NOT IN DOUGLAS COUNTY, AND I COUNT MYSELF AMONG THEM, SHOULD PAY ATTENTION TO THIS FOR THIS REASON: WE HAVE OTHER OPTIONS THAN ADDING A JUDGE; WE CAN TAKE A JUDGE FROM ANOTHER JURISDICTION. SIX YEARS AGO, I INTRODUCED THE BILL AND WAS SUCCESSFUL IN TAKING A JUDGE FROM WESTERN NEBRASKA AND PLACING IT IN LANCASTER COUNTY. THAT MAKES IT A COST-NEUTRAL PROPOSITION TO THE STATE. BUT IT DOES MEANS THAT A WESTERN AREA JUDGE IS LOST IN THAT PART OF THE STATE. THE JUDICIAL RESOURCES COMMISSION, COLLEAGUES, IS SET UP FOR THIS PURPOSE. THEY LOOK AT CASELOAD SIZES. THEY LOOK AT TRAVEL TIME FOR THOSE IN THE WESTERN AREAS. AND THEY DECIDE HOW MANY JUDGES ARE NEEDED IN EACH JUDICIAL DISTRICT IN ORDER TO SERVE JUSTICE TO THE CONSTITUENTS IN THAT DISTRICT. COLLEAGUES, YOU'RE GOING TO HEAR ABOUT A JUDGE IN DOUGLAS COUNTY REAL SOON AND I WANT YOU TO LISTEN TO THAT AS WELL. THERE IS A JUVENILE COURT JUDGE IN DOUGLAS COUNTY THAT I HAVE VERY LITTLE FAITH IN. IF IT WERE UP TO ME, THAT JUDGE WOULD NOT BE ON THE BENCH. HOWEVER, DO THE MATH. WHEN WE SPREAD OUT THOSE CASES, THAT'S ONE LESS CASE GOING TO THAT JUDGE WHO YOU'RE GOING TO HEAR ABOUT IN A MOMENT. COLLEAGUES, THIS IS AN IMPORTANT BILL FROM A CHILD WELFARE PERSPECTIVE. CHILDREN ARE WAITING TO GET IN FRONT OF THEIR JUDGE SO THAT THEY CAN GET PERMANENCY. AND UNTIL THEY GET IN FRONT OF THAT JUDGE, THEY LANGUISH IN DETENTION, THEIR REUNIFICATION WITH THEIR FAMILIES IS DELAYED, AND THEIR SENSE OF PERMANENCY FADES DAY BY DAY. IN MANY CASES, ESPECIALLY IN DOUGLAS COUNTY, THE BARRIER TO THAT PERMANENCY IS A MATHEMATICAL BARRIER TO GET IN FRONT OF A JUVENILE COURT JUDGE WHO CAN MAKE A DECISION ON YOUR LIFE. PUT YOURSELF IN THE POSITION OF A CHILD WHO CANNOT BE AT HOME. YOU'VE HEARD THAT THERE IS THIS PERSON DOWN AT THE DOUGLAS COUNTY COURTHOUSE WHO IS GOING TO DECIDE YOUR FATE, BUT YOU ARE 90 DAYS AWAY FROM HAVING THAT FATE DECIDED FOR YOU. THAT'S A LONG TIME FOR A CHILD TO WAIT FOR PERMANENCY. THIS AMENDMENT, THROUGH LB707, STARTS TO ADDRESS THAT ISSUE. AS MUCH AS I AM DISAPPOINTED IN THE CONDUCT OF ONE JUDGE IN DOUGLAS COUNTY, I DO NOT WANT TO PUNISH THE CHILDREN WHO NEED TO GET IN FRONT OF A JUDGE SO THEY CAN HAVE SOME

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PERMANENCY. SO I ENCOURAGE YOU TO LISTEN TO THE DEBATE, TO ASK QUESTIONS, AND TO VOTE YES ON AM2621. THANK YOU, MR. PRESIDENT. [LB894 LB707]

SPEAKER HADLEY: THANK YOU, SENATOR COASH. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB894]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I'D LIKE TO ASK SENATOR COASH A QUESTION OR TWO. [LB894]

SPEAKER HADLEY: SENATOR COASH, WILL YOU YIELD TO A QUESTION? [LB894]

SENATOR COASH: YES, I WILL. [LB894]

SENATOR CHAMBERS: SENATOR COASH, DID YOU SAY THE TEXT OF THIS IS IN ANOTHER BILL? [LB894]

SENATOR COASH: YES, IT IS. [LB894]

SENATOR CHAMBER: AND THAT BILL WAS ADVANCED? [LB894]

SENATOR COASH: IT WAS. [LB894]

SENATOR CHAMBERS: AND WHERE IS IT NOW? [LB894]

SENATOR COASH: IT IS ON GENERAL FILE. [LB894]

SENATOR CHAMBERS: AND WHY ARE YOU OFFERING THIS AMENDMENT ON THIS BILL ON SELECT FILE? [LB894]

SENATOR COASH: THIS AMENDMENT IS BEING OFFERED BECAUSE IT IS THE MOST APPROPRIATE BILL, IS A VEHICLE FOR IT, AND I DID NOT GET IT FILED ON GENERAL FILE TO LB894. [LB894]

SENATOR CHAMBERS: WELL, WHY...WAS THAT BILL THAT THIS LANGUAGE COMES FROM YOUR BILL? [LB894]

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SENATOR COASH: YES. [LB894]

SENATOR CHAMBERS: AND YOU DIDN'T PRIORITIZE IT? [LB894]

SENATOR COASH: NO, I DID NOT. [LB894]

SENATOR CHAMBERS: DESPITE ALL THE THINGS YOU SAID ABOUT WHAT'S BEFALLING THE CHILDREN? [LB894]

SENATOR COASH: I DID NOT PRIORITIZE LB707. [LB894 LB707]

SENATOR CHAMBERS: AND YOU HAD A DIFFERENT BILL THAT WAS MORE IMPORTANT TO YOU THAN THIS ONE, OBVIOUSLY, CORRECT? [LB894]

SENATOR COASH: I PRIORITIZED A DIFFERENT BILL. [LB894]

SENATOR CHAMBERS: OKAY. THANK YOU. MEMBERS OF THE LEGISLATURE, I TOLD SENATOR COASH, AND HE KNEW IT, THAT I'M NOT GOING TO SUPPORT THIS AMENDMENT. AND IF THE AMENDMENT GOES ON THE BILL, I'M NOT GOING TO SUPPORT THE BILL. I TOLD HIM THAT. I TOLD SENATOR PANSING BROOKS, THAT'S ALL I'M GOING TO SAY ON THIS AMENDMENT. DO WHAT YOU WANT TO, BUT I KNOW WHAT I'M GOING TO DO. [LB894]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB894]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. HAVING PRACTICED A LITTLE BIT IN FRONT OF THE JUVENILE COURT, I UNDERSTAND THE CONCERNS OF THOSE ABOUT ADDING A SIXTH JUDGE. I WILL TELL YOU THAT THAT IS THE BUSIEST COURT, IF NOT THE COUNTRY, THE STATE. IT IS A MODEL OF EFFICIENCY UP THERE. THAT BEING SAID, WE STILL HAVE DELAYS IN JUSTICE. AND AS THE OLD SAYING GOES, JUSTICE DELAYED IS JUSTICE DENIED. I WANT TO THANK SENATOR COASH FOR BRINGING THIS BILL. I UNDERSTAND SENATOR CHAMBERS' ISSUES. I WON'T SAY THEY'RE NOT VALID. BUT THAT BEING SAID, I DON'T THINK THE CHILDREN SHOULD BE THE ONES WHO ARE PUNISHED BECAUSE OF ONE BAD APPLE. WITH THAT I WOULD ASK FOR YOUR SUPPORT ON AM2621. [LB894]

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SPEAKER HADLEY: THANK YOU, SENATOR HARR. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB894]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR COASH WOULD YIELD TO A QUESTION? [LB894]

SPEAKER HADLEY: SENATOR COASH, WILL YOU YIELD? [LB894]

SENATOR COASH: YES, I WILL. [LB894]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. I GOT TO LOOKING AT THE FISCAL NOTE ON THIS BILL. I SEE \$1.3 MILLION AT THE BOTTOM. WOULD YOU EXPLAIN WHERE THAT COMES FROM AND HOW IT'S COVERED? [LB894]

SENATOR COASH: YES, I WILL. FIRST OF ALL, YEAH, IF YOU'RE LOOKING AT THE FISCAL NOTE ON LB707, WHICH IS THE ORIGINAL BILL, IT HAS A GENERAL FUND IMPACT OF \$261,000. THAT GENERAL FUND IMPACT REPRESENTS TWO POSITIONS. IT REPRESENTS THE JUDGE'S SALARY AND IT REPRESENTS THE COURT REPORTER'S SALARY, WHICH MUST ACCOMPANY THE JUDGE. YOU CAN'T HAVE A JUDGE WITHOUT A COURT REPORTER. SO THAT IS THE \$258,000. IF YOU ARE LOOKING AT THE \$1.3 MILLION, WHICH IS BELOW ON THAT FISCAL NOTE, IS THAT THE PART YOU'RE LOOKING AT? [LB894 LB707]

SENATOR BLOOMFIELD: THAT'S WHAT I WAS LOOKING AT. IT'S THE \$1.3 (MILLION), WHERE IS THAT COMING FROM? [LB707]

SENATOR COASH: THAT IS THE RESPONSIBILITY OF DOUGLAS COUNTY. THE STATE PAYS THE SALARY OF THE JUDGE AND THE COURT REPORTER. DOUGLAS COUNTY IS RESPONSIBLE FOR THE COST OF...AND HERE IS...IF YOU DON'T MIND, SENATOR BLOOMFIELD, I DON'T UNDERSTAND DOUGLAS COUNTY'S RATIONALE ON THIS. THEY'RE SAYING THAT WITH NO INCREASE IN CASELOAD SIZES, THEY'RE GOING TO HAVE TO HIRE TWO NEW ATTORNEYS JUST TO HANDLE THE SAME AMOUNT OF CASES THAT THEY'RE HANDLING NOW. SO SOME OF THAT IS AN ADDITIONAL COUNTY ATTORNEY, AN ADDITIONAL PUBLIC DEFENDER; \$850,000 IS FROM THE PUBLIC BUILDING COMMISSION. THAT'S A ONE-TIME COST IN ORDER TO BUILD THE EXTRA COURTROOM FOR THAT ONE EXTRA JUDGE. THAT'S WHY YOU DON'T SEE THAT FISCAL NOTE IN THE FOLLOWING YEAR. THEY'RE ESTIMATING AN ADDITIONAL SECURITY FROM A SHERIFF OF \$300,000;

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AND STAFF SUPPORT OF A LITTLE OVER \$100,000. NOW, SENATOR BLOOMFIELD, THIS IS WHAT I FIND SO INTERESTING. WE WENT BACK AND LOOKED AT WHAT HAPPENED IN LANCASTER COUNTY WHEN WE ADDED A JUVENILE JUDGE, LANCASTER COUNTY WAS ABLE TO DO IT WITHOUT SPENDING ANY EXTRA MONEY. [LB894]

SENATOR BLOOMFIELD: I RECALL THAT. YOU STOLE ONE OF OUR WESTERN NEBRASKA JUDGES. [LB894]

SENATOR COASH: WE DID. [LB894]

SENATOR BLOOMFIELD: YEAH. IS THERE GOING TO BE AN ATTEMPT TO TAKE ANOTHER ONE FOR THIS? [LB894]

SENATOR COASH: WE CAN ADD A JUDGE, WHICH IS WHAT AM2621 DOES. WE CAN PULL A JUDGE, WHICH I HAVE NO AMENDMENT DRAFTED AND NO INTENT TO DO SO. BUT I ONLY BROUGHT THAT UP IN MY OPENING BECAUSE I WANT...YOU WERE HERE WHEN I DID THAT, NOT EVERYBODY WAS. [LB894]

SENATOR BLOOMFIELD: I WAS HERE WHEN YOU DID THAT AND I OPPOSED IT THEN AND I WOULD OPPOSE SUCH A MOVE AGAIN NOW. AND I BELIEVE I AM GOING TO OPPOSE THIS AMENDMENT BECAUSE YOU'RE SPENDING WAY TOO MUCH MONEY ON AN AMENDMENT. WHERE IT IS A BILL ON ITS OWN STANDING, I WOULD LOOK MORE SERIOUSLY AT IT. BUT AS AN AMENDMENT, YOU'RE THROWING TOO MUCH MONEY AROUND HERE, BEING IT THE STATE MONEY OR THE COUNTY'S MONEY. THANK YOU, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: MR. CLERK, FOR AN AMENDMENT. [LB894]

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO RECOMMIT LB894 TO THE JUDICIARY COMMITTEE. [LB894]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR RECOMMIT MOTION. [LB894]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I TOLD SENATOR COASH HE SHOULDN'T DO THIS TO THIS BILL. WHEN WE DISCUSSED IT IN JUDICIARY COMMITTEE, I TOLD HIM THAT I WOULD

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OPPOSE HIS BILL. BUT BY WAITING UNTIL SELECT FILE AND PUTTING ON THIS BILL, HE THINKS HE'S GOING TO GET AROUND ME. HE'S NOT. AND I HEARD ALL THE THINGS HE SAID ABOUT THE CHILDREN. WHY DIDN'T HE PRIORITIZE HIS BILL THAT ADDRESSED IT? THAT'S NOT FOR ME TO WORRY ABOUT. THEY CAN TALK ALL THEY WANT TO ABOUT EVERYTHING ELSE THEY'VE SAID, BUT THIS CRNKOVICH WOMAN IS SO HORRENDOUS THAT SHE NEEDS TO BE OFF THE BENCH. I'VE TALKED TO THE CHIEF JUSTICE ABOUT IT. I'VE HAD A MEETING IN MY OFFICE WITH JUDGES FROM DOUGLAS COUNTY AND I TOLD THEM THAT UNTIL THEY GET RID OF HER, THEY'RE NOT GOING TO GET ANOTHER JUDGE AS LONG AS I'M HERE. NOW, YOU DON'T HAVE TO VOTE FOR MY MOTION TO SEND IT BACK. BUT YOU'RE GOING TO GIVE ME FOUR HOURS ON SELECT FILE AND TWO HOURS ON FINAL READING. AND ON THIS ONE, THIS IS MORE SERIOUS, TO ME, THAN THAT UNL BILL. AND I'M NOT GOING TO DO ANY WHINING TO YOU. I'M NOT GOING TO BEG TO YOU. I'VE GOT TO SHOW YOU WHAT I MEAN, AND SENATOR COASH KNOWS. BUT BECAUSE I GOT AN AMENDMENT ON THIS BILL IS NOT GOING TO MAKE ME BACK AWAY FROM WHAT I SAID. THE JUDGES ARE CAPABLE OF REVIEWING A SITTING JUDGE AND DETERMINING WHETHER THAT JUDGE'S CONDUCT, ATTITUDE, AND JUDICIAL TEMPERAMENT HAVE DEGRADED TO SUCH AN EXTENT THAT THAT PERSON OUGHT TO BE REMOVED. THEY CAN DO IT. AND THE CHIEF JUSTICE KNOWS WHAT MY VIEW IS, AND ALL OF THEM KNOW. AND MAYBE IT DOESN'T MEAN ANYTHING, BUT I'M GOING TO SHOW YOU HOW SERIOUS I AM. AND THAT'S WHERE I'VE DRAWN THE LINE. IT SHOULDN'T BE PUT HERE ON SELECT FILE. AND SENATOR BLOOMFIELD BROUGHT UP AN ISSUE THAT I WOULDN'T EVEN BRING UP BECAUSE THERE ARE OTHER THINGS THAT COULD BE SAID ON THIS BILL. I WANT TO FOCUS ON WHAT I'M TALKING ABOUT. AND I'M NOT GOING TO STOP UNTIL I'VE USED MY TIME. THIS IS A WOMAN WHO HAS INTIMIDATED, INSULTED, THREATENED PEOPLE IN THAT COURTROOM. THE CHIEF JUSTICE KNOWS IT. OTHER JUDGES KNOW IT. BUT THEY FIGURE THAT THE PRESSURE CAN BE MADE SO GREAT THAT SHE CAN STAY THERE AND THINK ABOUT THE CHILDREN AND THE FAMILIES THAT GO BEFORE HER. HERE IS WHAT IT'S LIKE, AND A MOVIE WAS MADE ABOUT IT. THERE WERE...AND I HEARD IT DESCRIBED, I DIDN'T SEE IT, I DON'T GO TO THE SHOW, BUT THERE WERE THESE TERRORISTS, LATE AT NIGHT OR IN THE EVENING, CROUCHED AROUND PLOTTING HORRIBLE THINGS THAT WOULD BE DONE TO MASSES OF PEOPLE. AND THERE WAS A DRONE THAT WAS BEING OPERATED BY A PERSON, CLEARLY NOT IN THE DRONE, THEY'RE UNMANNED. AND WHEN THEY HAD ALL THE COORDINATES CORRECT AND IT WAS TIME FOR AN ACTION TO BE TAKEN, A LITTLE GIRL CAME ON THE SCENE SELLING BREAD. AND THE QUESTION WAS WHETHER OR NOT THEY SHOULD GO AHEAD AND KILL THAT LITTLE GIRL IN ORDER TO KILL THESE BAD ONES, BECAUSE IF THEY SPARED THE LITTLE GIRL,

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THEN THESE BAD ONES WERE GOING TO DO A LOT MORE DAMAGE TO A LOT OF PEOPLE. AND THAT WAS THE MORAL DILEMMA THAT PEOPLE HAD TO GRAPPLE WITH. I'M BEING TOLD THAT THE CHILDREN WHO WILL GO BEFORE CRNKOVICH SHOULD BE SACRIFICED. THE FAMILIES WHO APPROACH HER WITH FEAR AND TREMBLING SHOULD BE SACRIFICED. INSTEAD OF SAYING--KEEP THIS BAD ONE WHO MESSES OVER CHILDREN AND FAMILIES, LET HER STAY THERE AND MESS OVER THESE BECAUSE THEY ARE EXPENDABLE. BUT GIVE ALL THESE OTHER...GIVE ANOTHER JUDGE AND PRAY THAT THESE OTHER CHILDREN WON'T HAVE TO GO BEFORE CRNKOVICH, BUT THEY'RE GOING TO GO BEFORE HER. AND YOU ALL MAY GIVE CLOTURE. BUT THAT'S WHAT YOU'RE GOING TO HAVE TO DO ON THIS BILL. I'M NOT GOING TO RELENT. AND THIS MOTION IS NOT JUST TO MAKE A POINT. AFTER I MAKE THIS MOTION, IF YOU VOTE IT DOWN, I'M GOING TO RECONSIDER. I'M GOING TO MAKE A MOTION TO BRACKET IT. IF YOU VOTE IT DOWN, I'M GOING TO RECONSIDER. THEN I'M GOING TO START GOING THROUGH THE BILL; AND TO BE FAIR, FIRST GENUINE MOTION I'LL MAKE IS TO STRIP OUT THE AMENDMENT THAT I OFFERED TO THE BILL. THEN I'M GOING TO START STRIPPING OUT OTHER THINGS. THAT'S WHAT I SAY I'M GOING TO DO. AND THAT'S WHAT I INTEND TO DO. AND I MEAN THIS MORE ON THIS BILL THAN WHAT I WAS TALKING ABOUT ON THAT OTHER ONE EARLIER. HOW MUCH TIME DO I HAVE, MR. PRESIDENT? [LB894]

SPEAKER HADLEY: FOUR MINUTES AND 30 SECONDS. [LB894]

SENATOR CHAMBERS: THANK YOU. THERE ARE PEOPLE WHO ARE IN THE COURTROOM. THIS JUDGE, I THINK, IS PROBABLY PARANOID AND HAS OTHER PROBLEMS THAT LAWYERS HAVE TALKED ABOUT, JUDGES HAVE TALKED ABOUT, SENATOR COASH KNOWS ABOUT IT, AND THEY'RE GOING TO WORK AROUND HER AND KEEP PUTTING OTHER JUDGES IN THAT PLACE. LAWYERS HAVE CRITICIZED--WHO IS GOING TO DO ANYTHING? NONE OF THEM. AND THEY'LL SAY--WELL, LET'S MAKE UP FOR IT BY PUTTING ANOTHER JUDGE DOWN THERE. ULTIMATELY, YOU CAN GET THAT DONE. BECAUSE WHEN TIME COMES FOR CLOTURE, JUST VOTE CLOTURE AND THE BILL MOVES ON. THEN VOTE CLOTURE ON FINAL READING. AND WE'LL JUST HAVE TO SEE HOW MUCH THE SESSION IS POISONED BY THIS THAT SENATOR COASH IS BRINGING. NOW, HE HAD A BILL AND WE HAD AGREED THAT I COULD OFFER AN AMENDMENT ON IT AND I THOUGHT ABOUT THE PROCESS THAT WE HAVE, WHAT WE'RE TRYING TO DO, LOOKING AT WHAT'S ON THE AGENDA. AND HE DIDN'T ASK ME TO DO THIS; I TOLD HIM I WOULDN'T OFFER THE AMENDMENT. AND I SAID I WON'T OFFER IT BECAUSE I DON'T WANT TO MESS UP YOUR BILL, DON'T WANT TO DELAY IT. WHAT A MISTAKE I MADE. BUT ON THIS ONE, I'M GOING TO STAND FIRM. AND AS

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I SAY, YOU CAN VOTE ANY WAY THAT YOU WANT TO. THIS IS WHERE YOU REALLY TEST ME. AND I DON'T THINK I'LL FAIL THE TEST. I'M GOING TO ASK SENATOR COASH A QUESTION IF HE KNOWS THE ANSWER. [LB894]

SPEAKER HADLEY: SENATOR COASH, WILL YOU YIELD TO A QUESTION? [LB894]

SENATOR COASH: YES, I WILL. [LB894]

SENATOR CHAMBERS: SENATOR COASH, HOW LONG HAS THIS JUDGE, THAT I'VE MENTIONED, BEEN ON THE BENCH? [LB894]

SENATOR COASH: I DON'T KNOW, SENATOR. [LB894]

SENATOR CHAMBERS: OH, YOU DON'T KNOW. I'LL ASK SENATOR HARR IF HE'LL ANSWER A QUESTION. [LB894]

SPEAKER HADLEY; SENATOR HARR, WILL YOU YIELD TO A QUESTION? [LB894]

SENATOR HARR? YES, I WILL. [LB894]

SENATOR CHAMBERS: SENATOR HARR, DO YOU KNOW HOW LONG SHE'S BEEN ON THE BENCH? [LB894]

SENATOR HARR: SHE WAS APPOINTED BY SENATOR, EXCUSE ME, THEN-GOVERNOR NELSON. SO AT LEAST, WHAT'S THAT MAKE IT...AT LEAST 16, 17 YEARS. [LB894]

SENATOR CHAMBERS: AND HAVE YOU HEARD REPORTS ABOUT HOW INAPPROPRIATELY SHE SOMETIMES CONDUCTS HERSELF DURING PROCEEDINGS? [LB894]

SENATOR HARR: I HAVE HEARD THOSE REPORTS. [LB894]

SENATOR CHAMBERS: WOULD YOU WANT TO BRING A CHILD AND A FAMILY BEFORE HER? [LB894]

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SENATOR HARR: THAT'S A GOOD QUESTION. I DON'T KNOW IF I HAVE THE ANSWER FOR THAT. [LB894]

SENATOR CHAMBERS: WELL, YES, YOU DO, JUST LOOK INSIDE YOUR HEART. YOU HAVE ONE. I DON'T HAVE ONE AND I CAN ANSWER THAT. LOOK INSIDE YOUR HEART AND ANSWER. WOULD YOU WANT TO BRING A CHILD AND THAT CHILD'S FAMILY IN FRONT OF HER? [LB894]

SENATOR HARR: WHAT I WOULD TELL YOU IS I WANT MY CHILD AND MY FAMILY TO COME IN FRONT OF A FAIR AND IMPARTIAL JUDGE. [LB894]

SENATOR CHAMBERS: THE QUESTION THAT I ASKED...THEN LET ME ASK IT ANOTHER WAY. IN YOUR OPINION, FROM ALL THAT YOU'VE BEEN ABLE TO GATHER, THROUGH YOUR KNOWLEDGE AND WHAT YOU'VE HEARD PEOPLE IN WHOM YOU'VE HAD CONFIDENCE IN, WOULD SHE BE CHARACTERIZED AS A FAIR AND IMPARTIAL JUDGE? [LB894]

SENATOR HARR: WHAT I WOULD SAY IS, NUMBER ONE, SHE WOULD NOT BE MY FIRST CHOICE; AND NUMBER TWO, THAT THE RANKINGS DO NOT RANK HER VERY HIGHLY... [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR HARR: ...BY JUDGES WHO DO APPEAR IN FRONT OF HER. [LB894]

SENATOR CHAMBERS: AND THAT HAS BEEN FOR SOME PERIOD OF TIME, HASN'T IT? AND BY THAT I MEAN YEARS. I'M NOT TALKING ABOUT A FEW MONTHS AGO, BUT FOR YEARS. [LB894]

SENATOR HARR: YES, THAT IS CORRECT. [LB894]

SENATOR CHAMBERS: THANK YOU. AND I'M GOING TO TURN ON MY LIGHT, MR. PRESIDENT. [LB894]

SPEAKER HADLEY: SENATOR COASH, YOU'RE RECOGNIZED. [LB894]

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SENATOR COASH: THANK YOU, MR. PRESIDENT. WOULD SENATOR CHAMBERS YIELD TO A QUESTION? [LB894]

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD? [LB894]

SENATOR CHAMBERS: YES, I WILL. [LB894]

SENATOR COASH: SENATOR CHAMBERS, HOW DOES A JUDGE GET APPOINTED TO THE COURT? [LB894]

SENATOR CHAMBERS: SAY IT AGAIN. [LB894]

SENATOR COASH: WHAT IS THE PROCESS BY WHICH A JUDGE, AND LET'S SAY A JUVENILE COURT JUDGE, HOW DOES A JUVENILE COURT JUDGE FIND HIM OR HERSELF APPOINTED TO THE BENCH? [LB894]

SENATOR CHAMBERS: THERE'S SOME KIND OF GROUP THAT SITS AROUND AND THEY DECIDE, IT MIGHT BE THREE NAMES, IF THEY CAN FIND THREE, BUT THEY SUBMIT NAMES TO THE SITTING GOVERNOR, AND THE GOVERNOR APPOINTS THAT PERSON TO BE A JUDGE. [LB894]

SENATOR COASH: ONCE A JUDGE IS APPOINTED TO THE BENCH, WHAT ARE THE MECHANISMS BY WHICH A JUDGE CAN BE REMOVED OR TAKEN FROM THE BENCH? [LB894]

SENATOR CHAMBERS: THE JUDGE CAN COMMIT A SUFFICIENTLY SERIOUS VIOLATION OF JUDICIAL ETHICS THAT THAT JUDGE WILL BE REMOVED, AS I MANAGED TO HAVE DONE TO A FORMER JUDGE, DEACON JONES, BECAUSE NOBODY ELSE WOULD DEAL WITH HIM. OR, AS HAPPENED WITH A JUDGE, I FORGET HER LAST NAME, BUT SHE WAS A JUVENILE JUDGE, AND THERE WERE COMPLAINTS THAT I HAD MADE AGAINST HER BECAUSE OF THINGS THAT SHE WAS DOING THAT WERE NOT APPROPRIATE. COMPLAINTS HAD BEEN MADE, NOT FORMALLY, BUT EVERYBODY KNEW THAT SHE SHOULD NOT REMAIN A JUDGE. SO I LET THE THEN CHIEF JUSTICE KNOW THAT THEY WOULD NOT GET ANOTHER JUVENILE JUDGE IN DOUGLAS COUNTY AS LONG AS SHE WAS THERE. AND I WAS TOLD BY THE COURT ADMINISTRATOR TO JUST LET EVERYTHING STAY WHERE IT IS AND NEXT YEAR THE GROUND WOULD BE CLEARED SO THAT THEY COULD

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SEEK A JUDGE. AND IN THAT INTERIM, SHE DECIDED SHE WANTED TO RETIRE.
[LB894]

SENATOR COASH: SHE RETIRED. [LB894]

SENATOR CHAMBERS: YES, SHE DID. [LB894]

SENATOR COASH: SENATOR CHAMBERS, CAN THE CHIEF JUSTICE FIRE A JUDGE?
[LB894]

SENATOR CHAMBERS: IT WOULDN'T BE CALLED FIRING. IT WOULD BE, AS THE ADMINISTRATOR OF THE COURT, HE COULD CONVENE THESE JUDGES AND THEY COULD DISCUSS WHETHER OR NOT THEY THINK THIS JUDGE IS SUITABLE TO REMAIN ON THE BENCH. AND IF NOT, THEY CAN REMOVE HER. AND IF YOU LOOK AT THE ETHICS THAT CONTROL THEM, IF A JUDGE BECOMES INCAPABLE OF DOING THE JOB, THEN THAT'S ENOUGH TO REMOVE THE JUDGE. [LB894]

SENATOR COASH: TO YOUR KNOWLEDGE, SENATOR, HAS THAT COMMISSION, THOSE JUDGES CONVENE TO DISCUSS THIS PARTICULAR JUVENILE COURT JUDGE? [LB894]

SENATOR CHAMBERS: WHICH COMMISSION, THE ONE THAT INITIALLY RECOMMENDS...? [LB894]

SENATOR COASH: THE JUDGES THAT CAN GET TOGETHER TO LOOK AT THE ETHICS, THE PERFORMANCE OF A JUDGE, HAS THAT HAPPENED? [LB894]

SENATOR CHAMBERS: YOU MEAN THE JUDICIAL QUALIFICATIONS COMMISSION THAT WOULD REVIEW COMPLAINTS? [LB894]

SENATOR COASH: YES. [LB894]

SENATOR CHAMBERS: I DON'T KNOW IF ANY COMPLAINTS HAVE BEEN FORMALLY SUBMITTED TO THEM THAT WOULD CAUSE THEM TO COME TOGETHER AND REVIEW HER SITUATION. [LB894]

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SENATOR COASH: OKAY. THANK YOU, SENATOR CHAMBERS. COLLEAGUES, SENATOR CHAMBERS HAS OUTLINED IN SOME DETAIL THE PROBLEMS WITH THIS PARTICULAR JUVENILE JUDGE. THIS IS HIS CITY THAT HE REPRESENTS, HIS COMMUNITY, HE WOULD KNOW BETTER THAN I WOULD ABOUT THE CONDUCT OF THIS PARTICULAR JUDGE. WHEN I BROUGHT THIS AMENDMENT, I MADE A COMMITMENT TO SENATOR PANSING BROOKS THAT THE COMPONENTS OF LB894 WERE TOO IMPORTANT TO LOSE. AND I'M DISAPPOINTED IN THE ACTION THAT WE'RE FACING HERE BECAUSE OF THE TIME IN THE SESSION. SENATOR CHAMBERS, I THINK I CAN GET 33 VOTES ON THIS. I CAN DO IT. I CAN FIND 33 VOTES. [LB894]

SPEAKER HADLEY: ONE MINUTE. [LB894]

SENATOR COASH: WE CAN BUST THROUGH THIS. AND I CAN DO IT AGAIN. AND AT THE END OF THE DAY, IF THE BILL WASN'T VETOED, THE CHILDREN IN DOUGLAS COUNTY WOULD BE BETTER SERVED BY MORE TIMELY HEARINGS, LESS CHANCE OF GOING TO THE JUDGE THAT YOU'RE REFERRING TO, BUT I'M UNWILLING TO DO THAT TO SENATOR PANSING BROOKS' BILL. FOR THAT REASON, I WILL WITHDRAW AM2621. [LB894]

SPEAKER HADLEY: SENATOR COASH, WE FIRST HAVE TO GO TO SENATOR CHAMBERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB894]

SENATOR CHAMBERS: I WILL PULL THAT MOTION, MR. CHAIRMAN. [LB894]

SPEAKER HADLEY: SO ORDERED, WITHOUT OBJECTION. SENATOR COASH. [LB894]

SENATOR COASH: MR. PRESIDENT, I WOULD LIKE TO WITHDRAW AM2621. [LB894]

SPEAKER HADLEY: SO ORDERED WITHOUT OBJECTION. MR. CLERK. [LB894]

CLERK: MR. PRESIDENT, SOME ITEMS, IF I MAY. YOUR COMMITTEE ON EDUCATION, CHAIRED BY SENATOR SULLIVAN, REPORTS LB959 TO GENERAL FILE WITH AMENDMENTS. SENATOR MURANTE OFFERS LR494, THAT WILL BE LAID OVER. AMENDMENTS TO BE PRINTED: SENATOR GROENE AN AMENDMENT TO LB910; SENATOR MORFELD-LB1093; SENATOR MELLO-LB835; AND SENATOR SCHUMACHER TO LB894. MR. PRESIDENT, I ALSO HAVE SOME NAME ADDS:

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Transcriber's Office

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SENATOR KINTNER TO LB817, SENATOR HANSEN-LB516; SENATORS COOK, CRAWFORD, HOWARD, BRASCH, CRAIGHEAD, EBKE, SULLIVAN TO LB843. (LEGISLATIVE JOURNAL PAGES 1075-1079.) [LB959 LB910 LB1093 LB835 LB894 LB817 LB516 LB843 LR494]

MR. PRESIDENT, SENATOR BURKE HARR WOULD MOVE TO ADJOURN UNTIL FRIDAY MORNING, MARCH 18, AT 9:00 A.M.

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADJOURN, ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. WE ARE ADJOURNED.